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OHIO SCHOOL BOARDS ASSOCIATION
2014 CAPITAL CONFERENCE

Columbus, Ohio
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"Unveiling Social Media Misconduct"

Presented by
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Moderated by:
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I. Introduction: An Administrator's Perspective of a Real-Life Example

A. How it started.

B. Social media eruption.

C. Peeling the onion – an investigation unfolds.

D. Truth and criticism.

E. How it ended.

II. Law Enforcement's Perspective

A. Examples of misconduct involving social media.

1. Catfishing of teacher by student leading to other discoveries. (Attachment A)

2. Inappropriate sexual relationship between a student and teacher involving thousands of phone calls and text messages. (Attachment B)

3. Teacher and coach arrested and sentenced for child pornography. (Attachment C)

4. Inappropriate communication between teachers and students on Facebook. (Attachment D)

B. Relevant statutes.

1. State

a. O.R.C. §2913.04(B) – Unauthorized Use of Property

"No person, in any manner and by any means, including, but not limited to, computer hacking, shall knowingly gain access to, attempt to gain access to, or cause access to be gained to any computer, computer system, computer network, cable service, cable system, telecommunications device, telecommunications service, or information service without the consent of, or beyond the scope of the express or implied consent of, the owner of the computer, computer system, computer network, cable service, cable system, telecommunications device, telecommunications service, or information service or other person authorized to give consent." [Felony 5]

b. O.R.C. §2921.22 – Failure to Report a Crime

(1) Subsection (A)(1): "Except as provided in division (A)(2) of this section, no person, knowing that a felony has been or is being committed, shall knowingly fail to report such information to law enforcement authorities." [Fourth Degree Misdemeanor]

(2) Subsection (A)(2): "No person, knowing that a violation of division (B) of section 2913.04 of the Revised Code has been, or is being committed or that the person has received information derived from such a violation, shall knowingly fail to report the violation to law enforcement authorities." [Second Degree Misdemeanor]

c. O.R.C. §2907.31 – Disseminating Matter Harmful to Juveniles

With knowledge of its character or content, recklessly do any of the following:

(1) Directly sell, deliver, furnish, disseminate, provide, exhibit, rent, or present to a juvenile, a group of juveniles, a law enforcement officer posing as a juvenile, or a group of law enforcement officers posing as juveniles any material or performance that is obscene or harmful to juveniles;

(2) Directly offer or agree to sell, deliver, furnish, disseminate, provide, exhibit, rent, or present to a juvenile, a group of juveniles, a law enforcement officer posing as a juvenile, or a group of law enforcement officers posing as juveniles any material or performance that is obscene or harmful to juveniles;

(3) While in the physical proximity of the juvenile or law enforcement officer posing as a juvenile, allow any juvenile or law enforcement officer posing as a juvenile to review or peruse any material or view any live performance that is harmful to juveniles.

2. Federal

a. 18 U.S. Code §2701 – Unlawful Access to Stored Communications

Intentionally accessing without authorization a facility through which an electronic communication service is provided; or intentionally exceeding authorization to access that facility. [Minimum punishment: One year imprisonment and/or a fine]

b. 18 U.S. Code § 2707 – Civil Action

(1) "(a) **Cause of Action.** – Except as provided in section 2703 (e), any provider of electronic communication service, subscriber, or other person aggrieved by any violation of this chapter in which the conduct constituting the violation is engaged in with a knowing or intentional state of mind may, in a civil action, recover from the person or entity, other than the United States, which engaged in that violation such relief as may be appropriate."

(2) "(c) **Damages.** – The court may assess as damages in a civil action under this section the sum of the actual damages suffered by the plaintiff and any profits made by the violator as a result of the violation, but in no case shall a person entitled to recover receive less than the sum of $1,000. If the violation is willful or intentional, the court may assess punitive damages. In the case of a successful action to enforce liability under this section, the court may assess the costs of the action, together with reasonable attorney fees determined by the court."

III. A Defense Attorney's Perspective

A. Fourth Amendment searches.

1. Investigative searches generally.

a. The Fourth Amendment of the United States Constitution guarantees that people shall "be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures. See also, Article I, Section 14 of the Ohio Constitution.

b. Reasonable Suspicion: New Jersey v. T.L.O., 469 U.S. 325 (1985). The U.S. Supreme Court held that a search of a student is reasonable if two conditions are met:

(1) Justified at inception: A school official reasonably suspects through articulable facts that the rules of the school or laws of the jurisdiction have been violated.

(2) Reasonable in scope: A search is permissible when the measures adopted are reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and nature of the infraction.

2. Cell phone searches.

a. Klump v. Nazareth Area Sch. Dist., 425 F.Supp.2d 622 (E.D. Pa. 2006). Klump's cell phone fell out of his pocket in view of his teacher, in violation of a school policy that allowed students to carry, but not use or display, cell phones during instructional hours. School administrators seized student's cell phone, called nine other students who were listed in the phone's directory to determine whether they were violating school policy, accessed text messages and voice mail messages on the phone, and conducted an Instant Messaging conversation on the phone while posing as Klump. Based on the messages' content, school officials suspected possible drug use by Klump and other students.

The Court held that the seizure of the cell phone was justified at its inception because Klump violated school policy prohibiting display of cell phones. Held that the search of the cell phone and the calls to other students violated the Fourth Amendment. The search of the phone was not reasonably related in scope to the violation for which the phone was seized. School administrators had no reason to believe Klump was violating any other school policy or law until they began looking at the contents of the phone.

Although the definition of "unreasonable searches and seizures" is modified somewhat in the school context, there still must be some basis for initiating a search.

b. G.C. v. Owensboro Pub. Schools, 711 F.3d 623 (6th Cir. 2013). Student with a history of mental health issues and substance abuse had his phone confiscated after he was caught texting in class, in violation of school policy. Based on prior knowledge of drug use and suicidal ideology, assistant principal read four text messages on the phone.

The Court held that the search of the student's phone violated the Fourth Amendment, finding that mere use of a cell phone on school grounds does not confer an absolute right to search the

content of the phone without reasonable suspicion that a search will uncover evidence of further wrongdoing or of injury to the student or another.

General background knowledge of students' mental health and substance abuse issues, insufficient to provide "specific reason" to believe that student was currently engaging in unlawful activity or contemplating harm to himself or others.

Specifically rejected holding of J.W. v. DeSoto Cty Sch. Dist., 2010 WL 4394059 (N.D. Miss. 2010), in which the court found the search of a student's phone reasonable, based solely on the fact that the student was improperly using the phone during school hours.

c. Riley v. California, 134 S.Ct. 2473 (2014). Two individuals were separately arrested and their cell phones seized. The cell phones were subsequently searched by police and evidence of further crimes was discovered. The Supreme Court held that the warrantless searches violated the Fourth Amendment and were not permissible as "searches incident to arrest."

"Search incident to arrest" exception is based partially on an arrestee's reduced privacy interest upon being taken into custody. Cell phones present heightened privacy interest. "Modern cell phones, as a category, implicate privacy concerns far beyond those implicated by the search of a cigarette pack, a wallet, or a purse."

Digital data cannot be used as a weapon, thus no urgent need to access data. Neither possibility of remote wiping nor encryption were significant enough, in the typical case, to justify warrantless search. Might be an individual case where exigency concerns could justify such a search.

Privacy interest in cell phone data strong given "all they contain and all they may reveal," even where general privacy rights are diminished.

B. Discovery of child pornography during investigative search.

1. Sexting as criminal behavior.

a. Even where the communication is solely between minors, both the creation of the pictures and the possession of them may be criminal.

b. A school district's discovery of sexually explicit pictures of students (or any minors), during the course of an investigation may subject it to criminal and civil penalties, if not properly handled

2. Federal and State statutes.

a. 18 U.S.C. §2252A prohibits the knowing production, distribution, receipt and possession of child pornography through the use of interstate commerce.

b. 18 U.S.C. §2256 defines child pornography as any visual depiction of sexually explicit conduct involving a minor.

c. O.R.C. §2907.321 prohibits any person from "possessing or controlling any obscene material that has a minor as a participant."

d. O.R.C. §2907.322 prohibits any person from "knowingly possessing or controlling any material that shows a minor participating in sexual activity."

e. Ohio has a "proper purpose" clause, applicable to both prohibitions which states:

(1) *This section does not apply to any material or performance that is* sold, disseminated, displayed, *possessed, controlled*, brought or caused to be brought into this state, or presented *for a bona fide* medical, scientific, *educational*, religious, governmental, judicial, *or other proper purpose, by or to a* physician, psychologist, sociologist, scientist, *teacher*, person pursuing bona fide studies or research, librarian, clergyman, prosecutor, judge, *or other person having a proper interest in the material or performance.* (Emphasis added).

f. There is no case law interpreting the Ohio proper purpose exception. More importantly, federal law contains no such exception. Conduct that may be exempted under Ohio's safe harbor rule may still be subject to federal prosecution.

3. Intent and knowledge.

a. Innocent intent is no defense under federal law.

(1) United States v. Matthews, 209 F.3d 338, 342 (4th Cir. 2000). Journalist convicted of receipt and distribution of child pornography he claimed to possess in furtherance of a story he was writing. "[18 U.S.C. 2252] contains no exception for transmission or receipt of child pornography with artistic, scientific, literary, journalistic or other 'legitimate value.'"

(2) Boland v. Holder, 682 F.3d 531, 536 (6th Cir. 2012). Attorney/expert witness sued by the parents of two minor children whose faces had been "morphed" onto sexually explicit images as part of an exhibit for use in defending a criminal case. Damages against the attorney were upheld. The court held that the purpose underlying a violation of the federal child pornography laws was irrelevant. "The federal child pornography statutes at issue apply equally to the malevolent pedophile and the defense attorney."

b. Possession, receipt, or distribution of contraband images is only a criminal act if done "knowingly."

(1) United States v. Colavito, 19 F.3d 69, 71 (2nd Cir. 1994). In order to "knowingly receive" child pornography, a violator must know not only that is receiving digital material, but also "that it contains sexually explicit depictions of minors."

(2) United States v. Pruitt, 638 F.3d 763, 766 (11th Cir. 2011). Inadvertent receipt of child pornography is not a crime.

4. Forensic investigation

a. Imaging of hard drives should be limited to one media device.

b. Upon discovery of a contraband image, all examination of the media device should cease.

c. The discovery of the contraband image(s) should immediately be reported to law enforcement in the following jurisdictions:

(1) Where the school district is located.
(2) Where the discovery of the image(s) was made.

d. A report should be made to the National Center for Missing and Exploited Children (NCMEC), which operates the CyberTipline, a national reporting mechanism for incidents involving child pornography.

e. Instructions from law enforcement regarding the further handling of the media device containing the images should be followed.

5. Civil liability.

Failure to take action with regard to child pornography in the workplace may subject an employer to civil damages.

Doe v. XYZ Corp., 382 N.J.Super. 122 (2005). An employer was held to have breached its duty to exercise reasonable care when it took no action after being made aware, through several different channels, that one of its employees was viewing pornography (possibly child pornography) on his workplace computer.

The company was sued by the wife of an employee, whose daughter had been the subject of inappropriate photos uploaded by the employee to a child pornography website. The court held that "public policy favors the exposure of crime" and the employer should have taken some action.

IV. A Board Attorney's Perspective and Wrap-Up

A. Content of Acceptable Use Policies.

1. Issues to address in policy.

a. Personal use:

(1) The School District may restrict District computers, networks, and internet connection to purposes related to the schools, and ban personal use of any kind.

(2) This would prohibit personal e-mail, creation of personal word-processing documents, personal web-surfing, and all other personal activities on District computers.

(3) An alternative approach might permit incidental personal use as long as it does not violate any other rules or damage school property.

(4) Use of the District's internet connection by students/staff on their own personal devices should be subject to the same restrictions that are placed on the use of District-owned technology.

b. Copyright:

(1) The policy should contain a rule against illegal publication or copying of copyrighted material.

(2) There should be a statement that students and staff will be held personally liable for any of their own actions that violate copyright laws.

c. Confidentiality:

Students and staff should be directed not to transmit confidential information concerning others, and to use care to protect against negligent disclosure of such information.

d. Privacy:

The policy should provide that all data stored or transmitted on school computers can and will be monitored, and should provide that students and staff have no right to privacy in such data.

e. Harassment:

The policy should remind students and staff that District policies against sexual harassment and other forms of discriminatory harassment apply equally to communication on school computer systems.

f. Misuse of networks, hardware, or software:

The policy may provide that damage caused by intentional misuse of equipment will be charged to the user.

g. Safeguard accounts and passwords:

Students and staff should be reminded that they are responsible for safeguarding their own passwords, and that they will be held accountable for the consequences of intentional or negligent disclosure of this information.

h. Illegal uses:

The policy should identify categories of illegal uses.

i. Advertising, on-line purchases, political lobbying:

The policy should prohibit advertising and solicitation, personal online purchases, and political activity on school computers.

j. Downloading or loading software:

School Districts can prohibit outside software, or place restrictions upon it, such as getting pre-approval from the technology coordinator or system administrator.

k. Reporting Violations:

The policy should encourage students and staff to report any violations of the policy to a designated individual.

2. Specific unacceptable uses of the Internet.

a. The transmission, posting, or downloading of any language or images which are pornographic or of a graphic sexual nature.

b. The transmission, posting, or downloading of jokes, pictures, or other materials which are obscene, lewd, vulgar, or disparaging of persons based on their race, color, gender, age, religion, national origin, or sexual orientation.

c. The transmission, posting, or downloading of messages or any other content which would be perceived by a reasonable person to be harassing, demeaning, threatening, disruptive, or inconsistent with the school's policies.

d. Uses that attempt to gain unauthorized access to another computer system or to impair the operation of another computer system (i.e. hacking and other related activities, or the transmission of a virus).

e. The transmission, posting, or downloading of material which promotes violence or advocates destruction of property, including, but not limited to, access to information concerning the manufacture of destructive devices.

f. A user may not permit another to use his or her account or password to access the computer network or internet, including any user whose access has been denied or terminated.

g. If an employee has any doubt about whether a contemplated activity is unacceptable, he or she must consult with the person(s) designated by the school to assist students in determining appropriate use.

3. District-issued e-mail accounts.

a. If students are offered an e-mail account through the District, it should be made expressly clear that all rules and regulations

governing the use of the District's computers, network, and internet connection apply equally to use of the District-supplied e-mail account, regardless of whether the accounts are accessed through the District's computers, network, or internet connection.

b. The policy should state that students have no expectation of privacy in the content of their District-issued e-mail accounts and that such accounts are subject to search at any time, without prior notice, by District officials.

c. Use of District-sponsored e-mail accounts should be restricted to approved educational purposes.

4. Consequences of violating policy.

a. The policy should contain a provision stating that the use of the school's computer network and internet access is a privilege rather than a right.

b. The policy must state the possible sanctions for a violation.

(1) May revoke user's privilege to use school's computer network and/or internet.

(2) School disciplinary steps (i.e. detention, suspension, or expulsion of student; reprimand, suspension, or termination of teacher) may be taken.

(3) Appropriate legal action may be initiated.

(4) Violation may constitute a criminal offense, thus subjecting violator to criminal penalties.

c. Districts can configure their internet filter so that employees can bypass all restrictions. Should an employee abuse this privilege, Districts can take away the employee's ability to bypass the filter.

5. Internet user agreement.

a. All students and staff should execute an agreement whereby they acknowledge that they have read and understand the internet

access policy, agree to abide by the terms of the policy, and are aware of the sanctions that may follow if the policy is violated.

b. If a student is under the age of eighteen, his or her parent or guardian should also sign the agreement.

c. The agreement should provide that the user, and his or her parent/guardian(s) if under the age of 18, agree to indemnify and hold the Board, Board members, administrators, teachers, and staff harmless from any and all loss, costs, claims or damages resulting from the user's access to the District's computer network and internet, including but not limited to any fees or charges incurred through purchases of goods or services by the user.

d. The user, or, if the user is a minor, the user's parent/guardian(s) agree to cooperate with the school in the event the school initiates an investigation of the user's use of his or her access to its computer network and the internet, whether that use is on a school computer or on another computer outside the District's network.

B. Effective investigatory procedures.

1. Considerations before beginning investigation.

a. The administrator as "investigator" – assess limitations and strengths.

(1) Does he or she have experience, expertise, training or time?

(2) Is he or she unbiased/neutral?

(3) Do you need a computer forensics consultant to assist with the investigation?

2. Suggested process for investigation.

a. Begin investigation with interview and statement of complainant.

(1) Get the details – who, what, where, when, and how.

(a) Obtain a chronological account of events.

(b) Obtain the name of every person the complainant knows or believes may have information and/or persons with whom the witness has spoken regarding the matter.

(2) Believability of allegations – could this have happened? This is a different question than whether there is sufficient evidence to prove the incident.

(3) Complainant's credibility as a witness.

"Credibility deals not with truth, but with perceptions. Credibility is the study of how people judge books by their covers, and most of the basic details make a difference." American Bar Association Journal, "Witness Profiles" April, 1995, at p. 103.

(4) Expect questions about process for investigating and resolving matter.

(5) Expect concerns about keeping identity confidential.

(6) Establish that complainant is willing to testify – explain where process will go.

b. Interview other witnesses: makes case more than complainant's word against the accused's word.

(1) If witnesses are part of bargaining unit, offer to have representation present.

(2) Take notes of interview.

(3) Obtain signed written statement from witness.

(4) Obtain names of other witnesses who may have relevant information.

c. Review relevant documentary and other evidence.

(1) Check time cards, sick leave and personal leave requests, etc.

(2) Other complaints against accused?

d. Interview the alleged wrongdoer.

(1) Schedule after all other witnesses have been interviewed.

(a) Allow employee the opportunity to fully respond. Document all responses to the allegations.

(b) May be new allegations after interview.

(2) Review personnel file and any prior investigation. Prior performance or discipline issues?

(3) Insubordination if refuses to answer questions.

(4) May require signed Garrity Warning.

(5) Review collective bargaining agreement regarding investigatory meetings and other discipline/investigative related provisions.

e. Use of a private investigator.

(1) Typically reserved for serious cases of misconduct due to cost.

(2) Helpful for disproving employee claims of injury or illness, or establishing employee whereabouts.

(3) Can serve as witness at later arbitration or discipline hearing.

(4) Expertise at recovering data off computers and from servers.

f. Depending upon severity of alleged misconduct and possibility of employee interfering with investigation, consider relieving employee from duty with pay pending results of investigation (not a suspension with pay and not re-assigned to home).

Former Garaway band director gets 4 years for sexual battery

Ryan McPeeks, the former Garaway Local Schools band and choir director, was sentenced to four years in prison without a promise of judicial release for sexual battery Wednesday.

Meghan Millea
TimesReporter.com staff writer
Posted Oct. 29, 2014 @ 10:45 am

Ryan McPeeks, the former Garaway Local Schools band and choir director, was sentenced to four years in prison without a promise of judicial release for sexual battery Wednesday.

McPeeks, 28, of New Philadelphia admitted to having a sexual relationship with one of his students after school officials and law enforcement began investigating him on a separate issue. Officials learned that two Garaway students created a Facebook page under the fictitious name of "Rachelle Hall," supposedly a 26-year-old woman who graduated from the same university as McPeeks.

Based on phone records, it became clear that McPeeks suspected the woman was underage but sent nude photos to her anyway, Sugarcreek Police Chief Kevin Kaser told The Times-Reporter in February. That investigation led to another victim.

While this was McPeeks' first conviction, he had been in trouble with Garaway Local Schools before. The Times-Reporter received a copy of his personnel file, which contained a written reprimand for making and receiving more than 300 phone calls and text messages with one of his students in 2010.

Tuscarawas County Common Pleas Judge Elizabeth Lehigh Thomakos noted that in addition to the sentence, McPeeks will also be a third-tier registered sex offender and would have to register with his local sheriff's office every 90 days for the rest of his life.

» Comment or view comments

Attachment A

THE DAILY STANDARD
Serving the Grand Lake area since 1848 Celina, Ohio

Pre-Election Coverage

Friday, October 11th, 2013

By Margie Wuebker

Ex-teacher gets 20 years in prison

CELINA - Christopher Summers made an emotional plea in Mercer County Common Pleas Court Thursday afternoon, apologizing to the former student with whom he had a 28-month relationship and requesting probation so he could spend time with his family.

Judge Jeffrey Ingraham listened to Summers' rambling discourse and then sentenced the former Fort Recovery High School accounting teacher and girls basketball coach to 20 years in prison on eight counts of sexual battery.

The sentence, as well as classification as a Tier III sex offender, came with a powerful message - someone in a position of trust in the community cannot defy that trust by having sex with a student.

Summers, a 33-year-old St. Henry resident, took full responsibility for his actions.

"I made a huge mistake, an awful mistake, a mistake I don't know if I will ever be able to forgive myself. I was in a position of trust and what I did was wrong. She was my student and as an adult I should have said no."

Summers blamed his actions on depression and marital problems. The result has been the loss of family, friends, a teaching license, his standing in the community and $120,000 in legal fees.

"I'm not the monster they made me out to be," he added. "I was in a really bad place. The blame is completely and absolutely on me."

Several supporters came forward to speak on his behalf.

Former student and basketball player Holly Brunswick stated Summers never treated her with anything but respect.

"He genuinely wanted to help people and it led to his downfall," she said.

Brunswick commented that the victim never seemed afraid, uncomfortable or emotionally distressed during the time of the relationship.

Summers' family friend Ashley Ontrop charged the victim came up with a story about rape to cover up having a relationship with a married man.

Laurie Summers asked the judge for probation so she and her husband could raise their two children - a 5-year-old daughter and a 3-year-old son.

"I have given Chris a second chance," she said. "I hope you will give Chris a second chance."

The victim, now a college student, addressed the court in a quiet voice prior to sentencing.

"I will be forever changed by what Mr. Summers did to me," she said. "He forced me to lie to the ones I love most. He made me feel like a worthless piece of meat and took my innocence." Her testimony during an August jury trial revealed numerous sexual

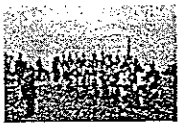
Today	Tomorrow	Thursday
59°	51°	51°
72%	9%	67%

Tonight	Tomorrow Night	Thursday Night
41°	42°	35°
78%	60%	72%

3 Day Extended

Photo Albums

Saturday, November 1



State Cross Country Meet

Saturday, November 1

Celina vs Bay Village boys soccer

Attachment B

encounters with Summers, including allegations of rape, thousands of phone calls and text messages at all times of the day and night and threats regarding the well-being of her family members. She also said Summers took a knife and carved the letter "C" on the inside of her right ankle after learning she was dating someone else.

Following her testimony, Summers accepted a plea bargain and admitted his guilt to the eight charges, bringing the trial to an abrupt end. The negotiated arrangement resulted in the dismissal of the remaining 39 counts in his indictment, including rape and felonious assault.

The victim's parents also spoke Thursday prior to sentencing, asking that the defendant receive a maximum 40-year sentence.

"Some day Chris Summers will have to answer to the man upstairs for what he has done," the father said. "I know that I am not allowed to deal with Mr. Summers on my own. I am forced to let the court system punish him."

His wife likened the former teacher to Arial Castro, a Cleveland man who sexually abused three woman during years of captivity.

"I can't help but think that Chris Summers is a more dangerous man than Castro was," she said. "Castro had to keep his victims locked within his reach to abuse them. Mr. Summers was manipulative enough to mentally keep his hold on (the victim) even though he let her out of his sight."

The victim's older sister - a high school math teacher - spoke of mandatory child abuse training each Ohio educator must undergo.

"He violated not only the law but also the sacred trust given to us as teachers: to protect and teach innocent children. Instead Chris Summers used his position of authority to manipulate, threaten and sexually assault an innocent student entrusted to his care," she said.

Mercer County Prosecutor Matt Fox labeled the defendant a liar and a master manipulator.

"The manipulation and control continues even today with his presentation and through his surrogates and puppets."

The prosecutor, who noted the case would never have come this far without the courage of the victim and her mother, asked for a significant sentence not only to protect the community and punish the offender but also to deter similar offenses in the future.

"Mr. Summers told us words are wind and words are meaningless," he added. "A significant sentence is not."

Fox concluded by reading the final text Summers sent to the victim in November 2012 before she told her mother about the relationship and they went to the Mercer County Sheriff's Office.

It stated, "Last straw...last straw forever. If it takes all my life, I will ruin you."

Summers was led from the crowded courtroom in handcuffs and booked into the Mercer County Detention Center. He faces another sentencing today before Darke County Common Pleas Court Judge Jonathan P. Hein on a single count of sexual battery involving the same victim at a Greenville motel.

Additional online stories for this date

- SWCD reviews invalid manure application allegations
- St. Marys blows out Van Wert for first WBL crown

Print edition only stories for this date

- State, county leaders discuss variety of issues
- Montezuma man faces additional charges for firearms possession
- Area bicyclist seriously injured in crash
- Minster sweeps team titles
- Flyers clinch outright MAC championship

- Celina earns share of 25th WBL title in volleyball
- Eldora's last event of the season is UNOH Sprintacular
- Cardinals sweep three from Panthers
- Coldwater knocks off St. Henry for the first time in six years
- Take trip back in time on hike

Former Hilliard Teacher Pleads Guilty To Child Porn Charges

Posted: Jan 29, 2010 10:02 PM EST

By Jason Mays

FRANKLIN COUNTY, Ohio -- A former Hilliard teacher is cuffed and taken to jail after pleading guilty in federal court to child pornography charges Friday morning.

Michael Highman of Upper Arlington, a former teacher who taught at Weaver Middle School in Hilliard, was in federal court on Friday morning.

Highman gave a guilty plea to possession and distribution of child pornography. He was handcuffed and taken to jail.

Judge Algenon Marbley ordered a pre-sentence investigation into Highman's actions.

Highman was originally charged in a criminal complaint filed in United States District Court with one count of possession of child pornography and one count of distribution of child pornography.

Highman was a teacher and boys basketball coach at Weaver Middle School in Hilliard.

The district spokesperson confirmed to **NBC 4** that Highman resigned after the allegations surfaced, Highman also surrendered his state teaching license.

FBI agents investigating known child pornography sites identified Highman as a user of a site.

Members of the FBI Columbus Cybercrimes Task Force searched his home Thursday, Oct. 15, and found thousands of images and movies of prepubescent teenage boys engaged in sexual acts, officials said.

Agents seized computer storage media allegedly containing images of child pornography.

Highman admitted he collected and distributed child pornography and said he preferred boys ages 8 to 14, according to the FBI.

Possession of child pornography is punishable by as many as 10 years imprisonment. Conviction would also require a defendant to register as a sex offender.

METRO

Teachers fired for flirting on Facebook with students

By Perry Chiaramonte
October 18, 2010 | 4:00am

Chadwin Reynolds 37, teacher, Fordham HS for the Arts, Bronx Allegedly "friended" several female students and wrote, "This is sexy," and other comments on girls' photos; asked one student for her number and sent her flowers, candy and a teddy bear, according to schools investigators.
Photo: Robert Kalfus

Laurie Hirsch 30, paraprofessional, Bryant HS, Queens
Posted a photo on her Facebook page showing her kissing an 18-year-old male former student, sparking a probe that revealed their sexual relationship. The student later told investigators he had sex with Hirsch at her apartment 10 times. (Gregory P. Mango)

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They threw the Facebook at 'em.

At least three educators from city public high schools have been fired in the past six months for having inappropriate dealings with students on Facebook — one of which culminated in a sexual relationship, The Post has learned.

One of the booted employees is former Bronx teacher Chadwin Reynolds, who "friended" about a half-dozen female students and wrote creepy comments like, "This is sexy," under some of their Facebook photos, schools investigators found.

Reynolds, a former Fordham HS for the Arts teacher, allegedly even tried to get one teen to go out with him by getting her phone number and sending her flowers, candy and a teddy bear.

And despite knowing that the schoolgirls could view his Facebook profile, Reynolds posted a tasteless tagline that read, "I'm not a gynecologist, but I'll take a look inside," according to the special commissioner of investigation for the New York City school district.

Reynolds, 37, protested to The Post that his case "was thrown out. It's not true. The Board of Ed found that the claims were not valid," even though the Department of Education confirmed that he had been cut loose because of the social-networking scandal.

Another ex-DOE employee — Laurie Hirsch, 30, a former paraprofessional at Bryant HS in Long Island City, Queens — was canned in May for her steamy Facebook shenanigans involving a student.

She had posted a photo of her kissing an 18-year-old male former student on the lips, which sparked an investigation.

Attachment D

The student subsequently told probers at the Office of the Special Commissioner of Investigation that he had had sex with Hirsch about 10 times in her apartment last year, and records revealed 2,700 phone contacts between the pair over a six-month period.

Hirsch, while not minimizing the extent of her mistakes, said neither she nor the student had been attending school any longer when their dalliance began.

"I was suspended indefinitely" for using a cellphone too frequently during school time, she told The Post. "And it didn't seem in any way, shape or form that I was getting my job back" when the relationship with the boy took off.

In Manhattan, substitute teacher Stephen D'Andrilli also "friended" several female students at Essex Street Academy on Facebook and sent inappropriate messages, according to schools investigators.

He allegedly sent one girl a message telling her she was pretty and told her he had tried to visit her during one of her Saturday classes.

To another young girl, he wrote that her "boyfriend [did not] deserve a beautiful girl like you," schools probers found.

D'Andrilli, who did not return a message seeking comment, was barred last month from subbing ever again.

As part of a wider probe into inappropriate teacher conduct, a fourth employee — a male teacher at La Guardia HS — was found to be giving extra credit to students who "friended" him. He was not disciplined.

Despite the flurry of troubling incidents, DOE officials said they don't currently have a policy that addresses teacher-student communication on Facebook.

Still, "we continually look at ways that our policies may need to evolve to keep pace with technology," said a DOE spokeswoman.

School districts in states such as Wisconsin, New Hampshire and Ohio have ordered or urged teachers not to "friend" students on social-networking sites.

Dozens of other districts also have strengthened guidelines governing school employees' use of social-networking sites — something Internet-safety experts recommend.

"It may be advisable to put it into policy, just because you have too many teachers who aren't going to think this out," said Nancy Willard, director of the Center for Safe and Responsible Internet Use.

"I think it's safer for teachers and students to be interacting on the educational plane — not a friendship plane," she added. "Socializing on Facebook can cross over into areas that are potentially dangerous."

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