Policy

**SOCIAL MEDIA AND ELECTRONIC COMMUNICATIONS**

*Code* **JICJA** *Issued* **DRAFT/19**

***NOTE****: Please consult legal counsel prior to adoption of this policy. It is recommended that all district personnel who will be implementing this policy be provided training by district legal counsel on the protections of the First Amendment and the nature of offenses that can be legally addressed by the district.*

The board recognizes that social media and other methods of digital communication are essential forms of interaction in modern society. The board believes that responsible use of these platforms is essential to student success, both in college and in their future careers.

For purposes of this policy, *digital communications* are defined as communications made via any online platform for purposes of collaboration, interaction, and/or active participation, whether accessed via the Internet or via cellular phone, and include, but are not limited to, email, social media, apps, blogs, chat rooms, instant messages, and gaming platforms.

While the district does not monitor digital communications/student social media accounts, it has the right to act on information provided by students, parents/legal guardians, and community members. Therefore, the district may investigate students’ digital communications/social media accounts, including off-hours use, in the event of creditable allegations of conduct that violates student discipline policies, violates any law or regulation, or otherwise causes a material and substantial disruption to the school environment or constitutes a serious safety risk.

Examples of inappropriate digital communications that may result in disciplinary action include, but are not limited to, those that:

* contain verbal or physical conduct that threatens another with harm
* seek to coerce or compel someone to do something in violation of the law or district policy
* constitute cyberbullying, or otherwise exclude or promote the exclusion of individuals from peer groups for purposes of humiliation or isolation
* contain discriminatory statements or hostile acts based on a race, religion, sex, color, disability, national origin, immigrant status, English-speaking status, or any other applicable status protected by local, state, or federal law

The district will report violations of state or federal law to the appropriate authorities.

Cf. JICDA

Adopted ^

Legal References:

A. United States Code of Laws, as amended:

1. Section 504 of the Rehabilitation Act of 1973, 29 U.S.C.A. Section 701, *et seq*.
2. Title II of the Americans with Disabilities Act, 42 U.S.C.A. 12132.
3. Title IV of the Civil Rights Act of 1964, 42 U.S.C.A. Section 2000c, *et seq*.
4. Title VI of the Civil Rights Act of 1964, 42 U.S.C.A. Section 2000d, *et seq*.
5. Title IX of the Education Amendments of 1972, 20 U.S.C.A. Section 1681, *et seq*.

B. S.C. Code of Laws, 1976, as amended:

1. Section 59-1-435 - Religious Viewpoints Antidiscrimination Act.
2. Section 59-63-40 - Discrimination on account of race, creed, color, or national origin prohibited.
3. Section 59-63-110, *et seq*. - Safe School Climate Act.
4. Section 59-63-210, *et seq.* - Grounds for suspension, expulsion, or transfer.

C. Federal Cases:

 1. *Bethel School District No. 403 v. Fraser*, 478 U.S. 675 (1986).

 2. *Hazelwood School District v. Kuhlmeier*, 484 U.S. 260 (1988).

3*. Kolwalski v. Berkeley County Schools*, 652 F.3d 565 (4th Cir. 2011).

 4. *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503 (1969).

D. S.C. State Board of Education Regulations:

1. R43-243 - Special education discipline guidelines.
2. R43-279 - Minimum standards of student conduct and disciplinary enforcement procedures to be implemented by local school districts.