ACLU blasts Monarch

Group: Students' rights violated when school read text messages

By Vanessa Miller
Camera Staff Writer

The Boulder Valley School District is standing behind high school administrators after the American Civil Liberties Union on Wednesday accused them of "committing felonies" by seizing students' cell phones, reading their text messages and making transcripts.

The ACLU of Colorado sent a letter online

Wednesday to the school board demanding changes at Louisville's Monarch High School after at least 13 students reported having their cell phones taken and their text messages read at the end of last school year.

Parents of those students contacted the civil-rights group following the seizures, said ACLU legal director Mark Silverstein. According to the ACLU, parents say that administrators told students they have no privacy rights when on school property, meaning officials can seize phones and read text messages; that they misled students to gain possession of their friends' cell phones; and that they sent text messages from confiscated phones to other students, pretending to be the phone's owner.

"Without intervention by the Boulder Valley School District Board of Education, there is every indication that Monarch administrators will continue"

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this flagrant disregard for the rights of students," Silverstein wrote. "It is imperative that the Board of Education intervene forcefully."

School district officials said they got a copy of the ACLU’s letter Wednesday, and they issued a statement supporting Monarch and its administrators.

"Prior to confiscating the students’ cellular phones and transcribing text messages found on them, Monarch administrators contacted the BVSD legal counsel’s office and were told it was indeed legal for them to take the actions that they were considering," said district spokesman Briggs Gamblin.

But, Gamblin said, the district will review the incident "and the district’s position" because it "takes very seriously the civil liberties of each of its more than 28,000 students."

Monarch administrators didn’t return calls Wednesday from the Camera.

The ACLU gives the following details of the allegations:

On May 24, a school security officer brought a sophomore to see Assistant Principal Drew Adams because the student was suspected of breaking two school rules — being in a prohibited parking lot and smoking a cigarette. Adams took the student’s cell phone, calling it a "distraction," and later told the student he had read text messages that made some "incriminating" mentions of marijuana.

The student’s mother learned Adams had written down text messages from her son’s phone, and when she asked for the phone back, she said Adams insisted on keeping it over the Memorial Day weekend. When the phone eventually was returned, the student’s mother discovered Adams had sent messages to her son’s friends, posing as the student.

After the first phone was taken, other student phones were seized, and more teens were interrogated.

Silverstein said he doesn’t know how many students were disciplined. But, he said, the first student whose phone was taken was suspended on suspicion of drug-related violations.

Silverstein said regardless of what was found on the student’s phone, administrators broke state and federal laws.

According to a Colorado telephone-privacy statute, it’s a felony to read, seize, copy or record a phone or electronic communication without the consent of the sender or receiver. Silverstein said administrators also violated students’ constitutional right prohibiting unreasonable searches and seizures.

Monarch senior Anthony Guerrieri, 17, said he remembers being “kind of scared” his phone would be taken last year.

Reading through a student’s phone is a "huge" invasion of privacy, Anthony said, because phones now are used for more than calling. They store written notes, keep daily appointments, contain personal pictures and even act as pseudo-journals, he said.

But senior Jenna Frazier, 17, said she understands the administration’s need to keep students safe by following leads on possible criminal behavior.

"We do lose rights when we come here," she said. "They can search our cars and our lockers, and it’s understandable to keep kids safe."

Regardless of whether administrators have the right to read students’ text messages, senior Jessica Kiepe, 17, said she learned not to write anything incriminating on her phone.

"I don’t write or text stuff I don’t want people to see," she said.

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