

Book	Policy Manual
Section	43.1 Policies for the Board
Title	Revised PERSONAL COMMUNICATION DEVICES
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**Revised Policy - Vol. 43, No. 1**

**5136 - PERSONAL COMMUNICATION DEVICES**

The Board of Education is committed to providing educational environments that support students fully engaging with classmates, teachers, and instruction. Use of personal communication devices ("PCDs") shall be limited during school hours and during school-related events and functions in accordance with this policy and the Student Code of Conduct.

Personal Communication Device ("PCD") is defined in Bylaw 0100 - Definitions. For purposes of this policy, "personal communication device" (PCD) includes computers, tablets (e.g., iPad-like devices), electronic readers ("e-readers"; e.g., Kindle-like devices), cell phones, smartphones (e.g., iPhones, Android devices, Windows Mobile devices, etc.),  telephone paging devices (e.g., beepers or pagers), ~~[NOTE: END OF OPTION]~~ and/or other web-enabled devices of any type.

Nothing in this policy prohibits a student from using a PCD for student learning or to monitor or address a health concern, in accordance with the student's individualized education program or Section 504 plan.

**[DRAFTING NOTE: Choose optional exceptions below. If the District differentiates PCD use exceptions by grade level, adjust/duplicate this section as needed.]**

Students are prohibited from using a PCD except:

- A.  when the teacher authorizes a student to use a PCD for educational purposes during instructional time; at the high school, only
- B.  when the Principal authorizes a student to use a PCD for educational purposes during instructional time; at the high school, only
- C.  during the student's lunch break; at the high school only
- D.  between classes; at the high school only
- E.  during school-related events and functions (e.g., after-school activities, extra-curricular activities); or
- F.  while riding in school vehicles (Distracting behavior that creates an unsafe environment shall not be tolerated and may result in the loss of use of the PCD while in a school vehicle.).

Students are prohibited from using PCDs in a manner that infringes on a person's reasonable expectation of privacy. This includes using PCDs in locations and circumstances where a student may be changing clothes or in any stage of undress, such as gymnasiums, locker rooms, shower facilities, and restrooms/bathrooms,  and swimming pools **[END OF OPTION]**. The Superintendent and building principals are authorized to determine other specific locations and situations where the use of a PCD is absolutely prohibited.

**[DRAFTING NOTE: SELECT OPTION A OR OPTION B OR OPTION C OR OPTION D]**

**[ ] [OPTION A]**

While students may possess PCDs in school, on school property, during after school activities (e.g., extra-curricular activities) and at school related functions, they must be powered completely off (i.e., not just placed into vibrate or silent mode) and stored out of sight during school hours ( ) during after school activities (e.g., extra-curricular activities), ( ) **and on school buses or other Board provided vehicles.**

**[END OF OPTION A]**

**[ ] [OPTION B]**

Students may use PCDs before and after school, ( ) during their lunch break, ( ) in between classes as long as they do not create a distraction, disruption or otherwise interfere with the educational environment, ( ) during after school activities (e.g., extra-curricular activities), ( ) or at school related functions. Use of PCDs, except those approved by a teacher or administrator, at any other time is prohibited and they must be powered completely off (i.e., not just placed into vibrate or silent mode) and stored out of sight.

**[END OF OPTION B]**

**[ ] [OPTION C]**

**[ ]** In order to avoid disruption of the educational environment and protect students' right of privacy, student use of PCDs is prohibited on school grounds during school hours, ( ) at after school activities (e.g., extra-curricular activities), and on school buses or other Board provided vehicles.

**[ ]** PCDs intended and actually used for instructional purposes (e.g., taking notes, recording classroom lectures, writing papers) will be permitted, as approved by the classroom teacher or the Principal. ( ) However, the use of a PCD to engage in non-education related communications is expressly prohibited.

**[END OF OPTION C]**

**[ ] [OPTION D]**

Students may not possess telephone paging devices (e.g., beepers or pagers) on school grounds, at school sponsored events, and on school buses or other Board provided vehicles. Students may not use PCDs, during the school day ( ) while on school property, ( ) or during after school activities (e.g. extra-curricular activities).

When use of PCDs is prohibited the devices must be powered completely off (i.e. not just placed in vibrate or silent mode) and stored out of sight.

**[END OF OPTION D]**

Students may not use PCDs on school property or at a school sponsored activity to access and/or view Internet web sites that are otherwise blocked to students at school.

**[DRAFTING NOTE: IF SCHOOL VEHICLES WAS NOT SELECTED IN OPTION A, INCLUDE THE FOLLOWING:]**

( ) Students may use PCDs while riding to and from school on a school bus or other Board provided vehicles ( ) or on a school bus or Board provided vehicle during school sponsored activities, at the discretion of the bus driver, ( ) classroom teacher, or ( ) sponsor/advisor/coach. Distracting behavior that creates an unsafe environment will not be tolerated. **[THIS LANGUAGE MAY ALSO BE USED IF OPTION B WAS SELECTED.]**

During after school activities, PCDs shall be powered completely off (not just placed into vibrate or silent mode) and stored out of sight when directed by the administrator or sponsor.

Under certain circumstances, a student may keep his/her PCD "On" with prior approval from the Principal.

Except as authorized by a teacher, administrator, ~~or~~ IEP team, or Section 504 plan, students are prohibited from using PCDs to capture, record, and/or transmit the words or sounds (i.e., audio) and/or images (ie., pictures/video) of any student, staff member, or other person during school hours (x ) on school property (x ) or during school-related events and functions **[END OF OPTIONS]**. Using a PCD to capture, record, and/or transmit audio and/or pictures/video of an individual without proper consent is considered an invasion of privacy and is not permitted. during the school day, including while off campus on a field trip, to capture, record and/or transmit the words or sounds (i.e., audio) and/or images (i.e., pictures/video) of any student, staff member or other person. Using a PCD to capture, record and/or transmit audio and/or pictures/video of an individual without proper consent is considered an invasion of privacy and is not permitted. ( ) Students who violate this provision and/or use a PCD to violate the privacy rights of another person ( ) shall ( ) may have

their PCD confiscated and held until ( ) the end of the school day ( ) a parent/guardian picks it up, ( ) and may be directed to delete the audio and/or picture/video file while the parent/guardian is present. If the violation involves potentially illegal activity, the confiscated PCD may be turned over to law enforcement.

**[DRAFTING NOTE: SELECT OPTION #1 OR OPTION #2 OR OPTION #3]**

**[ ] [OPTION #1]**

The use of PCDs that contain built-in cameras (i.e., devices that take still or motion pictures, whether in a digital or other format) is prohibited in ( ) classrooms, ( ) gymnasiums, locker rooms, shower facilities, rest/bathrooms ( ) and/or swimming pool.

**[END OF OPTION #1]**

**[ ] [OPTION #2]**

The use of PCDs in ( ) classrooms, ( ) gymnasiums, locker rooms, shower facilities, rest/bathrooms and/or ( ) swimming pool is prohibited.

**[END OF OPTION #2]**

**[ ] OPTION #3**

PCDs, including but not limited to those with cameras, may not be activated or utilized at any time in any school situation where a reasonable expectation of personal privacy exists. These locations and circumstances include, but are not limited to, ( ) classrooms, ( ) gymnasiums, locker rooms, shower facilities, rest/bathrooms, and any other areas where students or others may change clothes or be in any stage or degree of disrobing or changing clothes. The Superintendent and Principal are authorized to determine other specific locations and situations where use of a PCD is absolutely prohibited.

**[END OF OPTION #3]**

Students shall have no expectation of confidentiality with respect to their use of PCDs on school premises/property.

Students may not use a PCD in any way that might reasonably create in the mind of another person an impression of being threatened, humiliated, harassed, embarrassed or intimidated. See Policy Board 5517.01 - Bullying and Other Forms of Aggressive Behavior. In particular, students are prohibited from using PCDs to: (1) transmit material that is threatening, obscene, disruptive, or sexually explicit or that can be construed as harassment or disparagement of others based upon their race, color, national origin, sex (including sexual orientation/transgender identity), disability, age, religion, ancestry, or political beliefs; and (2) engage in "sexting" - i.e., sending, receiving, sharing, viewing, or possessing pictures, text messages, e-mails or other materials of a sexual nature in electronic or any other form. Violation of these prohibitions shall result in disciplinary action. Furthermore, such actions will be reported to local law enforcement and child services as required by law.

Students also are also prohibited from using a PCD to capture, record, and/or transmit test information or any other information in a manner constituting fraud, theft, cheating, or academic dishonesty. Likewise, students are prohibited from using PCDs to receive such information.

Students may not use PCDs to access and/or view Internet websites that otherwise are blocked to students while in school, on school property, or at a school-sponsored activity.

When the use of PCDs is prohibited, all PCDs must be powered off completely (i.e., not just placed in vibrate or silent mode) and stored out of sight.

When the use of PCDs is permitted, all PCDs must be placed in silent mode and must be stored out of sight when directed by the administrator or sponsor.

Students shall have no expectation of confidentiality with respect to their use of PCDs while at school or on school property, including school buildings, other facilities, and school vehicles.

Possession of a PCD by a student during school hours and during school-related events and functions at school during school hours ( ) and/or during extra-curricular activities is a privilege that may be forfeited by any student who fails to abide by the terms of this policy, or otherwise abuses this privilege.

Violations of this policy may result in the following disciplinary measures:

- A.  Issue a verbal warning and require the student to store the PCD in accordance with this policy.
- B.  Confiscate the PCD and store it securely in a staff-controlled locker, bin, or drawer for the duration of the class or period.
- C.  Confiscate the student's PCD and store it in the facility's office for the remainder of the school-related event or school day.
- D.  Confiscate the student's PCD in the facility's office to be picked up by the student's parent or guardian.
- E.  Loss of privilege to bring a PCD to school for a designated length of time or on a permanent basis.
- F.  In-school suspension.
- G.  Out-of-school suspension.
- H.  Expulsion.
- I.

If the violation involves an illegal activity (e.g. child pornography, sexting), the school official will also refer the matter to law enforcement or child services. The PCD will be confiscated and may be turned over to law enforcement if a violation involves potentially illegal activity.

School officials will not search or otherwise tamper with PCDs in District custody unless they reasonably suspect that the search is required to discover evidence of a violation of the law or other school rules. Any search will be conducted in accordance with Board Policy 5771 - Search and Seizure.

Violations of this policy may result in disciplinary action and/or confiscation of the PCD. The Principal will also refer the matter to law enforcement or child services if the violation involves an illegal activity (e.g., child pornography, sexting). Discipline will be imposed on an escalating scale ranging from a warning to an expulsion based on the number of previous violations and/or the nature of or circumstances surrounding a particular violation. If the PCD is confiscated, it will be released/returned to the student's parent/guardian after the student complies with any other disciplinary consequences that are imposed, unless the violation involves potentially illegal activity in which case the PCD may be turned over to law enforcement. A confiscated device will be marked in a removable manner with the student's name and held in a secure location in the building's central office until it is retrieved by the parent/guardian or turned over to law enforcement. School officials will not search or otherwise tamper with PCDs in District custody unless they reasonably suspect that the search is required to discover evidence of a violation of the law or other school rules. Any search will be conducted in accordance with Policy 5771—Search and Seizure. If multiple offenses occur, a student may lose his/her privilege to bring a PCD to school for a designated length of time or on a permanent basis.

A person who discovers a student using a PCD, recording device, or other device with one- or two-way audio communication technology in violation of this policy is required to report the violation to the Principal or Superintendent.

Students are personally and solely responsible for the care and security of their PCDs. The Board assumes no responsibility for theft, loss, or damage to, or misuse or unauthorized use of, PCDs brought onto its property.

Parents/Guardians are advised that the best way to get in touch with their child during the school day is by calling the school office.

Students may use school phones to contact parents/guardians during the school day.

This policy shall be posted prominently on the District's website and in a central location in each school building and made publicly available upon request.

Revised 7/14/09

**[Cross References:**

**po0100**

**po5517.01**

**po5771**

**po7540.03]**

**R.C. 3313.753**

**ODEW Ohio's Cell Phones in Schools Model Policy**

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R.C. 3313.753

ODEW Ohio's Cell Phones in Schools Model Policy

Cross References

po0100 - DEFINITIONS

po5517.01 - BULLYING AND OTHER FORMS OF AGGRESSIVE BEHAVIOR

po5771 - SEARCH AND SEIZURE

po7540.03 - STUDENT TECHNOLOGY ACCEPTABLE USE AND SAFETY