



Employee-Student Digital Communication FAQ

House Bill 3958, approved by Oklahoma legislators and signed by Gov. Kevin Stitt this spring, requires school personnel engaging in electronic or digital communication with an individual student to include the student's parent or guardian in the electronic or digital communication, unless the communication is on a school-approved platform and related to school and academics.

The law also requires school districts to provide professional development to employees using training materials provided by the State Department of Education, which have not yet been released.

Several elements of the law remain unclear, and OSSBA is requesting additional information from SDE that will be shared with members as soon as it is available.

Is a policy required?

The law does not require a policy; however, a board policy is recommended. OSSBA's Policy Services team has updated a model policy regarding digital communication for PSST subscribers that can also be purchased by non-subscribers for \$100 [by completing this form](#). For more information, please contact Julie Miller at juliem@ossba.org.

When is the law effective?

The law is effective July 1 so districts are encouraged to share the information as soon as possible with staff members who work in the summer, especially those hosting camps and practices for extracurricular activities.

Under the law, what does "electronic or digital communication" include?

The term "electronic or digital communication" includes, but is not limited to, emails, text messages, instant messages, direct messages, social media messages, messages sent through software applications, and any other electronic digital means of communication. At this time, it is unclear whether telephone calls are included under the law.

Under the law, who does school personnel include?

The law applies to any person employed full-time or part-time by a public school, including charter schools and career technology centers. This includes student employees and substitutes.

Does the law affect all student communication?

No. The law applies to digital or electronic communication with an individual student, not with mass notifications that are sent to classes, teams, grade-levels or schools.

Under the law, what does a “school-approved” platform mean?

The law does not define the words “platform” or “school-approved.” OSSBA recommends the local board of education formally approve the platforms selected so the decision is reflected in the board minutes. The list should also be published publicly.

Are there best practices to consider when adopting school-approved platforms?

OSSBA recommends:

- Choosing communication platforms that:
 - Allow messages to be sent to parents and students.
 - Retain messages, enabling district officials to monitor and retrieve information as needed.
 - Sync with the district’s student information system or allow staff to upload parent and student contact information directly.
- Publishing and promoting a list of district-approved communication platforms for use by school staff in communicating with students and parents.
- Creating a process for staff to propose additional communication platforms for district consideration, if school leaders wish to allow more options.
- Establishing clear expectations for staff use of digital communication through updated board policies and administrative guidelines.

The district may also want to specify "school-issued" accounts must be used on the platforms. For example, Facebook or Facebook Messenger could be included on the approved list, but only when communication is shared through the official district account by an authorized district representative.

Should the school’s email platform and content management platform be included on the school-approved list?

Yes. For example, if a school district uses Google products for instructional purposes, it is likely school leaders will need to add school-issued Gmail and Google Classroom accounts to the list of school-approved platforms.

What else are school districts required to do?

Districts must provide training, developed by the State Department of Education, for school personnel on the requirements of this law.

Are there exceptions to the law?

Yes. Exceptions can be made in the case of an emergency, as long as the parent or guardian is notified as soon as possible. The word “emergency” is not defined in the law. In all cases, school personnel should make reasonable efforts to use school-approved platforms, systems or applications that automatically include parents or guardians in the communication.

Can teachers or extracurricular advisors, like a coach or agriculture education teacher, send a quick text to an individual student about homework, practice times or livestock?

When they are communicating with an individual student, school personnel – including teachers and coaches – need to use a district-adopted communication platform or include the student’s parent/guardian on the digital communication. The communication must be related to school or academics, even when a school-approved platform is used.

Can parents sign a waiver that allows an employee to communicate with their child individually outside of the requirements of this law?

No. Parent permission cannot be used to circumvent the law.

What can districts do to make this requirement more manageable for school employees?

To minimize work and frustration, OSSBA recommends:

- Communicating early and clearly with staff and parents about the platforms that will be used.
- Choosing platforms that facilitate easy messaging on both desktop and mobile devices.
- Providing training for staff who will be using the platforms.
- Ensuring student data, including parent cell phone numbers and email addresses, is accurate within the platforms.

Can an employee text a student who is their niece or nephew or the child of a longtime family friend?

The law is unclear about situations where the employee’s relationship originates outside of the school setting and the communication is not in the capacity of their role as a school employee. Ultimately, this question will have to be determined by the courts or clarified in future legislation. Until additional information is available, school employees can protect themselves by including a parent or guardian in all communication with students, regardless of their relationships outside of the school setting and the reason for their communication.

Does the law apply to communication sent by an employee who is also a youth pastor or who volunteers as a summer travel coach, if they are communicating in their non-school roles?

Please see the answer above.

What if the district receives a report that an employee has failed to comply with the law?

Here are the steps that must be taken:

- The district places the employee involved on paid administrative leave, pending the outcome of the investigation.
- The district notifies the local board of education members that a report has been received about a possible violation. The communication should be documented.
 - Use general information without disclosing the name of the employee or specifics regarding the allegation. This approach will protect the employee’s right to due process, should it be necessary for the board to conduct an employment-related hearing in the future.
- The district thoroughly investigates the allegation.
 - If it is found the employee did not violate the law, no disciplinary action is needed and the employee can be reinstated.
 - If it is found the employee did violate the law, the employee must be disciplined according to the school district’s board of education policy, up to and including termination of employment. When appropriate, the employee can be reinstated.
 - If the communication in question was clearly school-related and appropriate, it appears the district may be able to handle it as an employee discipline matter without involving law enforcement; however, the law is unclear about what is required. We are seeking additional information about this issue.
 - If there is any doubt or concern about the appropriateness or potential intent of the message, or if there is a concern the student may be abused or neglected, law enforcement must be contacted immediately, pursuant to Section 1210.163 of Title 70 of the Oklahoma Statutes.
- Every reported violation must be documented in the employee’s personnel file, even if no wrongdoing is found.

What should an employee do if a student reaches out through an unauthorized platform?

The law does not address this situation; however, OSSBA recommends having a process in place. For example, if the message is appropriate, the employee may respond through a school-approved platform and remind the student which platform(s) should be used. To protect the employee, the situation should then be reported to a school administrator. OSSBA recommends the school contact the students' parents or guardians if they repeatedly use an unauthorized platform to contact staff members.

Does OSSBA have resources to assist with the implementation of this law?

Districts can use back-to-school communication to educate parents and staff about platforms that will be used for the coming year. OSSBA's Communications Team is developing the following to be sent to Connections subscribers later this month: (1) a staff letter about the law; (2) a violation report form for administrative use; and (3) a social media graphic for parent information. The June edition can be purchased by non-subscribers for \$100. For more information, please contact Amber Graham Fitzgerald at amberf@ossba.org.