

# Legal Update

**OHIO ASSOCIATION OF SPECIAL NEEDS PROFESSIONALS, AN  
AFFILIATED DEPARTMENT OF OEA**

Mohican State Park

February 25, 2023

**BAASTEN MCKINLEY**

LAW OFFICES



# My Why?



# Roadmap

- ▶ 1. Changing Labor Market
- ▶ 2. Governor DeWine's Budget
- ▶ 3. *Bowie v. Ohio Department of Developmental Disabilities*
  - ▶ 4. Social Media
  - ▶ Text messages/public records



# INTRODUCTION

- ▶ Overview of Today's Labor Market and How We Got Here
- ▶ Pandemic
- ▶ The Great Resignation
- ▶ Twice as Many Openings as Unemployed
- ▶ Shift in Priorities of Employees

# Vacancy Rates among DSPs

- ▶ In the last three (3) years, vacancy rates among DSPs have increased.
- ▶ From 2018-2020, DSPs have seen an 11% increase in vacant part-time positions (16% to 27%) and a four% increase in vacant full-time positions (13% to 17%).
- ▶ There are approximately 8,400 vacancies in the DSP workforce of approximately 40,000 (DODD, +2020 DSP Compensation Survey).

# MARKETING THE PUBLIC SECTOR BENEFITS

- ▶ Stability and Tenure
- ▶ Pension System
- ▶ Student Loan Forgiveness
- ▶ Transparency

# ITS ABOUT MORE THAN MONEY

- More than money
  - Flexible work schedules
  - Four-day workweek
  - Virtual capability (6% pre-pandemic, 35% post)



# Ohio DD Workforce Crisis Task Force



- ▶ Two years ago, Ohio's budget addressed workforce issues with an increase to Homemaker/Personal Care (HPC) rates to assist with higher wages for Direct Service Professionals (DSPs). The budget also supported a specialized rate formula with Intermediate Care Facilities (ICF) to help with ICF workforce issues.
- ▶ Over the next two years, the DD Workforce Crisis Task Force (WCTF) examined the DD system's current and projected workforce needs.

# Ohio DD Workforce Crisis Task Force

- ▶ Strategies include:
  - ▶ Professional development and skill-building for Direct Support Professionals (DSP)
  - ▶ Adaptable skills, workforce cultures, and empathy to meet service delivery.
  - ▶ Educate people with disabilities and families on how best to understand their roles with a home-care model, how to employ and supervise DSPs and manage other support functions.
  - ▶ Maximize positive relationships with the people receiving services and their circle of support.



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# Employment Requirements Waiver

- ▶ For good cause shown, Ohio Adm. Code 5123-2-08(J)(1)(b) and Ohio Adm. Code 5123:2-3-01(F)(1)(c) (effective 12/1/22 this will be replaced with Ohio Adm. Code 5123-3-01(F)(2)) are waived effective September 30, 2022, through September 30, 2023. **During this time, agency providers and licensed facilities are permitted to hire direct support professionals without a high school diploma or GED.** The agency or licensed facility must confirm the direct support professional meets all other qualifications and must continue to ensure individuals with developmental disabilities receive quality services provided by capable staff. Direct support professionals hired during this time without a high school diploma or GED will be permitted to work for the same agency after the waiver period if they maintain continuous employment with that agency and comply with all other applicable statutes and rules. Rendered this 13 day of September 2022.

# OAC 5123-3-01

- ▶ **Direct Service Providers Training in first 30 days – Must be complied with starting March 1, 2023**
  - ▶ Person-Centered planning and provision services
  - ▶ Facilitating community-participation and integration
  - ▶ Provisions of rule 5123-17-02 relevant to DSP's duties, including review of Health and Welfare Alerts
  - ▶ Empathy-based care
  - ▶ Specific training for each facility with respect to fire safety equipment and emergency response plans

# Annual DSP Training (Calendar year)

- ▶ 2 hours of DODD training relevant to DSP's duties
- ▶ 6 hours of provided by operator/employer
- ▶ Major unusual and unusual incident reporting (MUI/UI) and prevention
- ▶ Health and welfare alerts
- ▶ Emergency response
- ▶ Services provided: Quality care, health and safety, and positive behavior support

# Support Staff

- ▶ **Must Work in a residential facility (if they work in office with no residents, not required)**
- ▶ Must be within 30 days: Fire safety, operation of fire safety equipment, and emergency response plan
- ▶ Must be annually: DODD rights of individuals, MUI and UI reporting and prevention, Health and welfare alerts
- ▶ Training requirements are now found in appendices:
  - ▶ Appendix A – Administrators
  - ▶ Appendix B – DSP
  - ▶ Appendix C – Support Staff
  - ▶ Appendix D – Volunteers



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## Governor DeWine's State of the State Address and State Budget Proposal

- ▶ On February 2, 2023, Governor DeWine delivered the State of the State address and his fiscal year 2024-2025 budget proposal.
- ▶ In the next two years, the budget will invest a historic \$70 million to support individuals with developmental disabilities.
- ▶ Kim Hauck, director of the Ohio Department of Developmental Disabilities (appointed Jan. 2022) said: “I am thankful for Governor DeWine’s leadership and commitment to Ohioans with developmental disabilities that is so evident in this budget. The budget reflects the voices of the DD community – the realities we heard through the workforce crisis task force, the stories I heard as I traveled to each county, and the collective advocacy and work we have done together.”

# Ohio Department of Children and Youth

- ▶ Governor DeWine announced the creation of a new state agency –the Ohio Department of Children and Youth.
- ▶ The new department will focus on children and youth and their families.
- ▶ Governor DeWine will seek input from stakeholders as this agency is developed.



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# DODD Investments

- ▶ Budget investments for DODD focus on:
  - ▶ increased wags for DSPs.
  - ▶ Innovative technology and support for youth with complex needs



# Investing in DSPs & Support Providers

- ▶ - DODD has struggled to recruit and retain the essential workforce.
- ▶ - Ohio's budget will invest an historic \$579 million into provider rates/increasing direct care wages
- ▶ - This is an opportunity to right-size wages.



# Home and Community-Based Services

- ▶ - The goal is to raise wages for direct care workers for residential settings.
- ▶ - Rates for services in DODD home and community-based services (HBCS) will increase by 16.5 percent (average \$16 per hour average reimbursement rates that pay DSP wages).
  - ▶ Homemaker/Personal Care (HPC)
  - ▶ HPC – Participant-Directed
  - ▶ On-Site/On-Call
  - ▶ Shared Living
  - ▶ Remote Support
  - ▶ Respite
  - ▶ Behavioral, Medial, Complex Care, & Competency Add-On



# Home and Community- Based Services

- ▶ - HCBS Services Increasing by 10%
- ▶ Adult Day Support
- ▶ Vocational Habilitation
- ▶ Group Employment Support
- ▶ Individual employment support
- ▶ Career planning
- ▶ Non-medical transportation
- ▶ Transportation &
- ▶ Self-Directed Transportation

# Intermediate Care Facilities (ICF)

- Budget maintains statutory reimbursement formula for ICFs.

- An additional increase equaling 6.5% of per day direct care costs will be added to ICF's daily rates.

- This aligns with the goal to provide higher wages for ICF DSPs.

- 200% increase to add-on rate for ICFs who support Ohioans dependent on ventilator care.

# Increasing Advocacy and Accessibility

- ▶ Budget requires at least one person eligible for services be appointed to each county board of developmental disabilities.
- ▶ DODD will partner with state and local agencies to increase the availability of universal changing tables in public places and businesses.

# Increasing Advocacy and Accessibility

DODD will continue to partner with the Ohio Department of Education (ODE) and the Down Syndrome Association of Central Ohio for the Learning Aid Ohio initiative (which provides supplemental learning opportunities to individuals with disabilities to stay on track with their academic goals).

DODD will invest in Advocacy and Protective Services Inc (APSI) to lower caseloads and ensure there is no waiting list for guardianship services.

# Investing in Technology

- ▶ The budget establishes regional technology support which will create close to home opportunities for people to experience and try technology.
- ▶ The budget increases rates or remote support services and to assist providers in developing their own technology services.





# Investing in Youth with Complex Needs

- ▶ The budget establishes dedicated funding for DODD multi-system youth initiatives.
- ▶ The budget supports youth with complex needs in their homes, through short-term stabilization as well as long-term residential settings.
- ▶ The budget continues to support the Keeping Families Together initiative.
- ▶ DODD is proposing new IC peer group that will provide funding for ICFs willing to provide intensive services to youth with complete behavioral needs.

# OAC 5123-2-06 (Effective Oct. 1, 2022)

- ▶ Restrictive measures (including restriction of rights) may only be implemented in two scenarios:
  - ▶ Direct and serious risk of harm to self or others
  - ▶ Likelihood that legal sanction would occur if action was not taken by DSP (i.e., eviction, arrest, incarceration, etc.)
- ▶ **\*includes mobilities devices**
- ▶ **\*must cease once risk of harm or potential for legal sanction has subsided**
- ▶ **\*Time outs are limited to 30 minutes per incident or 1 hour total per 24 hours**

# Technology First Initiative (effective April 21, 2022)

- ▶ 5123-2-01: Technology First Policy
- ▶ Each county board and each intermediate care facility for people with intellectual disabilities will develop and implement a written local policy to enact the technology first policy:
  - ▶ Within 180 days after rule effective date for county boards and existing intermediate care facilities (ICFs)
  - ▶ Within 180 days of licensure of a new ICF

# Technology First Initiative

- ▶ The Technology First Policy will ensure that technology solutions will:
  - ▶ 1) Address ability to increase capacity for use of technology solutions and outline specific steps, as applicable, to be taken including, when applicable, establishment of benchmarks for increasing the number of individuals who benefit from the use of technology solutions.
  - ▶ 2) Identify strategies for increasing the level of knowledge, skill, and comfort of staff related to assessing how technology may help meet needs or achieve outcomes and the use of technology solutions.
  - ▶ 3) Annually review and update, as applicable, its goals and objectives related to increasing the use of technology solutions by individuals served.

# Ohio 811 Program

- ▶ The Ohio 811 Program is a demonstration program administered by the Ohio Housing Finance Agency (OHFA). This program allows extremely low-income households comprised of one or more adults with a disability to live in an integrated setting through rental subsidy and access to supportive services.
- ▶ This program is not available to the public. OHFA works with the Ohio Department of Medicaid, the Ohio Department of Developmental Disabilities and the Ohio Department of Mental Health & Addiction Services to place individuals eligible for community-based, long-term care services on a statewide waiting list for apartments.
- ▶ The Ohio Housing Locator maintains a listing of affordable rental housing properties throughout the state. The Coalition on Homelessness and Housing in Ohio (COHHIO) offers a Resource Guide to organizations with housing and homelessness resources. OHFA also provides links to HUD eviction guidance and legal resources on our Housing Assistance Information page.

# The Ohio Incident Tracking and Monitoring System (OhioITMS)

- ▶ APP launched for The Ohio Incident Tracking and Monitoring System, or OhioITMS, is an online reporting system for tracking, monitoring, and providing oversight involving health and welfare incident management. Protecting vulnerable victims is a critical component within the service delivery model for Ohio. OhioITMS provides the technical structure and support to enhance our quality improvement, health and welfare efforts. The work you do every day is critical to positive outcomes. Thank you for all you do to keep individuals healthy and safe.



*Portage Cnty. Educators Ass'n for  
Developmental Disabilities-Unit B,  
OEA/NEA v. State Emp. Rels. Bd., 2022-  
Ohio-3167*

- ▶ Protesters/strikers can protest at the homes of board members.
- ▶ “4117.11(B)(7) thus cannot survive the strict scrutiny applicable to content-based regulations of expressive activity that is protected by the First Amendment.”

*State v. Goins*, 2022-Ohio-985, ¶ 26, 187 N.E.3d 42, 51, appeal not allowed, 2022-Ohio-2490, ¶ 26, 167 Ohio St. 3d 1467, 191 N.E.3d 438

- ▶ The court concluded that the prosecution had presented sufficient evidence to prove Goins failed to review patient's aftercare instructions and fill his pain-medication prescription was a "substantial" or "contributing" factor in causing patient's serious physical harm. The court found that patient's serious physical harm was a foreseeable consequence of Goins' conduct, as an ordinarily prudent person would have anticipated that a failure to provide necessary medical care could result in serious physical harm to the vulnerable patient.



*Bowie v. Ohio  
Department of  
Developmental  
Disabilities,*  
Franklin County  
Court of  
Common Pleas  
(05-31-22), case  
no. 21CV008024

- ▶ - Appellant was a caregiver her entire life.
- ▶ - M.T. is a profoundly intellectually disabled consumer.
- ▶ - Appellant accused of pulling and pushing M.T. multiple times while walking M.T. from one location to another.

# *Bowie v. Ohio Department of Developmental Disabilities (2022)*

- ▶ - On or about July 10, 2020, DODD issued a Notice of Opportunity for Hearing informing her that it was going to determine if the Appellant should be placed on the abuser registry pursuant to R.C. §5123.52.
- ▶ R.C. §5123.52 provides: (A) The department of developmental disabilities shall establish a registry of developmental disabilities employees consisting of the names of individuals included in the registry pursuant to section 5123.51 of the Revised Code.
- ▶ \* \* \*
- ▶ (D)(1) ...no person or government entity shall hire, contract with, or employ as a developmental disabilities employee an individual who is included in the registry.
- ▶ (E) Information contained in the registry is a public record...

# *Bowie v. Ohio Department of Developmental Disabilities (2022)*

- ▶ - R.C. §5123.52 – Upon receiving a report of abuse, DoDD will do the following:
  - ▶ Investigate the allegation or adopt the findings of an investigation or review of the allegation conducted by another person or government entity and determine whether there is a reasonable basis for the allegation;
  - ▶ If the department determines that there is a reasonable basis for the allegation, conduct an adjudication pursuant to Chapter 119. of the Revised Code.

# R.C. §5123.51

- ▶ (C)(1) the department shall appoint an independent hearing officer to conduct any hearing conducted ... except that, if the hearing is regarding an employee of the department who is represented by a union, the department and a representative of the union shall jointly select the hearing officer.
- ▶ (2)(a) ... no hearing shall be conducted ... until any criminal proceeding or collective bargaining arbitration concerning the sale allegation has concluded. (there is an exception to this rule allowing the criminal matter to proceed in tandem if the prosecutor consents).

# R.C. §5123.51

- ▶ (3) In conducting a hearing ..., the hearing officer shall do all of the following:
  - ▶ (a) Determine whether there is clear and convincing evidence that the developmental disabilities employee has done any of the following:
    - ▶ (i) Misappropriated property of one or more individuals with developmental disabilities that has a value, either separately or taken together, of one hundred dollars or more.
    - ▶ (ii) Misappropriated property ...
    - ▶ (iii) Misappropriated prescribed medication ...

# R.C. 5123.51

- ▶ (iv) Knowingly abused such an individual;
- ▶ (v) Recklessly abused or neglected such an individual, with resulting physical harm;
- ▶ (vi) Negligently abused or neglected such an individual, with resulting serious physical harm;
- ▶ (vii) Recklessly neglected such an individual, creating a substantial risk of serious physical harm;

# R.C. §5123.51

- ▶ (viii) Engaged in sexual conduct or had sexual contact with an individual with a developmental disability ...
- ▶ (ix) Unreasonably failed to make a report ...
- ▶ (x) Been convicted of or entered a plea of guilty to any of the following ...

# R.C. §5123.51

- ▶ Clear and convincing evidence standard
- ▶ Extenuating circumstances include self-defense



# *Bowie v. Ohio Department of Developmental Disabilities (2022)*

- ▶ Bowie's Arguments: The allegation was that the worker *knowingly* abused such an individual. The State did not prove the knowingly element.
- ▶ State's arguments: Bowie knew when she pushed M.T. that there was risk to M.T. and therefore, fulfilled the *knowing* standard of abuse.
- ▶ Decision: The Hearing Officer found that Bowie knew that her conduct was abuse of M.T. Upheld on appeal into the court.



# Arbitration

- ▶ ISSUE: Whether the Employer violated Articles 12 and 18 in its probationary removal of the Grievant? If so, what is the appropriate remedy?

# Article 12. Probationary Periods/Non Probationary Staff.

- ▶ **A. The probationary period for all bargaining unit positions, except for Operations Department staff and Administrative Assistants, will be two years. ... The BDD may remove a probationary staff member during the probationary period; however, the staff member is entitled to challenge the removal through the grievance procedure for violations of the evaluation procedure.** In addition, the staff member will be entitled to the reasons for the removal. ...
- ▶ B. The time period of temporary appointment to any bargaining unit position will be counted towards fulfillment of the probationary period as stipulated in Section A, above, if there is continuous service between the temporary and permanent assignment. In addition, occasional substitutes who are assigned on an indefinite basis will have their time on their last indefinite assignment counted towards fulfillment of the probationary period if they are appointed to fill a position on a permanent basis and there is continuous service between the indefinite assignment and the permanent appointment.
- ▶ C. At any other time during a staff member's employment, the BDD can remove for cause in accordance with the applicable laws of Ohio. The staff member will be permitted to grieve and arbitrate the removal under Article 7. Grievance Procedure.

# Article 18. Performance Review Evaluation.

- ▶ A. The staff member's current position description will be the basis for the Performance Review/Evaluation.
- ▶ **B. There will be at least one Performance Review each year for the first three years of a staff member's employment, utilizing the Board's designated Performance Management Evaluation Tool as in Appendix B.** Should the Board change the Performance Management Tool during the course of this contract, the Board shall meet and confer with the Bargaining Unit Leadership prior to implementation. Beginning in the fourth year of employment, a staff member will have a Performance Review every three years. A supervisor may conduct a Performance Review in those years that a staff member is not scheduled for a Performance Review. A staff member may request an annual Performance Review. The Performance Review will include a conference with the supervisor.
- ▶ **C. A Performance Review includes a fair and objective review of work competencies the Board deems necessary including, but not limited to, Job Knowledge and Expertise; Quality of Work; Relationship with Persons Served; Communication and Interpersonal Skills in areas specific to job duties as contained in a staff member's position description.** If 3 applicable, a review of productivity expectations as referenced in Article 18A may be included in the Performance Review. The productivity status (significantly below expectations, below expectations, meets expectations).

# Facts

- ▶ A member who worked at the BDD for ten (10) years was promoted to Developmental Specialist. When the member was promoted, their probationary period began anew.
- ▶ Over a year later, she was evaluated as not meeting her performance and placed on a performance improvement plan, and later terminated.

# Arguments

- ▶ Grievant's position: The Grievant filed the grievance because: 1) the Employer did not conduct a performance review for her first year of employment; 2) the performance review was not fair and objective, as the comments contradicted each other and did not reflect her performance for the entire year; 3) there were no measurements to gauge improvement; 3) the materials she received did not inform her of her improvement; and 4) her supervisor never signed the work plan.
- ▶ Employer's Position: The Grievant was removed during her probationary period in accordance with the contract and the Association failed to prove otherwise. As the moving party, the Association has the burden of proof. It must demonstrate that the removal violated the evaluation procedures and cannot do so. Article 18 requires the Employer to conduct “at least one performance review each year...” for probationary employees. The evaluation must include a fair and objective review of a probationary employee's job performance based upon their position description.

# Decision

- ▶ The Arbitrator understands why the Association argues its case so vigorously. Here, the Grievant was a 13-year employee of the County. As the Association notes, the Grievant was employed with the County longer than her supervisor. She was familiar with many of the County's policies, procedures, and practices. A number of witnesses thought she was performing satisfactorily and were surprised by her removal.
- ▶ While there must be at least one performance review each year, it is not specific as to the timing of the review. The first sentence spells out that there will be at least one review each year "for" the first three years. The parties could have negotiated that the review occurred "in" or "during" each year. They did not. The Arbitrator finds that Article 18.B does not require that each review occur during that year of employment. Here, that means that the Grievant's first review did not have to be during her first year of employment. This makes sense in that waiting until the year is completed allowed the review to cover her entire first year of employment.

# Decision

- ▶ Article 12 is clear that a probationary employee can only challenge the procedure, not the reasons for removal.
- ▶ The union presented testimony and evidence that another developmental specialist engaged in billing duplications and that the other developmental specialist was not terminated.
- ▶ There is no disparate treatment, or no departure from the consistent or uniform treatment of employees, merely because of variations in discipline that are reasonably appropriate to variations in circumstances.



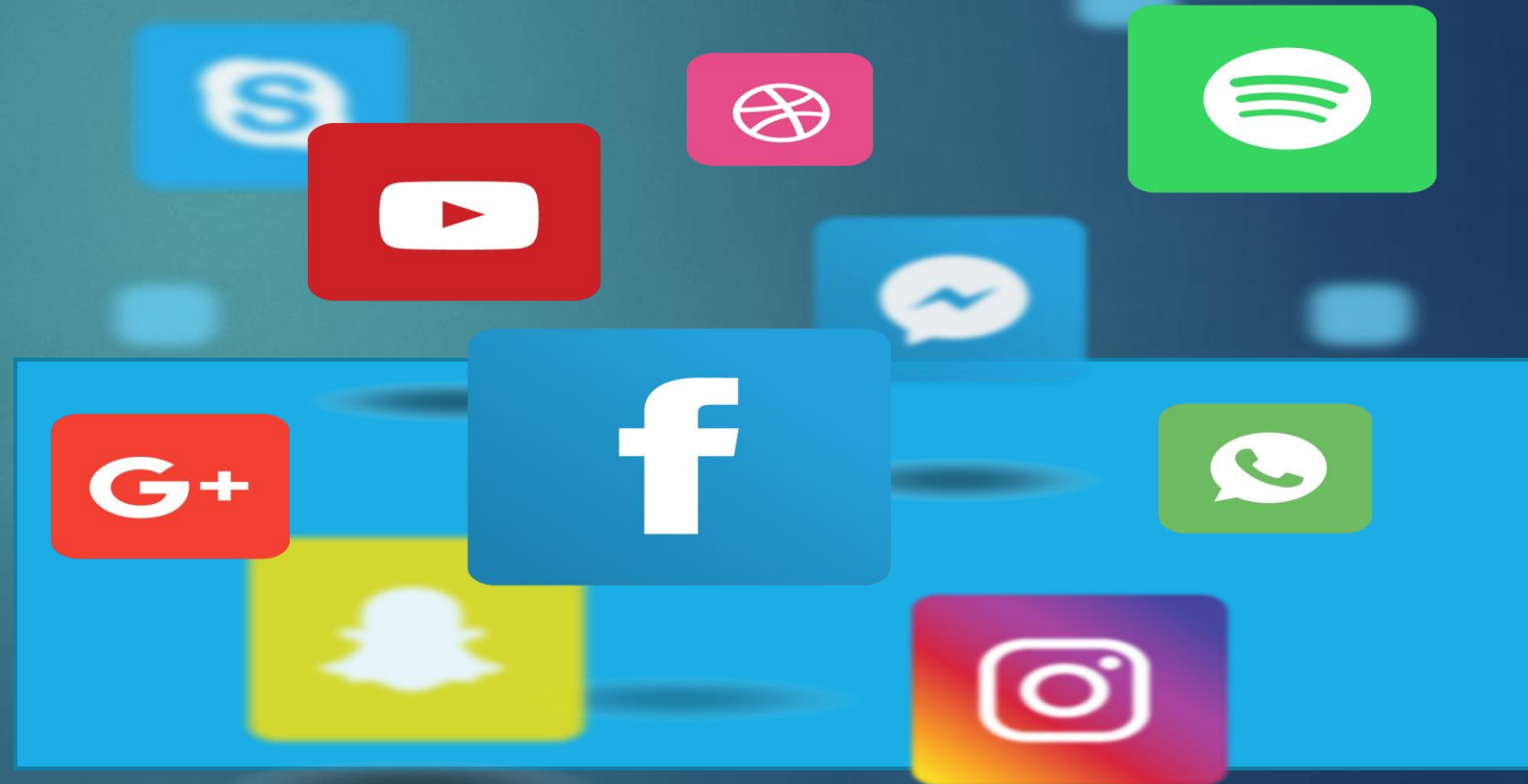
# 5. Social Media Use



# Understanding the Platforms

- ▶ Facebook – 2.9 billion
- ▶ YouTube – 2.2 billion
- ▶ WhatsApp – 2 billion
- ▶ Instagram – 2 billion
- ▶ TikTok – 1 billion
- ▶ Snapchat – 538 million
- ▶ Pinterest – 444 million
- ▶ Reddit – 430 million
- ▶ LinkedIn – 250 million
- ▶ Twitter – 217 million

\*Number of Monthly Active Users



# Traditional Social Media

- ▶ Facebook
- ▶ Twitter
- ▶ Instagram
- ▶ LinkedIn
- ▶ YouTube

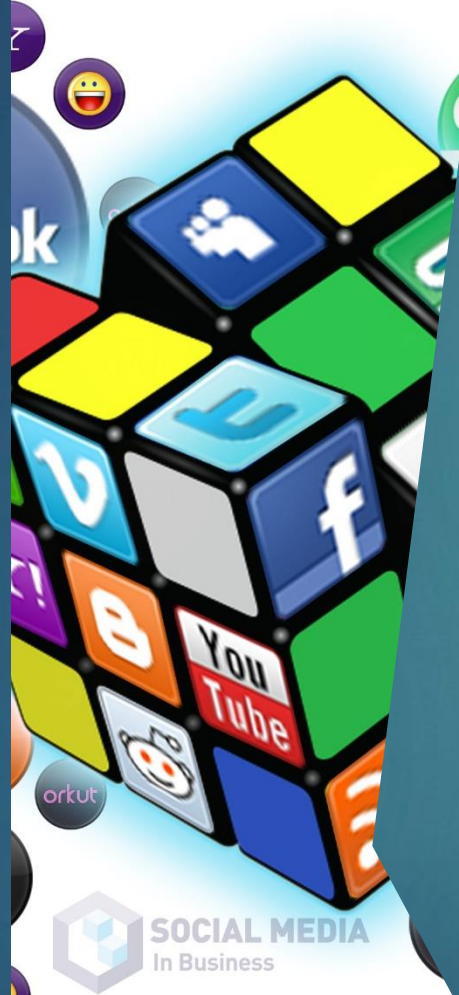
LinkedIn®



**YouTube**

# Commonly used social media platforms

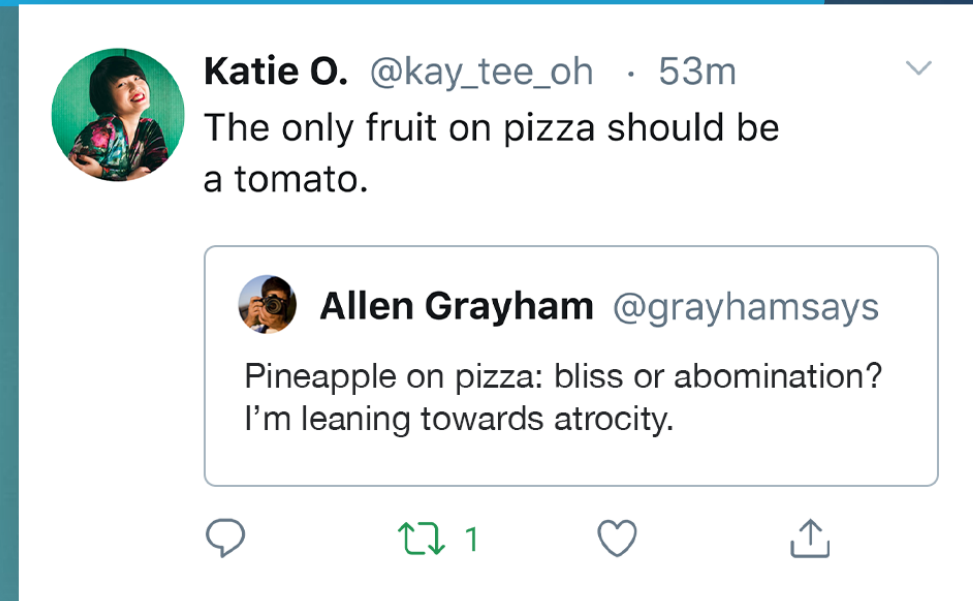
- ▶ Facebook, Pinterest, Reddit, Flickr, Twitter, Periscope, Instagram, Snapchat, Youtube, LinkedIn, Wordpress, Tumblr, etc.



 SOCIAL MEDIA  
In Business

# Potential Issues with Traditional Platforms

- ▶ Being someone's "friend" or "follower"
- ▶ "Liking" a post
- ▶ "Sharing" or "retweeting" a post
- ▶ Posting inappropriate/unprofessional pictures
- ▶ Political Speech
- ▶ Being a "member" of a "group"



Quote  
Tweet

Original  
Tweet



# New Social Media Platforms

▶ **TikTok**

▶ **Snapchat**

▶ **WhatsApp**

▶ **Twitch**

▶ **BeReal**

# BeReal

- ▶ Launched in 2020
- ▶ Push-back against overly curated content
- ▶ Looking for “authenticity”
- ▶ 315% increase in downloads since beginning of the year

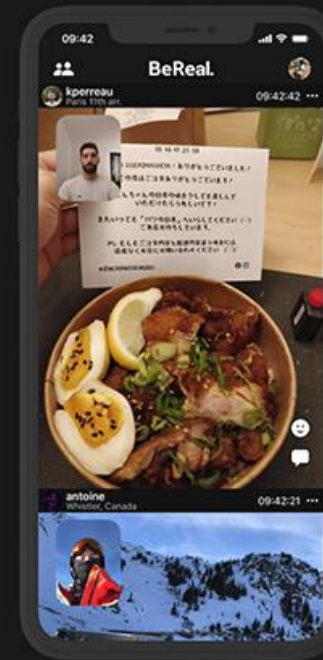
## Once a day

Everyone receives a notification at the same time



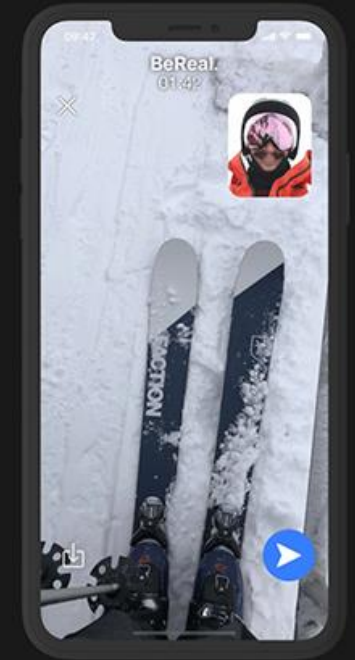
## Find out

What all your Friends are doing right now



## 2 Minutes

To capture a BeReal of what you are doing





# Snapchat

- ▶ Launched in 2011
- ▶ Instant messaging app – mostly pictures
- ▶ Pictures that are only available for a short time before they become inaccessible to recipients
- ▶ 4 billion snaps are sent each day
- ▶ Extremely popular with younger generation



# Social Media Issues

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- ▶ Social Networking Websites – users can share photos, journals/blogs, personal interest and ideas with other users.
- ▶ Students may create fake profiles which may become issues for educators.
- ▶ Information on these websites can be used by the Board of Education and/or Ohio Dept. of Education’s Office of Professional Conduct to take employment action.
- ▶ Even liking a post is construed as agreement with the content of the post.

# To “Friend” or Not to “Friend”

Educators should not “friend” students on social media

- Too much potential for improper communication

Educators may “friend” parents

- Be careful of what you post
- Judgment call

# Accepting Friend Requests

- ▶ Former students?
- ▶ Parents of former students?



# Why can't we be friends?

Becoming "friends" with co-workers creates a different set of issues and each individual must make his/her own decision

## Think about:

- How much personal information you wish to share with co-worker?
- Do you want others to "tag" you in photos that you may not want co-workers to see?
- How do you handle a situation where a co-worker overshares?



Can a district discipline an employee for social media posts?

- ▶ It depends on whether the post/conduct is protected by the First Amendment.
- ▶ And that depends upon the outcome of three inquiries...



## First Inquiry:

Whether the speech may be “fairly characterized” as addressing “matters of public concern.”

To be protected, the speech must be on a matter of “public concern” (as opposed to a matter only of personal interest).

“No bright-line test exists.”

## Factors:

- Content, form, and context of the speech;
- Time, place, and manner in which the speech occurred;
- The intent of the person making the speech.

## Second Inquiry:

Whether the school board's interest in the effective and efficient fulfillment of its responsibilities to the public outweighs the employee's free speech rights.

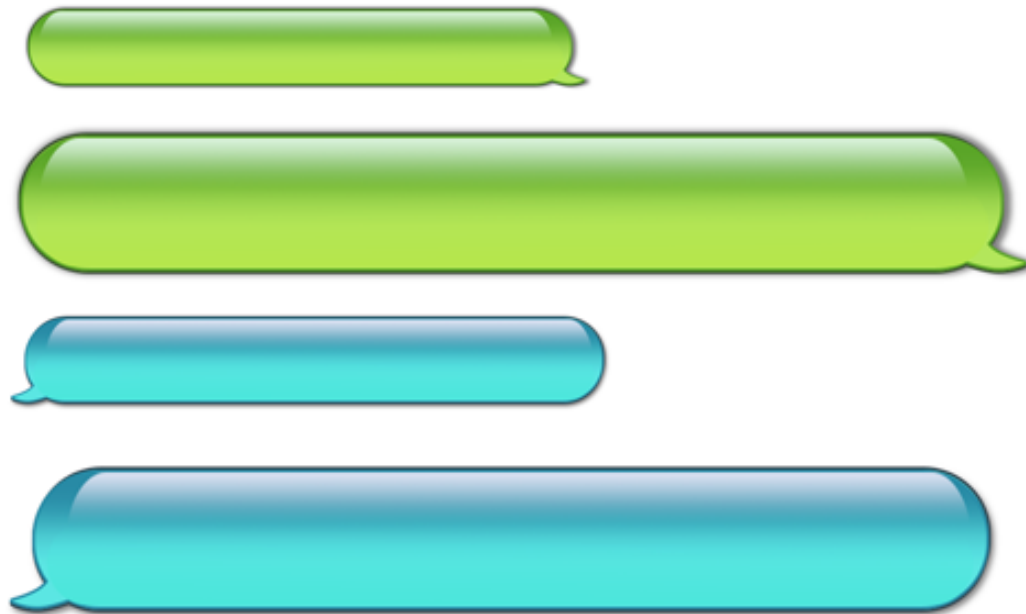
### Consider whether the employee's comments:

- Meaningfully interfere with the performance of his/her duties
- Undermine a legitimate goal or mission of the employer
- Create disharmony among co-workers
- Impair discipline by superiors
- Destroy the relationship of loyalty and trust required of confidential employees.

### **Third Inquiry:**

Whether the employee is speaking as a citizen or as an employee.





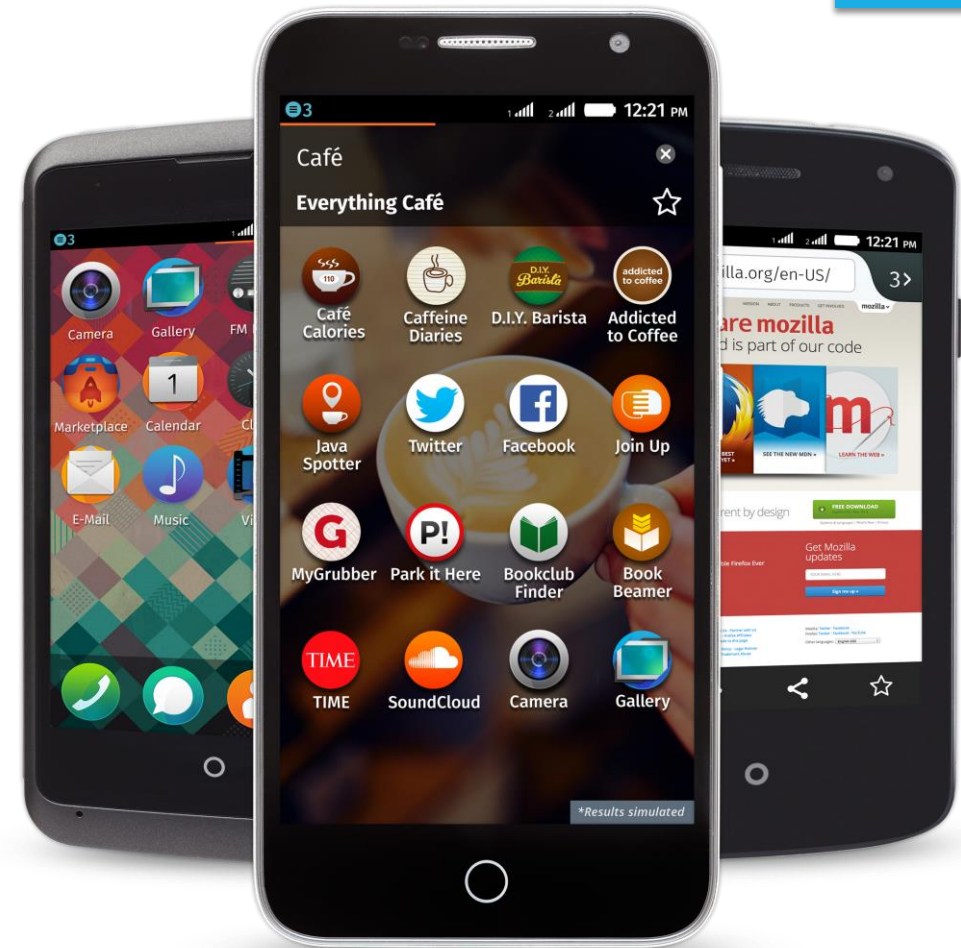
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## 5. What about texting?

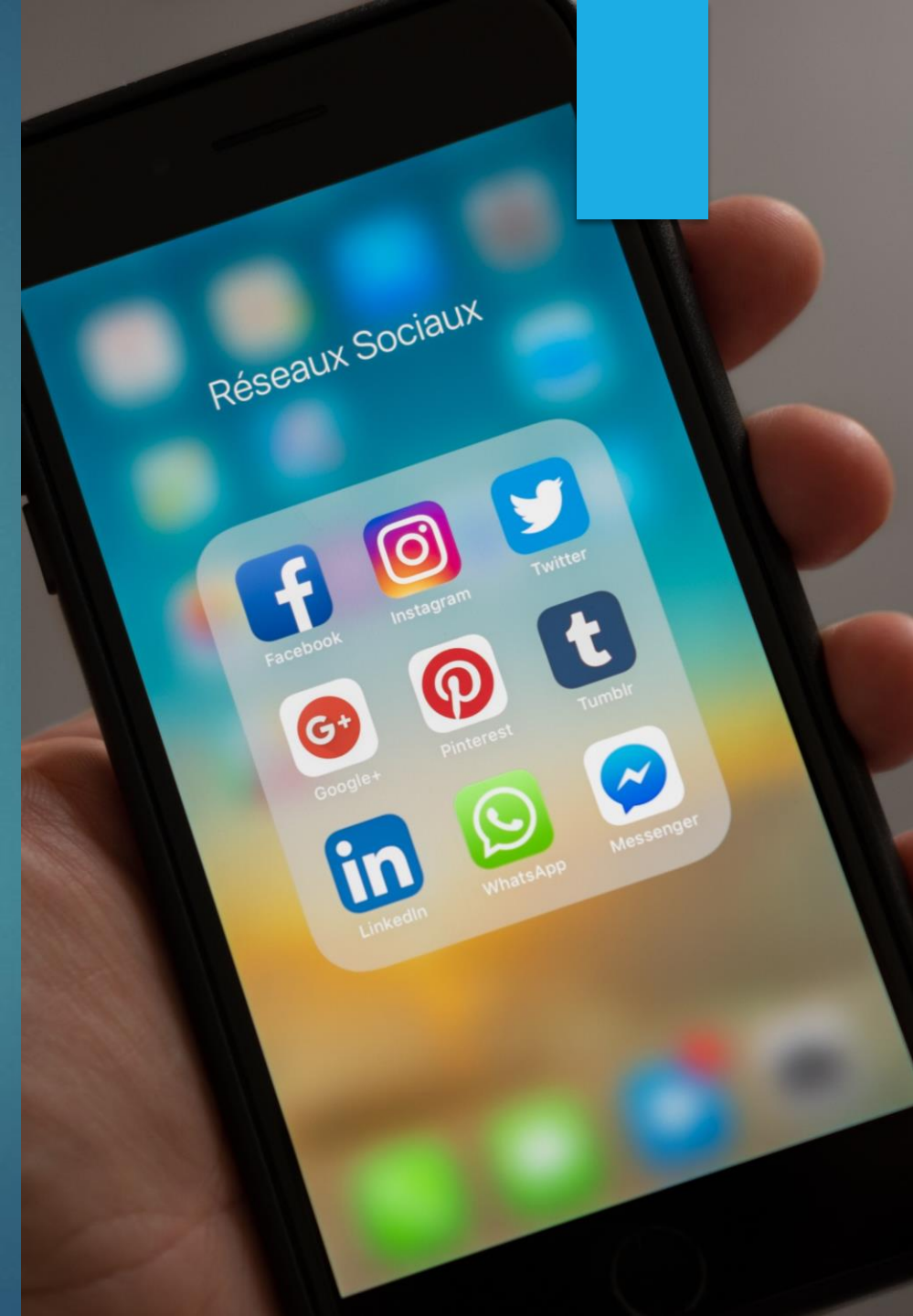
# Public records on private devices

- ▶ What is a public record?
- ▶ If maintained on my private device, may district access it?



# Text Messaging

- ▶ Create appropriate boundaries
  - ▶ Any texts with students should be limited to the academic or extracurricular activity
    - ▶ Example: Practice is cancelled
- ▶ Do not engage with a student who does not respect boundaries
  - ▶ Texts can get out of hand quickly and messages can be misconstrued





# Text Messaging

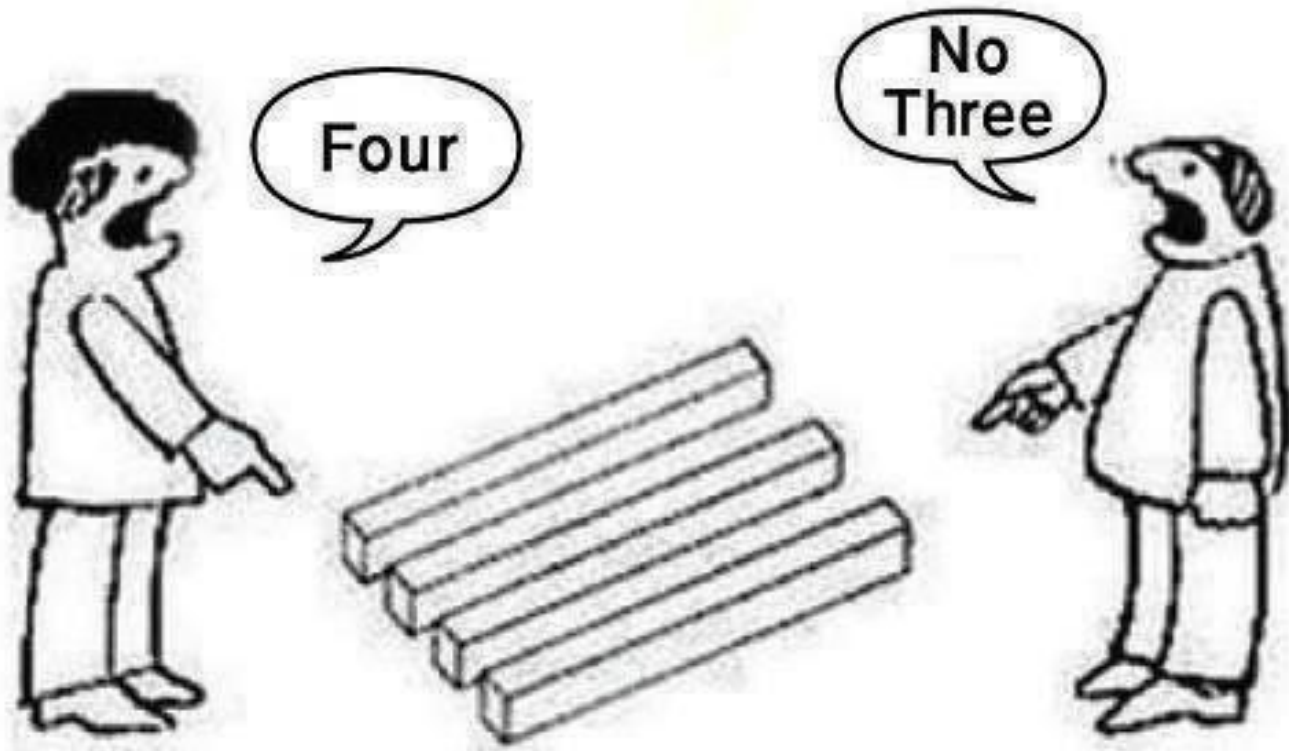
- ▶ If a student's texts to you become inappropriate:
  - ▶ Report the issue to your building administrator (or another administrator) immediately
  - ▶ Do not engage the student in further communications
  - ▶ Seek assistance in addressing the issue with the student (if this is determined to be the appropriate course of action)

# Text Messaging



- ▶ Remember text messages can be obtained by law enforcement
- ▶ Text messages sent from district cell phones may be public records
  - ▶ No expectation of privacy when texting from a district owned device

**It is really confusing!!!**



Perception  
is the Key!



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QUESTIONS?

