

POLICY POINTERS

- Update policies to include all functions of current technology, including photos, video recording, video chat, texting, online access, and more.
- Consider updating policies to embed responsible use of technology throughout all relevant areas. For example, clarify expectations for appropriate use of technology/social media policies related to cheating, code of conduct, behavior expectations during field trips, and other areas.
- If technology, such as social media sites, Google docs, classroom discussions, and use of smart phones, is incorporated into curriculum, policies for appropriate use of personal technology should be adopted, in addition to policies for appropriate use of district-owned technology.
- If a social networking site is used for campus or district communication, work with your IT department to set up site and privacy settings to avoid creation of an open forum. "Friends" of a district or campus page should be encouraged to set their own privacy settings, so that personal and potentially inappropriate information and photos are not inadvertently shared with the school community.
- Policies and practices should not promise return of mobile device following confiscation, as mobile device may have to be given to police if it contains evidence of a crime.
- Policies related to "personal search" can include search of the contents of a mobile device; however, policies should not permit an excessive search of student personal property, such as "searchable at any time for any reason." Rather, search must be "justified at inception" and "reasonable in scope."
- Policies should clearly articulate that there should be no expectation of privacy when using district-owned equipment. This "no right to privacy policy" applies to all district-provided technology, to all students, and to all employees, including instructional aides, coaches, walk-on coaches and adjunct faculty/specialists who are funded through parent/booster fund raising programs.

CONSIDER:

- Shifting the discussion from "acceptable use" to "responsible use" to reinforce positive behaviors.
- Letting users know that activity on district equipment will be monitored and that misuse will result in consequences.
- Requiring employees to first seek site or district administration review/approval and request or obtain permission from parents/guardians before asking students to communicate online and/or sign up for district email or social media sites such as Facebook or Twitter.
- Encouraging employees to set up a professional profile separate from their personal profile if they are going to interact with students via social networks.
- Blending and/or cross-referencing photo/video waiver to address appropriate student use of smart phones on campus.
- Adding – highlighting – responsible technology use messages in all field trip and overnight trip permission slips.
- Educating parents and students regarding district policies and privacy concerns arising from digital equipment issued by the district that is taken from home to school. This is critical when students' education plans include assistive technology and digital equipment.

SOCIAL NETWORKING

- School districts cannot prohibit teacher/student social networking with one another outside of school (unconstitutional).
- School districts can encourage teachers and students to use good judgment when communicating via social networks.
- Teachers should be reminded that images viewed on social networking sites may trigger their mandatory child abuse reporting duties.
- Teachers engaging in unprofessional and/or immoral conduct on social networking sites which are viewed by students may result in teacher discipline.

ANTI-BULLYING/CYBERBULLYING

New anti-bullying laws include, but are not limited to, the following requirements for school districts:

- the adoption of policies to prohibit bullying
- a complaint process
- an investigation process and timeline
- an appeal process
- the taking of immediate steps to intervene by school personnel who witness bullying, when safe to do so
- the provision of inter-district transfers for victims of bullying



Q: What is bullying?

A: Any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, that has the effect of or can reasonably be predicted to have the effect of:

- placing a reasonable pupil in fear of harm to his or her person or property
 - causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health
 - causing a reasonable pupil to experience substantial interference with his or her academic performance
 - causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school
- District has limited authority to govern student use of personal technology off campus, unless such use causes a substantial disruption on campus or is reasonably foreseeable to cause a substantial disruption.
 - Examples of substantial disruption:
 - Administrators missing school activities in order to respond to a deluge of phone calls and parent complaints (but substantial disruption must be more than administrators being pulled away from ordinary tasks)
 - Sustained conversations about the incident by several groups of students, such that lessons plans or classroom direction from a teacher is substantially undermined.

SEXTING

Q: What is Sexting?

A: Transmission of a lewd or sexual image via text message or other electronic communication device.

- Sexting may be considered transmission of child pornography, the penalty for which includes lifetime registration as a sex offender.
- Administrators and teachers who discover a sexting image should not pass it on to another staff member or supervisor, but should seal it immediately and turn it over to law enforcement.
- There is a close connection between sexting and bullying, and school districts should be sensitive to social/emotional interventions with students who initiate sexting and/or are victims of bullying as a result of sexting.
- Widespread search and seizure of smart phones when sexting images are disseminated via text messaging can infringe on student constitutional rights; take steps to avoid an overbroad search and seizure; instead, contact law enforcement.

TIPS FOR SEARCH AND SEIZURE

- Confiscation of personal technology is appropriate when the student is violating school rules, such as using a phone during class.
- Search of a technology device must be “justified at inception.” There must be reasonable suspicion that wrongdoing/violation of school rules has been committed.
- Search of student property must be “reasonable in scope,” meaning the search must not exceed the act of wrongdoing. As an example, if a student texts during an exam, it would be appropriate to search text messages for evidence of cheating. It may not, however, be reasonable to search videos.
- Images in plain view when a phone is confiscated may be used as grounds for discipline.
- If sexual images are discovered on a student smart phone or personal technology, seal the device and turn it over to law enforcement.

Did you know?

According to a recent U.S. News and World Report, 24% of 350 U.S. universities and colleges surveyed indicate that they check student social media sites as part of the college admissions process.

Tips for Involving Students and Parents:

- Students: Consider student contests for digital citizenship “slogans” which can be used on the district’s website; actively engage your student school board representative in policy review; engage student leadership teams to help spread the word on digital citizenship and anti-bullying messages.
- Parents: Consider requesting that parent groups embed key messages in all school newsletters and key activities; at Back-to-School night, deliver messages on anti-bullying and digital citizenship that reinforce the need for students to step up and speak out when they witness bullying; share *Common Sense Media’s* best practice tips for monitoring student online behavior in parent teacher conference materials, and on school site and district websites.

This guide is a summary only and not legal advice.

We recommend that you consult with legal counsel to determine how this may apply to your specific facts and circumstances.

For more information, please contact the F3 Communications Department: 323.330.3300.