

SUBJECT: DIGITAL CONTENT ON MOBILE COMMUNICATION DEVICES

The Board of education recognizes its responsibility to maintain a safe and orderly school community, and further recognizes that computers and mobile communication devices can be used inappropriately to disrupt the educational setting. A mobile communication device is defined as any type of electronic device that has the potential for communicating via our BOCES Network Infrastructure (wired port or Wireless Access Point) or by “cell service” to the BOCES network or the Internet. Therefore, the Board has established this policy to send clear guidance to parents, students, staff and the community about its expectations regarding these issues.

Students are forbidden from transmitting, receiving, possessing or displaying content that could be classified as inappropriate and/or pornographic, or that could cause “bullying,” as defined in the student code of conduct, policy #5005, on school property or at any school function (curricular or co-curricular field trips). Any student who receives such content has a duty to inform a BOCES official in a timely manner.

The BOCES recognizes that not all content originates, is transmitted, displayed or received on school property, however, in cases where such content or the presence of such content causes a substantial disruption of the educational process, the BOCES will investigate, and if deemed appropriate by the BOCES administrator, will take disciplinary action pursuant to the BOCES Code of Conduct, policy #5005.

In such cases in which inappropriate material as listed above is brought to the attention of a BOCES official, the following process will be followed:

1. Any BOCES employee may direct a student to turn over a mobile communication device. Failure to turn over a device as directed, or failure to turn over a device in a fully functional condition, will be treated as gross insubordination, and disciplinary action will be taken pursuant to the BOCES code of conduct.
2. If a mobile communication device is confiscated, it will remain in possession of the BOCES until such time the matter is fully investigated, or such time as the matter is resolved, as defined by the building principal and/or the director.
3. In a case where an administrator has reasonable suspicion that the code of conduct has been violated, the confiscated mobile communication device will be searched by a BOCES official. The search will be conducted in the company of a second BOCES official and/or the BOCES School Safety Officer. If at any time the BOCES official determines that the material on the phone is pornographic and/or highly inappropriate or illegal, the BOCES will consult law enforcement, and as deemed appropriate, the BOCES will turn over the mobile communication device to the proper authorities. In such cases, BOCES officials will fully comply with law enforcement and/or the District Attorney’s office, while simultaneously, conducting its own investigation.

4. BOCES officials shall not download questionable materials from confiscated devices on BOCES owned computers or mobile communication devices without express approval from the District Superintendent of Schools, and/or if appropriate, law enforcement personnel. If deemed necessary by the District Superintendent, more than one administrator will fully document the time, date, rationale and those in attendance when the material is downloaded.
5. Depending on the nature of the infraction and the level of the disruption, the administrator will take appropriate disciplinary action pursuant to the BOCES Code of Conduct, policy #5005.