



Key Takeaways—Education and School Board Law Webinar Vol. 10 (Educator Conduct on Social Media)

The following are key takeaways from CALN’s Education and School Board Law webinar on **October 23, 2025**. The session reviewed expectations for teacher conduct regarding online public comments. We also explored best practices for social media policies set by districts and how to clarify expectations for staff, covering behavior inside and outside of school grounds.

Please note: These summaries can provide you with helpful information, but they do not and are not intended to constitute legal advice or create an attorney-client relationship. Instead, they are for general informational purposes only. You are encouraged to contact your board attorney, or to hire a personal attorney, to obtain advice with respect to legal matters.

Background: In the wake of Charlie Kirk’s assassination on Sept. 10, instances of public school employees and college professors making inappropriate, disturbing, or celebratory comments about the killing were widely documented. This situation has reignited discussions about expectations for professional conduct, statements that may justify disciplinary action, and necessary accountability measures to preserve community trust.

First Amendment Protections

- “Congress shall make no law respecting establishment of religion, or prohibiting the free exercise thereof; or *abridging the freedom of speech*, or of the press; or the right of the people to peaceably assemble, and to petition the Government for a redress of grievances.”

Know this case: *Pickering v. Board of Education* (1968) [8-1]

- Marvin Pickering, an Illinois high school science teacher, sent a letter to the editor to the local newspaper criticizing the school board for allocating funds unfairly to sports. He was fired under an IL statute, as his letter was found “detrimental to the efficient operation and administration of the schools of the district.”
- SCOTUS opinion: a balance must be struck. The court found that he was commenting as a citizen on a matter of public concern. There was no indication that his comments impeded his performance or that of the school. The court concluded that the school’s interest in limiting the teacher’s opportunity to debate publicly was not significantly greater than limiting another type of person’s opportunity to do the same.

Know this case: *Garcetti v. Ceballos* (2006) [5-4]

- Richard Ceballos, a state prosecutor in LA, was asked by a defense attorney to review a case in which a police affidavit to obtain a search warrant was allegedly inaccurate. He wrote a memo about it, after which he was then reassigned and denied a promotion. •

Pickering was relied upon for its two factors:

- Is the government employee speaking as a citizen on a matter of public concern?
- If yes, was there some potential to affect the entity's operations?
- When a citizen enters public employment, they must sacrifice a few rights to their speech, but they are also still a citizen and can speak as one. In this case, Ceballos' speech was made pursuant to his duties and did not affect the efficient operations of his office.
- The First Amendment does not protect one from discipline for communications made in the course of doing his or her job.

Pickering-Garcetti Factors

- Was the statement made as a private citizen, or pursuant to responsibilities? • If it was made as a private citizen, was it a legitimate matter of public concern? • If yes, did it cause disruption or undermine trust in the individual to perform their job? ○ Subjective, but that's why there are still lawsuits

Educator conduct statutes: North Carolina

- State statutes must be consistent with precedent
- NCGS § 115C-308
 - The conduct of teachers is subject to regulation of their local board
 - NCGS § 115C-47 grants local boards this power
- 16 NCAC 06C .0602
 - Standards of professional conduct: educators shall serve as positive role models for students, parents, and the community. They shall demonstrate a high standard of personal character and conduct.
 - Most school boards adopt this language in Policy 7205

Educator conduct statutes: South Carolina

- SC Code § 59-25-150 – Revocation or suspension of certificate
 - State board of education may revoke or suspend certificate with just cause ■ SC Code § 59-25-160 defines “just cause” as including one or more of incompetence, willful violation of rules, unprofessional conduct, and immorality.
- SC Code § 59-25-430
 - Dismissal of teachers if they're evidently unfit for teaching
 - Willful violation of rules, gross immorality, etc.
- Charleston County BOE—Policy GBEB
 - Employees of the district must set an example for students and demonstrate an appropriate level of professionalism at all times.
 - Their personal life is of concern only when it impacts their ability to perform their duties

Helpful considerations

- Review policies on educator conduct and make sure they're compliant with *Pickering* and *Garcetti*
- Request a report from your superintendent to ensure schools are complying ○ Refer to [this memo](#) from SC State Superintendent Ellen Weaver to local

superintendents!

- Ask these questions in open session
- Refer reports of educator misconduct to superintendent, have him/her delegate to Human Resources, and then follow up
- Adjudicate matters of educator misconduct in a fair and impartial manner consistent with the First Amendment
- Hold the superintendent accountable through his or her presentations and performance evaluations