

## **Personal Communication Devices and Social Media - Staff\*\***

Staff possession or use of personal communication devices on ESD property, in ESD facilities during the work day and while the staff is on duty in attendance at ESD-sponsored activities may be permitted subject to the limitations set forth in this policy and consistent with any additional school rules as may be established by the Superintendent. At no time, whether on duty or off duty, will a personal communication device be used in a manner that interferes with staff duty and responsibility for the supervision of students.

A “personal communication device” is a device, not issued by the ESD, which emits an audible signal, vibrates, displays a message or otherwise summons or delivers a communication to the possessor of the device. These devices include, but are not limited to, walkie talkies, long- or short-range portable radios, portable scanning devices, cellular telephones, pagers, personal digital assistants (PDAs), laptop computers and similar devices with wireless capability. This also includes other digital audio and video devices such as, but not limited to, iPods, radios and TV.

Personal cellular telephones/pagers and other digital audio and video devices shall be silenced during instructional or class time, while on duty or at any other time where such use of the device would cause a disruption of school activities or interfere with work assignment. Cellular telephones which have the capability to take photographs or video shall not be used for such purposes while on ESD property or while a staff member is on duty in ESD-sponsored activities, unless as expressly authorized by the principal or designee. Laptop computers and PDAs brought to school will be restricted to classroom or instructional-related activities only. The ESD will not be liable for loss or damage to personal communication devices brought to ESD property and ESD-sponsored activities.

Staff members, while on duty or off duty, will utilize social network sites (e.g., Facebook, MySpace and Twitter), public websites and blogs, judiciously by not posting confidential information about students, staff or ESD business. Staff members, while on duty or off duty, will treat fellow employees, students and the public with respect while posting in order to prevent substantial disruption in school. Communication with students using personal communication devices will be appropriate and professional. Communication with students using personal communication devices regarding non-school-related matters is prohibited during working hours and strongly discouraged at all other times. If communicating with students electronically regarding school matters, staff should use ESD e-mail using mailing lists to a group of students rather than individual students. Texting students during working hours is prohibited. Texting students at all other times is strongly discouraged.

Exceptions to the prohibitions set forth in this policy may be made for health, safety or emergency reasons with superintendent or designee approval.

Staff are subject to disciplinary action up to and including dismissal for using a personal communication device in any manner that is illegal or violates the terms of this policy. Staff actions on social networking sites, public sites, blogs and other social media, while on or off duty, which disrupt the school

environment, are subject to disciplinary action up to and including dismissal. A “disruption” for purposes of this policy includes but is not limited to parent complaint(s) or a threatened or actual negative impact on the learning environment. The taking, disseminating, transferring, or sharing of obscene, pornographic, or otherwise illegal images or photographs, whether by electronic data transfer or otherwise (commonly called texting, sexting, emailing etc.) may constitute a crime under state and/or federal law. Any person taking, disseminating, transferring, or sharing obscene, pornographic, or otherwise illegal images or photographs, will be reported to law enforcement and/or other appropriate state or federal agencies.

The superintendent shall ensure that this policy is available to all employees.

END OF POLICY

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**Legal Reference(s):**

[ORS 167.057](#)  
[ORS 163.432](#)  
[ORS 163.433](#)  
[ORS 163.684](#)  
[ORS 163.686](#)

[ORS 163.687](#)  
[ORS 163.688](#)  
[ORS 163.689](#)  
[ORS 163.693](#)  
[ORS 163.700](#)

[ORS 326.011](#)  
[ORS 326.051](#)  
[ORS 332.072](#)  
[ORS 334.125](#)  
[ORS 336.840](#)

Copyrights, Title 17, as amended, United States Code; 19 CFR Part 133 (2001).

Melzer v. Bd. Of Educ., City of New York, 336 F.3d 185 (2d Cir. 2003).

Ross v. Springfield Sch. Dist., No. FDA 80-1, aff'd, 56 Or. App. 197, rev'd and remanded, 294 Or. 357 (1982), order on remand (1983), aff'd, 71 Or. App. 111 (1984), rev'd and remanded, 300 Or. 507 (1986), order on second remand (1987), revised order on second remand (1988).

**Cross Reference(s):**

JHFF - Reporting Requirements Regarding Sexual Conduct with Students