

## FFI: Student Use of Personal Technology

### Definitions

For the purposes of this policy:

- *Inappropriate content* is defined as content that:
  - Violates a district student conduct policy;
  - Attacks ethnicity, race, religion, or other legally protected status;
  - Promotes violence, terrorism, or other illegal activities including, but not limited to, tobacco, drug, and/or alcohol use by minors;
  - Is obscene or pornographic as defined by community standards.
  - Is reasonably forecasted to materially or substantially disrupt the educational environment;
  - Poses a direct threat to the physical safety of the school population; and
  - Infringes on the rights of others, such as (but not limited to) material that is potentially libelous or invades an individual's privacy.
- *Personal technology* is defined as a device that is not owned by the District, is in the possession of a student, and contains one or more of the following features:
  - Has the capability to connect to one or more networks including but not limited to, a cellular network, Internet, Ethernet, and/or Bluetooth;
  - Has a digital camera and/or video recording device;
  - Has a microphone;
  - Has data storage capability; and/or
  - Has an operating system and/or the capability of running software, apps, and/or electronic games.
- *Reasonable suspicion* means that administration has grounds to believe that the search will result in evidence of a violation of district policy, rules, the law, and/or that the violation may be detrimental to the health, safety, or welfare of district students or staff. Reasonable suspicion may be based on a school administrator's personal observation, a report from a student, parent or staff member, a student's suspicious behavior, a student's age and past history or record of conduct both in and out of the school context, or other reliable sources of information.

- *School day* is defined as beginning and ending at the following times: Elementary (k-6): 8:10 am – 3:20 pm; MS/HS (7-12): 8:15 am – 3:25 pm.
- *School property* is defined in NDCC 15.1-19-10(6)(b) as all land within the perimeter of the school site and all school buildings, structures, facilities, and school vehicles, whether owned or leased by a school district, and the site of any school-sponsored event or activity.

### **Prohibitions**

The Divide County School District prohibits students from using personal technology as follows:

- a. Students are prohibited from using personal technology to violate a student conduct policy including, but not limited to, policies on cheating and bullying while on school property or at a school-sponsored event;
- b. Students are prohibited from using personal technology to photograph or video record any person during the school day. Students are furthermore prohibited from transmitting any photo or video using personal technology during the school day. Building principals are authorized to make exceptions to this rule for bona fide classroom activities and in accordance with the "exceptions" section of this policy;
- c. Students are prohibited from using personal technology to photograph or video record inappropriate content and/or transmit inappropriate content while on school property and/or participating in school-sponsored events;
- d. Students are prohibited from displaying and/or using personal technology in areas where there is a reasonable expectation of privacy by others on school property and at school-sponsored events. Students are also strongly discouraged from possessing personal technology in areas where there is a reasonable expectation of privacy by others on school property and at school-sponsored events;
- e. Students are prohibited from using personal technology to compromise district networks or access confidential material on district networks. The District may also take disciplinary action against a student who has used personal technology to engage in hacking, trolling, accessing or transmitting inappropriate material, spamming, sending viruses, and/or engaging in illegal or other inappropriate activity while on school property or participating in school-sponsored event;
- f. Students are prohibited from using personal technology disruptively or in a manner that potentially compromises the safety of others on school property and during school sponsored events; and
- g. To ensure safety and efficiency, students are prohibited from using personal technology between classes in district hallways, when entering and exiting district transportation, and when required to be in line for activities such as, but not limited to, recess and lunch.

### **Classroom Use**

Elementary classroom teachers shall prohibit possession and/or use of personal technology in the classroom. Middle and high school classroom teachers shall prohibit possession and/or use of personal technology in the classroom.

Middle and high school classroom teachers may alternatively establish rules related to use of personal technology in the classroom. These rules:

- Shall comply with this and other student conduct policies;
- Shall take into account the ages of the students;
- Shall take into account the availability of district-owned technology for student use;
- Shall take into account the extent to which personal technology use would disproportionately grant students who have access to it an unfair advantage over those who do not;
- Shall address cheating and disruptive use of personal technology; and
- Shall be approved by the building principal prior to implementation.

### **Use During the School Day Outside Classroom**

Elementary students are prohibited from using personal technology during lunch and recess unless granted an exception by the building principal.

Middle school and high school principals shall establish rules regarding student use of personal technology during lunch, break periods, and study hall.

### **Disciplinary Consequences and Confiscation**

Students in violation of any portion of this policy may be subject to disciplinary action in accordance with the district's student conduct policies. In addition, teachers may confiscate personal technology when a student is reasonably suspected of using it to violate this policy or classroom rules. Teachers may keep the personal technology until the end of class or turn it over to the building principal for further action. Teachers shall make this determination based on the severity of the suspected offense. Under no circumstances shall a teacher or ancillary staff member search personal technology.

The building principal shall determine how long to keep confiscated personal technology based on the following criteria:

- a. The nature of the offense; if illegal activity is suspected, the administrator shall contact law enforcement, the Superintendent, and retain the device until further directed by law enforcement or the Superintendent;
- b. If the confiscated item is a phone, the principal should consider if the student walks or drives to and from school and potential safety considerations associated with not having the phone in the student's possession; and
- c. Other considerations of significance based on the nature of the device confiscated and the student's disciplinary history.

### **Searches of Personal Technology**

The building principal or Superintendent is authorized to search a student's personal technology only when they have reasonable suspicion that the device contains evidence of wrongdoing by a student or potential harm to self or others. Only areas of the device reasonably related in scope to the purpose of the search will be subject to a search (e.g., if a student is texting inappropriate photos, only the device's text messages will be searched). The building principal and Superintendent are authorized to contact legal counsel to help determine the appropriate scope of the search.

If the building principal or Superintendent suspects or finds that a student's personal technology contains content that violates NDCC 12.1-27.1-03.3 or other laws, they shall contact law enforcement. Under no circumstances shall school officials download or transfer sexually explicit content from a student's personal technology. Law enforcement, including school resource officers, must have probable cause to search the device, preferably in the form of a search warrant.

### **Exceptions**

The Superintendent and/or designee is authorized to make exceptions to the prohibitions set forth in this policy for health, safety, or emergency reasons, for students in attendance as active members of a volunteer firefighting organization or volunteer emergency medical service organization, and when use of electronic devices is provided for in a student's Individualized Education Program (IEP).

### **Emergencies**

Students are encouraged to use any available cellular telephone in the event of an emergency that threatens the safety of students, staff, or other individuals.

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Complementing NDSBA Templates (may contain items not adopted by the Board)  
ACDA, Acceptable Use

FFI-E, Personal Technology Use and Waiver of Liability

FFK, Suspension and Expulsion

FFK-BR, Suspension and Expulsion Regulations

FGCB, Searches of Students and Student's Personal Possessions