

- ❖ The connection between bullying and cyberbullying and minors sharing sexually suggestive or explicit materials.

A minor's successful completion of the program must be considered by the prosecutor and the court in deciding whether to abstain from filing a juvenile petition or dismiss a petition.

- ❖ If the minor has not previously been judicially determined to be delinquent, and the minor's activities represent a first offense for a violation of WVC §61-8c-3b, the minor shall not be subject to the requirements of the code, as long as s/he successfully completes the educational diversion program; and
- ❖ If the minor commits a second or subsequent violation of article WVC §61-8a or 8c, the minor's successful completion of the educational diversion program may be considered as a factor to be considered by the prosecutor and court in deciding to not file a petition or to dismiss a petition, upon successful completion of an improvement plan established by the court.

(WVC §49-5-13g)

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Amended/Revised:      October 1, 2013; September 4, 2018; October 6, 2020

**(P) I.13.12. Sexting by Minors**

Any minor who intentionally possesses, creates, produces, distributes, presents, transmits, posts, exchanges, or otherwise disseminates a visual portrayal of another minor posing in an inappropriate sexual manner or who distributes, presents, transmits, posts, exchanges or otherwise disseminates a visual portrayal of himself or herself posing in an inappropriate sexual manner shall be guilty of an act of delinquency and upon adjudication disposition may be made by the circuit court pursuant to the provisions of article five, chapter forty -nine of this code

As used in this policy:

- ❖ "Posing in an inappropriate sexual manner" means exhibition of a bare female breast, female or male genitalia, pubic or rectal areas of a minor for purposes of sexual titillation.
- ❖ "Visual portrayal" means:
  - A photograph;
  - A motion picture;
  - A digital image
  - A digital video recording; or
  - Any other mechanical or electronic recording process or device that can preserve, for later viewing, a visual image of a person that includes, but is not limited to, computers, cellphones, personal digital assistance and other digital storage or transmitting devices;(c) It shall be an affirmative defense to an alleged violation of this section that a minor charged with possession of the prohibited visual depiction did neither solicit its receipt nor distribute, transmit or present it to another person by any means.

As written, the code allows for court discretion as to whether an adjudicated juvenile should be required to register as a sex offender.

It should be clearly understood that while some of these activities may be initiated outside of the school environment, they will be subject to school discipline under *File: S.8. Expected Behavior in Safe and Supportive Schools* if they disrupt normal school activities.

Students who initiate prohibited activities within the school day, including transportation time, shall be disciplined according to *File: I.13. Educational Purposes and Acceptable Use of Electronic Resources, Technologies and the Internet.*

(WVC §61-8c-3b)

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**(P) I.13.13. Sexting Educational Diversion Program**

Before a juvenile petition is filed for activity proscribed by WVC §61-8a or 8c, or after probable cause has been found to believe a juvenile has committed a violation thereof, but before an adjudicatory hearing on the petition, the court or a prosecuting attorney may direct or allow a minor who engaged in such activity to participate in an educational diversion program. The prosecutor or court may refer the minor to the educational diversion program, as part of a pre-petition diversion and informal resolution; as part of counseling provided; or as part of the requirements of an improvement period to be satisfied in advance of an adjudicatory hearing pursuant to the provisions of section nine of this article.

The educational diversion program to be developed for minors who are accused of activity proscribed by the provisions of WVC §61-8a or 8c will address the following issues and topics:

- ❖ The legal consequences of and penalties for sharing sexually suggestive or explicit materials, including
- ❖ applicable federal and state statutes;
- ❖ The nonlegal consequences of sharing sexually suggestive or explicit materials including, but not limited to, the effect on relationships, loss of educational and employment opportunities, and being barred or removed from school programs and extracurricular activities;
- ❖ How the unique characteristics of cyberspace and the Internet, including searchability, replicability and an infinite audience, can produce long-term and unforeseen consequences for sharing sexually suggestive or explicit materials; and

(P) I.13.11.

**PENDLETON COUNTY SCHOOLS  
ADULT ACCEPTABLE USE POLICY AGREEMENT**

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School/Location \_\_\_\_\_

After reading the attached Pendleton County Schools policies, please complete this form to indicate that you agree with the terms and conditions. Use of the telecommunications network or telecommunication must be in support of education and/or research or for school business, support of the West Virginia Content Standards and Objectives and be in accordance with all Pendleton County Board of Education policies and SBP 2460.

**ADULT SECTION**

I have read the attached concerning all computer usage. I agree to follow the rules contained in these policies. I understand that if I violate the rules my privileges may be terminated or other disciplinary action taken.

User Name (please print) \_\_\_\_\_

User's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**PERMISSION FORM FOR WORLD WIDE WEB PUBLISHING OF EMPLOYEE PHOTOGRAPH  
/WRITING/WORK**

I understand that my work, photograph, or writing may be published on the district's web page at <http://www.pendletoncountyschools.com/>. I further understand that no last name, home address or home telephone number will appear with such work. I grant permission for World Wide Publishing. I may withdraw permission in writing at any time.

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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