



Jon J.P. Fernandez  
Superintendent of Education

## DEPARTMENT OF EDUCATION

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# STANDARD OPERATING PROCEDURES

SOP#: 1200-003 – (Revised)

- SUBJECT:** CELL PHONE AND OTHER ELECTRONIC DEVICE USAGE
- EFFECTIVE DATE:** Upon Signature of the Superintendent
- INQUIRIES:** STUDENT SUPPORT SERVICES DIVISION
- I. REFERENCES:** BOARD POLICY 406, 405, 407, 409, 473, 379, 901.200 (A), 17 GCA 3112.1 (K), 9 GCA 28.100 and 28.101
- II. APPLICABILITY:** ALL SCHOOLS WITHIN THE DEPARTMENT OF EDUCATION
- III. PURPOSE:** The purpose of this Standard Operating Procedure (SOP) is to facilitate uniformity amongst schools within the Department of Education and to ensure that students are using technology appropriately on school campuses.
- IV. PROCEDURES:**
1. No later than 60 days after adoption of this SOP, schools shall communicate annually the SOP to students, parents, faculty and staff and placed in the school's student/parent and faculty/staff handbooks and/or websites.
  2. Students shall be trained at the beginning of the school year on proper cell phone etiquette.
  3. Cell phone use by students is ALLOWED in the classroom, if it is part of academic instruction or for students with specific needs that require such devices as prescribed in their Individualized Education Program (IEP), 504 Plan, or Individualized Health Plan (IHP).
  4. Students shall have their cell phones turned off during instructional time unless it is used as part of the academic instruction or if part of the school's safety plan.
  5. Students may use cell phones to report violence, crimes, or threats to safety.
  6. Schools have the discretion of restricting or allowing cell phone use during non-instructional time provided the restrictions are consistent with Board Policy.
  7. Cell phones are to be turned off during any school level crisis, drill, or disaster, if directed by school personnel or not part of the school safety plan.
  8. Cell phones shall not be used to take pictures of students and/or school personnel or uploaded/posted to internet sites unless authorized a by school administrator, advisor/teacher, student or parent/guardian as applicable.
  9. Students and parents shall sign a Student Cell Phone Disclosure Statement to authorize the student to possess and use a cell phone on campus.

## V. CONSEQUENCES OF VIOLATIONS:

Students are encouraged to use technology in a respectful and responsible manner. School Administrators will ensure that students are treated in a fair and equitable manner when issuing consequences for misusing technology. Please note the following:

1. The provisions set forth in Board Policy 406, 405, 407, 409, 379, 901.200 (A), 17 GCA 3112.1(k), 9 GCA 28.100 and 28.101, Department of Education SOPs or any other relevant board policy, shall guide the development of a school level procedures for students who disobey the rules and regulations governing student cell phone use.
2. The school principal shall develop procedures consistent with this SOP to address classroom instruction disruption when cellular phones are not turned off, are not in silent mode, or are being used to make or receive phone calls or text messages. These procedures shall be published annually in the student/parent handbook.
3. School administrators, faculty, and staff shall monitor and enforce appropriate student cell phone use on campus consistent with these procedures.

**1<sup>st</sup> violation:** will result in Technology Violation (Level One), confiscation of the cell phone and returned to the student at the end of the school day. The administrator who confiscates the cell phone is responsible for the following procedures: 1) correctly identify the student/owner, 2) location of where cell phone was confiscated, 3) documented contact with student's parents regarding the cell phone confiscation complete with dates and times, and 4) secure the cell phone until released.

**2<sup>nd</sup> violation:** will result in Technology Violation (Level One) confiscation of the cell phone and released to parent at a mandatory conference. School administrators are to follow the confiscation procedures outlined above.

**3<sup>rd</sup> violation:** will result in Defiance/Disrespect/Insubordination (Level Two), the confiscation of the cell phone and returned to parent during a mandatory conference. The student is no longer authorized to bring a cell phone to school for the remainder of the school year. School administrators are to follow the confiscation procedures outlined above.

**4<sup>th</sup> violation:** will result in Suspension using Defiance/Disrespect/Insubordination (Level Two), the confiscation of the cell phone and returned to parent during a mandatory conference. The student is still unauthorized to bring a cell phone to school for the remainder of the school year. School administrators are to follow the confiscation procedures outlined above.

The following violations involving cell phones are defined in the District Discipline/Truancy Data Manual as Level Two and Level Three Offenses and follow a different schedule of consequence:

**Academic Dishonesty (Level Two):** As stated in the District Data Dictionary (DDD):

"Any fraudulent use of material/information/graphics/electronics for the purpose to gain academic grade or credit." Cell phone texting or instant messaging capabilities may not be used at any time to engage or facilitate any academic dishonesty. Consequence for Academic Dishonesty will result in a Level Two category consequence as indicated in the Department of Education Office Discipline Referral Form (ODRF).

**Sexting (Level Three):** As stated in 9 GCA §28.100:

"A minor is guilty of Illegal Use of a Computer Telecommunications Device Involving a Minor, otherwise known as Sexting, if the minor, by use of a computer or any telecommunications device, recklessly or knowingly creates, receives, exchanges, sends, disseminates, transmits or possess a photograph, video, depiction or other material that shows himself or herself, or of another minor, in a state of nudity." Consequence for Sexting will result in a Level Three category consequence as indicated in the Department of Education Office Discipline Referral Form (ODRF).

**Cyber Bullying (Level Three):** as stated in 17 GCA 3112.1 (k): "...harassment, intimidation, or bullying" and "cyber bullying" are CRIMINAL IN NATURE and any of these actions can constitute a criminal offense that is chargeable under Guam law." Cyberbullying is a Level Three category consequence as indicated in the Department of Education Office Discipline Referral form.

Additionally, a school administrator may search a student's cell phone/electronic device if they have reasonable suspicion that the student has violated school rules or Guam law using the guidance below relative to ensuring *the search is justified in its inception* and is *permissible in its scope*:

The U.S. Supreme Court standard for searches of student property, from *New Jersey v. T.L.O.*, which provides that a search of a student should be reasonable, meaning that it is justified at its inception and reasonable in scope. When is that the case?

- **A search is justified in its inception** when there are reasonable grounds for suspecting that the search will lead to evidence that a student has violated or is violating the law or the rules of the school, or is in imminent danger of injury of him- or herself or another person on school premises.
- **A search is permissible in its scope** if the measures used are reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.

**VII. RESPONSIBILITIES:**

1. The Deputy Superintendent of Educational Support and Community Learning is responsible for ensuring school principals comply with the Student Cell Phone Use on School Campuses Policy (BP406), Education Technology Use Policy (BP379), Children's Internet Protection Act: Internet Content Filtering/Safety Policy (BP 473) and this SOP
2. School Principals shall ensure that their school community understands BP 406 and this SOP.

**VIII. INTERNAL CONTROL:** The Deputy Superintendent of Educational Support and Community Learning will monitor compliance with BP 406 and this SOP.

**IX. TRAINING:** School Administrators shall conduct annual training with their school community on Board Policy 406 and this SOP.

**X. REPORTS:** Cell phone violations will be reported in PowerSchool and reported monthly in the monthly District Student Conduct Report.

**XI. PENALTY:** Failure to adhere may result in Disciplinary action in accordance with the Policies, Rules, Regulations, and Procedures of the Department of Education and the Department of Administration.

**XII. EFFECTIVE DATE:** Upon date and signature of the Superintendent of Education.

**XIII. CHANGE (S):** Changes to this policy shall be effectuated by the Superintendent of Education

**APPROVED BY:**

  
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JON J.P. FERNANDEZ  
Superintendent of Education

  
\_\_\_\_\_  
Date





Jon J.P. Fernandez  
Superintendent of Education

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### **CELL PHONE DISCLOSURE STATEMENT**

Parents/Guardians of students using cell phones on campus must read and agree to the terms in this disclosure statement by signing below. The following information are excerpts from the Department of Education Standard Operating Procedures #1200-003 Cell Phone Use.

#### **PROCEDURES:**

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I, \_\_\_\_\_ parent/guardian of \_\_\_\_\_ have read and understand the terms above regarding cell phone use on campus. My child and I that agree that use of a cell phone on campus requires responsibility and compliance to the information stated above and to release from liability school officials for confiscated phones after documented attempts were made to have it picked up and we failed to do so.

\_\_\_\_\_  
Parent Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Student Signature

\_\_\_\_\_  
Date