

## LEGAL MAILBAG – MARCH 26, 2026



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*The “Legal Mailbag Question of the Week” is a regular feature of the CAS Weekly NewsBlast. We invite readers to submit short, law-related questions of practical concern to school administrators. Each week, we will select a question and publish an answer. While these answers cannot be considered formal legal advice, they may be of help to you and your colleagues. We may edit your questions, and we will not identify the authors. Please submit your questions to: [legalmailbag@casciac.org](mailto:legalmailbag@casciac.org).*

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Dear Legal Mailbag,

While scrolling my social media feeds, I see teachers everywhere creating TikTok videos in their classrooms, presumably during prep times or before or after class. I was shocked when I saw one of our own elementary teachers sharing teaching tips from her classroom; apparently data-driven decision making now includes your number of views.

While these videos do not show students, they are filmed during working hours and utilize district property (classroom materials, the building itself, and possibly our network). I have told this teacher and others that use of district property or the use of their position as a teacher for personal gain is not appropriate while on campus or during school hours and that it's time to say goodbye to their Facebook friends. If they're looking for engagement, I'd prefer it be with their students, not their Instagram followers.

The teachers are now demanding to see where this prohibition is written. Can I tell them to cut the digital cord, or do I need to 'reel' it back before this becomes a viral mistake?

Signed,  
*TikTok'ed Off*

Dear Tikked:

Your great question raises very interesting issues regarding management prerogatives, working conditions, and even free speech. Legal Mailbag appreciates your concern that the use of school facilities and producing videos during the school day could cause confusion over whether the messages being conveyed by teachers are officially sanctioned or even ascribed to the school district. Moreover, dealing with this practice on a case-by-case basis may put you in peril as a constitutional matter. It is one thing for a teacher to post a benign message from his or her classroom about teaching, and quite another for that teacher to use that same platform to attack the district or its superintendent. Given prohibition under the First Amendment against viewpoint discrimination by public officials, Legal Mailbag would have grave concerns with an administrator deciding which messages a teacher can post from his or her classroom and which messages are prohibited. The question thus presented is whether you can just say no to this practice.

Under the Teacher Negotiation Act, school officials typically must negotiate with the exclusive bargaining representative of teachers (or administrators) before making a significant change in working conditions. Legal Mailbag says “typically” because some changes may be considered a management prerogative that can simply be imposed. In the seminal case of *West Hartford Education Association v. DeCourcy*, 162 Conn. 566 (1972), the Connecticut Supreme Court drew a distinction between working conditions, which must be negotiated, and basic policy decisions that go to the “core of entrepreneurial control,” which are management rights that can be exercised without negotiations. There are any number of decisions made by school boards and superintendents that clearly go to the “core of entrepreneurial control,” such as curriculum, creation and elimination of positions, extracurricular offerings, and, more recently, safety measures.

Recording TikTok videos in teacher classrooms raises a number of legitimate concerns: confusion whether such videos are from the school district or the individual teacher, the difficulty in distinguishing between benign and disruptive messages, inadvertent disclosure of confidential student information, and even concern over use of school property for personal gain. Accordingly, Legal Mailbag concludes that school officials can indeed exercise their management rights to prohibit the recording of TikTok videos in teacher classrooms. Deciding what is or is not at the “core of entrepreneurial control” is a judgment call, however, and Legal Mailbag is not aware of any rulings by the State Board of Labor Relations on this point.

That all said, it is important to recognize that exercising a management prerogative is not the end of the story. When the exercise of a management prerogative changes working conditions, the employer has a duty to negotiate over the impact of that decision. For example, eliminating teaching positions is a management prerogative, but the impact of such a decision (*i.e.*, who is affected by this action) is a mandatory subject of negotiation, and virtually every collective bargaining agreement includes a reduction in force procedure that the parties have negotiated.

Legal Mailbag is hard-pressed to identify a negotiable impact of a prohibition against recording TikTok videos in teacher classrooms, and there may well be none to negotiate. However, given the importance of a respectful relationship between management and unionized employees, Legal Mailbag recommends that you engage with your local teachers' union in discussion over your concern and plan to prohibit the recording of TikTok videos in teacher classrooms. The union may agree that such a prohibition is a management prerogative, and it may even agree that there is no negotiable impact. In any event, such a discussion will inform your decision on whether and when you should exercise that prerogative.