

Electronic Communications System

The Board is committed to the development and establishment of quality, equitable, and cost-effective electronic communications systems

The ESD's system will be used to provide statewide, national, and global communications opportunities for staff and students and for the advancement and promotion of teaching and learning.

The Superintendent will establish administrative regulations for the use of the ESD's electronic communication system, including compliance with the following provisions of the Children's Internet Protection Act (CIPA) including:

1. Technology protection measures, installed and in continuous operation, that protect against Internet access by both adults and minors to inappropriate matter, including but not limited to visual depictions that are obscene, child pornography or, with respect to the use of the computers by minors, harmful to minors;
2. Educating minors about appropriate online behavior, including cyberbullying awareness and response, and how to interact with other individuals on social networking sites and in chat rooms;
3. Monitoring the online activities of minors;
4. Denying access by minors to inappropriate matter on the Internet and World Wide Web;
5. Ensuring the safety and security of minors when using electronic mail, social media platforms, chat rooms, and other forms of direct electronic communications;
6. Prohibiting unauthorized access, including so-called "hacking" and other unlawful activities by minors and adults online;
7. Prohibiting unauthorized disclosure, use, and dissemination of personal information regarding minors; and
8. Installing measures designed to restrict minors' access to materials harmful to minors.

The Superintendent will establish administrative regulations for use of the ESD's system by staff using their own personal electronic devices (PED) to download and store ESD proprietary information including personally recognizable information about the ESD students or staff. Designated representatives on the LBL social media sites will use their PED in accordance with the agency's social media guidelines. The regulations shall ensure compliance with privacy rights under applicable federal and state laws and regulations, including but not limited to the Age Discrimination in Employment Act of 1967 (ADEA), the Americans with Disabilities Act (ADA), the Genetic

Information Nondiscrimination Act of 2008 (GINA) and the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

Administrative regulations will be consistent with guidelines as may be provided by the Education Service District, the Oregon Department of Education, and/or the Oregon Government Ethics Commission, copyright law and will include a complaint procedure for reporting violations.

Failure to abide by ESD policy and administrative regulations governing the use of the ESD's electronic communications system may result in the suspension and/or revocation of system access. Additionally, student violations may result in discipline up to and including expulsion. Staff violations may also result in discipline up to and including dismissal. Violations of law will be reported to law enforcement officials, which may result in criminal or civil sanctions and may also be reported to the appropriate licensing board. Fees, fines, or other charges may also be imposed.

END OF POLICY

Legal Reference(s):

[ORS 30.765](#)

[ORS 133.739](#)

[ORS 163.435](#)

[ORS 164.345](#)

[ORS 164.365](#)

[ORS 167.060 - 167.100](#)

[ORS Chapter 192](#)

[ORS 260.432](#)

[ORS 334.125\(7\)](#)

[ORS 336.222](#)

[ORS 339.250](#)

[ORS 339.270](#)

[OAR 581-021-0050](#)

[OAR 581-021-0055](#)

[OAR 584-020-0040](#)

[OAR 584-020-0041](#)

Children's Internet Protection Act, 47 U.S.C. §§ 254(h) and (l) (20182); 47 C.F.R. § 54.520 (20197).

Copyrights, 17, U.S.C. §§ 101-1332 (20182); 19 C.F.R. Part 133 (202017).

Oregon Attorney General's Public Records and Meetings Manual, Appendix H, (2014).

Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101-7117 (20182).

Drug-Free Workplace Act of 1988, 41 U.S.C. §§ 8101-8107 (20182); 34 C.F.R. Part 84, Subpart F (202017).

Controlled Substances Act, 21 U.S.C. § 812, Schedules I through V (20182); 21 C.F.R. §§ 1308.11-1308.15 (202017).

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (20182); 29 C.F.R. Part 1630 (202017); 28 C.F.R. Part 35 (202017).

Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g (20182); 34 C.F.R. Part 99 (202017).

Oregon Government Standards and Practices Commission, Advisory Opinion No. 98A-1003 (July 9, 1998).

Every Student Succeeds Act, 20 U.S.C. § 7131 (20182).

Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12133 (2018).

[1] If the ESD allows staff to download and store ESD proprietary information, including personally recognizable information about ESD students or staff, OSBA recommends including this content and an indicated related item in the model administrative regulation. See #3 on page 2 of model sample administrative regulation IIBGA-AR.