

STUDENTS AND TELECOMMUNICATION DEVICES

Definitions:

- A. *Telecommunication devices* include any device that can electronically receive or capture text, audio, or images and/or electronically transmit text, audio, or images.
- B. *Sexting* means sending, forwarding, displaying, retaining, storing or posting sexually explicit, lewd, indecent or pornographic photographs, images or messages by or on a cell phone, computer or other electronic means during school hours or school activities on or off campus; while on school district property, during any recess, lunch or leave periods on or off school district property; or beyond the hours of school operation if the behavior detrimentally affects the personal safety or well-being of school-related individuals, the governance, climate or efficient operation of the school; or the educational process or experience.
- C. *Cyberbullying* means “harassment, intimidation or bullying” via any intentional gesture, any intentional electronic communication or any intentional written, verbal or physical act or statement initiated, occurring, transmitted or received by a student at school that a reasonable person under the circumstance should know will have the effect of:
 - 1. Insulting, mocking or demeaning a student or group of students causing substantial disruption in, or substantial interference with, the orderly operation of the school; or
 - 2. Substantially interfering with a student’s education; or
 - 3. Creating an intimidating, threatening, hostile or abusive educational environment for a student or group of students through substantially severe, persistent or pervasive behavior.
- D. *Third parties* include, but are not limited to coaches, school volunteers, parents or guardians, school visitors, service contractors or others engaged in district business or activities that are not directly subject to District control at inter-district and intra-district athletic competitions or other school events.

Reporting Violations:

Any student, employee, parent or guardian or third party who has knowledge of conduct in violation of this policy or any student who feels he/she has been a victim of cyberbullying, sexting, menacing, retaliation or reprisal in violation of this policy shall immediately report the concerns to:

- A. The building principal or his/her designee;
- B. A teacher who will be responsible for notifying the building principal or designee immediately if the matter cannot be adequately addressed by the teacher, or warrants administrative intervention;
- C. A counselor, who is responsible for notifying the building principal or designee immediately if the matter cannot be addressed by the counselor or is sufficiently serious to warrant administrative intervention; or
- D. The superintendent of schools or designee.

Investigating:

The principal or designee shall be responsible for timely investigating a complaint made under this policy. The investigation, witness statements and evidence shall be documented along with the outcome of the investigation.

Searches:

Should the administrator have reasonable suspicion, based on objective and articulable facts, that a search of student’s telecommunication or electronic device will reveal a violation of the law or school rules, a search of the device is permitted. The following procedure shall be followed for the search of telecommunication and electronic devices:

1. An administrator may confiscate or with reasonable cause search the device, which shall only be returned to the student's parent/guardian.
2. The administrator will ask the student to cooperate with the search of the device.
3. If the student refuses to cooperate in the search, the student should be held until the student's parent or guardian is available to consent to the search. If a parent or guardian cannot be reached in a reasonable time, the principal may conduct the search without the student's consent. The scope of the search will be limited to the violation of which the student is accused.
4. At least two staff members, including one administrator and a second administrator or designee will be present at all times during the search.
5. The scope of the search will be limited to the violation of which the student is accused. The student's parent will be informed of the search and invited to view the findings.
6. Regardless of consent, if a violation of state or federal laws is suspected the matter will be referred to law enforcement.
7. In the course of the investigation, administrative staff will not send, receive or unnecessarily view or transmit sexting photographs or any other inappropriate images on either the district's or their personal electronic devices. The examination or viewing of the evidence/information will be limited to the extent necessary to determine that misconduct occurred.

Parent or Guardian Notification:

Parents or guardians of all students identified in the report shall be notified of the investigation and informed of their students' involvement in the incident.

Discipline:

Students whose behavior violates this policy will be subject to discipline up to and including expulsion. Law enforcement will also be notified when conduct may violate criminal laws.

In addition to discipline, the district will assist students and/or parents or guardians to resolve concerns and issues prior to the use of the formal criminal complaint process. These interventions may include consultation, counseling, education, mediation and/or other opportunities for problem-solving.

In imposing discipline the administrator will take into consideration the context of the events, all relevant circumstances, and the parties' prior behavior, the nature of the behavior and its potential harm and the emotional and/or physical harm resulting from the reported party's actions. Exceptional misconduct penalties may be imposed, if in the opinion of the administration it is warranted.

Cross References:	4312	Student Privacy and Searches
	4363	Threats, Harassment, Intimidation, Bullying, and Violence
	4424	Relations with Law Enforcement
	5560	Acceptable Use Policy for Student and Staff Use of Electronic Resources