

Students and Telecommunication Devices

Definitions:

- A. **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 telecommunication device (1) during school hours or school activities on or off campus; (2) while on school district property during any recess, lunch, or leave periods on or off school district property; or (3) 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.
- B. **Disrupting the Learning Environment** means 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. Creating an intimidating, threatening, hostile or abusive educational environment for a student or group of students through substantially severe, persistent, or pervasive behavior.
- C. **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.
- D. **Mobile device** is defined as any personal mobile telephone or other portable electronic communication device with which a user engages in a call or writes or sends a message or any device in which the user plays a game or watches a video, except that such term does not include school-issued devices.

Mobile Device in the Classroom

Students in possession of a mobile device, including, but not limited to, cell phones, smartwatches, non-medical listening devices, and headsets, while on school property or while attending school-sponsored or school-related activities will observe the following conditions:

- A. Telecommunication devices will be accessed and operated
- A. In **high school** at any time outside of the classroom, unless an emergency situation exists that involves imminent physical danger or an administrator authorizes the student to use the device.
 - B. In **middle school** only before and after the regular school day and during the student's lunch break, unless an emergency situation exists that

involves imminent physical danger or an administrator authorizes the student to use the device.

- C. In elementary schools only before and after the regular school day, unless an emergency situation exists that involves imminent physical danger or an administrator authorizes the student to use the device.

B. Students will not use telecommunication devices in a manner that poses a threat to academic integrity, disrupts the learning environment, or violates the privacy rights of others;

C. When a school official has reasonable suspicion, based on objective and articulable facts, that a student is using a telecommunications device in a manner that violates the law or school rules, the official may confiscate the device, which will only be returned to the student's parent or legal guardian;

D. Students are responsible for devices they bring to school. The district will not be responsible for loss, theft or destruction of devices brought onto school property or to school-sponsored events;

E. Students will comply with any additional rules developed by the school concerning the appropriate use of mobile devices or other electronic devices; and

H. Students who violate this policy will be subject to disciplinary action.

Mobile Device Offenses

First Offense:

- A. Student is warned and reminded of the rules relative to each school level

Second Offense and Future Offenses:

- A. The student's phone or electronic device will be confiscated and returned to the student at the end of the day
- B. Parents or guardians will be notified;
- C. A meeting may be held with the student and their parent/guardian to discuss a success plan if excessive offenses continue; and
- D. The district may administer appropriate interventions and students discipline

Reporting Sexting 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 or she has been a victim of sexting, menacing, retaliation, or reprisal in violation of this policy will immediately report the concerns to:

- A. The building principal or designee;
- B. A teacher, who is responsible for notifying the building principal or designee immediately if the matter cannot be adequately addressed by the teacher or is deemed by the teacher to be sufficiently serious to warrant 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 or designee.

Investigating:

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

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 districts or their personal telecommunication 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 will be notified of the investigation and informed of their student's involvement in the incident.

Discipline:

The school district may administer discipline for students whose behavior violates this policy. Law enforcement may also be notified when conduct may violate criminal laws.

The district will make reasonable attempts to assist students and/or parents or guardians to resolve concerns and issues prior to the use of the formal criminal complaint process. Assistance may include consultation, counseling, education, mediation and/or other opportunities for problem-solving.

When administering 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.

Sexting Offenses

First offense:

- A. Parents or guardians will be notified;
- B. The district will file an information report with the police by phone or in writing;
- C. The student's phone or electronic device will be confiscated, searched, and returned only to a parent or guardian; and
- D. The district may administer appropriate interventions and may take other actions as appropriate.

Second offense:

- A. Parents or guardians will be notified;
- B. Police may be notified;
- C. The student's phone or electronic device will be confiscated, searched, and returned only to a parent or guardian; and
- D. The district may administer appropriate interventions and may take other actions as appropriate.

Third offense:

- A. Parents or guardians will be notified;
- B. Police may be notified;
- C. The student's phone or electronic device will be confiscated, searched, and returned only to a parent or guardian;
- D. The student may be ineligible to participate in extracurricular activities; and
- E. The district may impose appropriate interventions and may take other actions as appropriate.

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Superintendent: Dr. Adam Swinyard