

## **Students**

### **Use of Cell Phones and Other Electronic Communication Devices**

The Amity Regional School District (ARSD) recognizes the safety and educational value of students having cell phones or other personal electronic communication devices in their possession while at school. At the same time, the Board is cognizant of the potential disruption that cell phones or other personal electronic communication devices can cause in school.

Therefore, the ARSD adopts this policy with the goal of defining permissible use by students of cell phones and other electronic devices while minimizing disruption to the educational process. This policy must be read in conjunction with Board Policy 6141.321, and its regulations and any administrative guidelines for such use.

For purposes of this policy, the term ‘cell phone’ refers to any portable phone or communication device that may or may not also have computing capability. The term smartwatch refers to any mobile computing device with a touchscreen display that may or may not connect to a smartphone, designed to be worn on the wrist.

While certain electronic communication devices are allowed in school, use shall be in accordance with the following requirements:

- Cellular telephones shall be powered off during instructional or class time, during passing times between classes and at any school-sponsored events where there is a reasonable expectation of quiet attentiveness or where use of the device would cause any disruption unless there is a bona fide health or safety emergency. Teachers may allow student use of personal electronic devices, including cell phones, for appropriate educational purposes.
- The required use of cell phone and/or other personal electronic devices for instructional purposes is prohibited. Alternative methods shall be provided for students who do not have access to a cell phone or who do not wish to use a personal device for the completion of school work.
- Use and possession of a remotely activated paging device such as a pager/beeper is prohibited unless a student obtains the written permission of the school principal for such possession and use. The principal shall grant such permission only if the student or his parent or guardian establishes to the satisfaction of the principal that a reasonable basis exists for the possession and use of the device.
- Devices operated in violation of this rule may be confiscated and not returned until, where appropriate, a parent/guardian conference has been held.
- Students found to be using any electronic communications device to in any way send or receive personal messages, data, or information that would contribute to or constitute cheating on tests or examinations may be subject to discipline and the device may be confiscated and not returned until a parent conference has been held. Students violating this

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rule may be disallowed from carrying any personal communication device following the incident unless a bona fide health emergency exists.

- If students are authorized to use cell phones/smartwatches or other personal electronic communication devices while in school, their use must comply with policies and regulations related to acceptable use of technology in the ARSD. The Board considers allowing students to bring to school such devices to be a privilege and not a right. The Board authorizes the Superintendent or his/her designee to revoke this privilege if a student fails to adhere to the guidelines and/or the ARSD's Acceptable Use and student Conduct/discipline policies.
- The use of cell phones/personal electronic communication devices in violation of Board policies and/or regulations or state/federal laws could result in discipline up to and including suspension or expulsion, and referral to law enforcement officials.
- The ARSD shall not be liable for the loss, damage or misuse of any personal communication device brought from home.
- The Board directs the Superintendent or his/her designee to develop conduct and curricular guidelines for the use of cell phones or personal electronic communication devices at the middle and high school levels aimed at promoting an optimal learning environment.
- The taking, disseminating, transferring or sharing of obscene, pornographic, lewd or otherwise illegal images, photographs or videos, whether by electronic data transfer or otherwise (commonly called texting, emailing or sexting, etc.) may constitute a crime under State and/or Federal law. Any person sexting, disseminating or sharing obscene, pornographic, lewd or otherwise illegal images or photographs may be punished under this policy and ARSD student codes of conduct and will be reported to law enforcement and/or other appropriate state or federal agencies, as deemed appropriate.
- Employing the photographic, videographic, audio recording or reproduction capacity of any electronic device for the purposes of photographing, video capture, recording or reproduction of the same of any student or staff person without the express consent of the individual, or under the supervision of a teacher or administrator for approved academic purposes is prohibited. This section applies at all times while on school premises including school buses or at school sponsored events, regardless of the location.
- An administrator may search a student's cell phone/smartwatch or other personal communication device if the administrator has reasonable suspicion that a search will reveal that a law, Board policy, regulation or school rule has been violated. The search must be reasonable in scope. Administrators shall notify parents/guardians without one (1) school day when such reasonable search is conducted. Administrators may not search a student's cell phone/smartwatch or other personal communication device if the student's

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conduct consisted only of having such device out and/or using such device at an inappropriate time in violation of Board policy or school rules. However, under such circumstances, an administrator may confiscate the device and return it to the student at a later appropriate time; return may be conditioned upon a meeting with a student's parent/guardian. If the administrator has reasonable suspicion that the search will turn up evidence of sexting (i.e. nude and/or sexually explicit pictures of children), the administrator shall contact police officials prior to conducting a search. An administrator shall hand over to the police any evidence related to the potential commission of a crime.

- Use of electronic devices that stream music will be permissible if used with headphones provided the device is not used during class and is only used in locations and at times as directed by school personnel. Care for these items is the student's responsibility. Any inappropriate use will result in confiscation.

Legal References: Connecticut General Statutes

10-233j Student possession and use of telecommunications devices

31-48d Employees engaged in electronic monitoring required to give prior notice to employees. Exceptions. Civil Penalties

53a-182 Disorderly Conduct. Class C misdemeanor

53a-183 Harassment in the second degree: Class C misdemeanor

53a-250 Definitions

Federal statutes and case law

Electronic Communication Privacy Act, 28 U.S.C. §§2510 through 2520

Eisner v. Stamford Board of Education, 440 F. 2d 803 (2nd Cir 1971)

Trachtman v. Anker, 563 F. 2d 512 (2nd Cir. 1977) cert. denied, 435 U.S. 925 (1978)

Hazelwood School District v. Ruhlmeir, 484 U.S. 260, 108 S Ct 562 (1988)

Bethel School District v. Fraser, 478 US 675 (1986)

Tinker v. Des Moines Independent Community Dist., 393 US 503, (1969)

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New Jersey v. T.L.O., 469 U.S. 325; 105 S. Ct. 733

Safford Unified District # 1 v. Redding, 129 S. Ct. 2633