

Appendix N – Electronic Communication Devices

Electronic Communication Devices

Students may use electronic communication devices (cell phones and other communication devices) before school, after school, and in the cafeteria during lunch periods. At all other times between 7:50 and 3:15 these devices are to be turned off and placed out of sight when school is in session. During a student's lunch, electronic devices may be used in the cafeteria and outside at recess. Failure to comply with this policy may result in disciplinary penalty and the item being confiscated and returned only to the parent or guardian. Information contained on devices is subject to inspection.

Important Notice to Students and Parents Regarding Cell Phone Content and Display

- The Child Abuse/Neglect Law requires school personnel to report to law enforcement or child protective services whenever there is reason to believe that any person/student is involved with "child exploitation" or "child pornography" as defined by Indiana Criminal Statutes.
- Child exploitation. It is a Class C felony under I.C. 35-42-4-4(b) for any person/student (1) to exhibit, photograph or create a digitalized image of any incident that includes "sexual conduct" by a child under the age of 18; or (2) to disseminate, exhibit to another person, or offer to so disseminate or exhibit, matter that depicts or describes "sexual conduct" by a child under the age of 18. Sexual conduct is defined at I.C. 35-42-4-4(a).
- Child pornography. It is a Class D felony under I.C. 35-42-4-4(c), for any person/student to possess a photograph, motion picture, digitalized image, or any pictorial representation that depicts or describes "sexual conduct" by a child who the person knows is less than 16 years of age or who appears less than age 16. Sexual conduct is defined at I.C. 35-42-4-4(a).
- The Indiana Sex Offender Registration Statute at I.C. 11-8-8-7 and the Sex Offender Registry Offense Statute at I.C. 35-42-4-11, as of May 2009, require persons convicted of or adjudicated as a juvenile delinquent for violating the Child Exploitation Statute at I.C. 35-42-4-4(b) to register as a sex offender.
- Because student cell phones have been found in a number of Indiana school districts to have contained evidence of "sexual conduct" as defined above, it is important for parents and students to be aware of the legal consequences should this occur in our school system.