

A. Purpose.

The Board of Education recognizes that a student's personal electronic communication devices (ECD) may play a vital role during emergency situations in communicating with a student's family or first responders. There are also certain instances when there is educational value in utilizing personal electronic devices (data entry devices, recorders, etc.) in classrooms if such devices aid in extending, enhancing, and/or reinforcing the students' learning process related to the instructional objectives of the class they are attending. However, the ordinary use of cellular phones in school situations can be disruptive to the educational environment of the individual student as well as others and in certain circumstances may violate recognized privacy interests and state or federal laws. This Policy outlines acceptable and prohibited student uses of personal ECD in the Pojoaque Valley Schools ("District"). A student's use of District owned technology is addressed in Policy 371: Student Use of District Technology.

B. Definitions.

1. "Acceptable Use" means use authorized by this policy subject to limitations of this and other policies the district.

2. "Electronic Communication Device" or "ECD" means any transmission, emission, or reception of signs, signals, writings, images, sounds, or information of any nature by wire, radio, visual, or other electromagnetic systems and includes, but is not limited to, personal portable electronic devices, PDAs, cellular telephones, MP3 and similar music players, radios, walkmans, CD players, tape recorders and players, scanners, wireless e-mail devices, tablet computers or comparable communication device that is not connected to a standard telephone outlet or a permanent connector and which receives signals or data from a dedicated communication link or cellular network or from a wireless network connected to the Internet.

3. "Obscene" means any material, when the content if taken as a whole:

(a) appeals to a prurient interest in sex, as determined by the average person applying contemporary community standards;

(b) portrays a prohibited sexual act in a patently offensive way; and

(c) lacks serious literary, artistic, political or scientific value.

4. "Sexting" means the sending, receiving, forwarding, viewing or reading any sexually explicit or obscene images, text messages, photo messages or voice messages via ECD. Sexting includes messages, photos and images being further disseminated through e-mail and internet-based social networking sites beyond their original intended recipients. The images contained in any message, photo or image may depict real images or animation.

5. "Sexually Explicit Conduct" has the same meaning as defined in 18 U.S.C. §2256 and includes child pornography and lewd and sexually explicit exhibition with a focus on the genitals or pubic area of any person for the purpose of sexual stimulation.

C. Acceptable Use.

1. A student may possess and use a personal ECD if authorized in a student's IEP for educational purposes or 504 plan for health related purposes. Use of the device must be in accordance with the IEP or 504 plan and this policy.
2. Students must have prior written authorization from a parent or guardian and comply with an acceptable use agreement promulgated by the Superintendent or designee in order to have possession of a personal ECD during the school day.
3. ECDs shall be kept in a backpack, purse or pocket and not be turned on or used in any way:
 - (a) during instructional time unless authorized by the teacher for instructional purposes or as an educational resource approved by the teacher;
 - (b) when passing between classes, except in an actual emergency;
 - (c) during other school-sponsored and supervised group activities during the school day (for example, during student assemblies, awards, or other public ceremonies, etc.) or
 - (d) when their use is otherwise prohibited by school personnel. Instructional time includes the entire period of a scheduled class, and other time when students are directed to report to and participate in any instructional activity.
4. ECD may be used before classes begin in the morning, during the student's lunch period, and after the student's last class in the afternoon. ECD are allowed to be taken and used on school trips except that they may not be used during any instructional activity or at other times when school personnel prohibit their use. Coaches and sponsors are encouraged to set written guidelines for their use.
5. ECD (a) that produce any audible sound, whether through a speaker, earphones, buzzer or other means, and cellular phones that produce a ring tone or vibrating alert, (b) that are visible, or (c) that are otherwise used in violation of this policy without specific permission of school personnel will be confiscated by school personnel. They may be obtained by the parent or guardian from a building administrator in accordance with procedures applicable to confiscation.
6. Students are required to turn ECD over to school personnel when requested. Students who refuse to do so may be removed from class or other school activities, have committed insubordination and resisting authority, and shall be subject to disciplinary action.
7. Use of cameras or the camera features on a cell phone or other portable ECD without the consent of the person whose image is captured, or in a restroom or a locker room or for any use constituting an invasion of any person's reasonable expectation of privacy is strictly prohibited.
8. The use of ECD for the purpose of sexting, gathering or transmitting sexually explicit images, obscene images or text, engaging in other conduct in violation of school policy or federal

or state law or in a manner that causes substantial disruption during the school day or in a school sponsored activity is prohibited at any time. Other examples of prohibited use of ECD include, but are by no means limited to: text or other electronic messages that contain harassment, bullying, threatening, intimidation, hate/bias, extortion, sexual harassment, hazing, gang activity, solicitation, sale/distribution of any prohibited substances or items, the unauthorized use of electronic images or access to unauthorized video/sound recordings.

9. The Superintendent or designee may establish and school personnel may enforce additional guidelines appropriate to campus needs.

10. The District assumes no responsibility for loss or damage to ECD, whether in the possession of students or if confiscated by school personnel.

11. Students violating the policy shall be subject to confiscation of the ECD as well as additional disciplinary action.

D. Confiscation of Personal ECDs

School personnel are authorized to confiscate a student's personal ECDs and to impose the following penalties whether or not additional disciplinary action is taken.

1. First Offense - Surrender the ECD to the assistant principal until the end of the school day. There will be a disciplinary referral and up to one after school detention issued by an administrator depending on the student's age and other circumstances in the discretion of the administrator. The infraction will be documented in school records and the student's parent will be called. The ECD will be returned to the student at the end of the school day.

2. Second Offense – Surrender the ECD to the assistant principal for safe-keeping. There will be a disciplinary referral and the school official will prescribe consequences. The infraction will be documented in student records and the student's parent will be called. The phone will be returned to the student and parent in the parent meeting.

3. Any Subsequent Offense - Surrender phone and turn in to principal or designee for safekeeping. There will be a disciplinary referral and loss of ECD privileges for one calendar year. The infraction will be documented in student records and the student's parent will be called. The phone will be returned to the parent at the end of the school year.

It is the student's and parent's responsibility to may arrangements to collect any ECD confiscated until the end of the school year. Any ECD that is not collected within five (5) working days after the last school day will be recycled.