

### Personal Electronic Communication Devices

The Bismarck Public Schools is committed to providing the necessary support for academics and student well-being in a positive educational environment that is free from unnecessary, non-educational distractions. Personal electronic communication devices can be a distraction during instructional time and counterproductive to student focus and engagement. By prohibiting and limiting the use of personal electronic devices during the school day, this policy aims to provide students with more opportunities to engage in meaningful interactions, collaborate with peers, and cultivate the essential skills necessary for academic and life-long success. Therefore, it is the position of the State of North Dakota and the District that students and school employees shall abide by this policy, which prohibits the use of personal electronic communication devices as outlined herein.

#### Definitions

For the purposes of this policy and in accordance with North Dakota law, the following terms are defined as follows:

- A. Instructional time means the time from the start of the school day until dismissal at the end of the school day on school premises, for which the signal may be the ringing of a bell, including a structured or unstructured learning experience, recess, a lunch period, and time in between classes. The term does not include private student travel time to and from an area career and technology center or other offsite learning experience or instructional time occurring in virtual environments off school premises.
- B. Parent means a parent or guardian of a student who is authorized to make decisions regarding education for the student.
- C. Personal electronic communication device means a portable electronic device capable of communication by voice, text, or other data with one or more other parties or devices, or capable of connection to a smartphone, the internet, or a cellular or wireless fidelity network, including a smartphone, cell phone, bluetooth-enabled device, tablet, smartwatch or other wearable device, and gaming device. The term does not include:
  - i. School-owned devices provided to a student and school-approved devices used by a student in accordance with this section.
  - ii. Parent-provided tablet or personal computer, when used for educational purposes, as approved by building administration.
  - iii. Portable devices that meet the definition of a medical device under the federal Food, Drug and Cosmetic Act [21 U.S.C. 9 et seq.].
- D. School means a public school providing prekindergarten, elementary, or secondary education, including area career and technology centers. The term does not include virtual

schools, virtual instruction, the North Dakota center for distance education, or education occurring in a home-school environment.

- E. School-related activity means a school-sanctioned activity, event, or function, occurring outside of instructional time, at which students are under supervision of the school, whether on or off school premises, including a bus ride, field trip, sporting event, and school dance.
- F. Student means an individual currently enrolled or registered at a public school as defined under this policy.
- G. Inappropriate content is defined as content that:
  - i. Violates a district student conduct policy;
  - ii. Attacks race, color, national origin, ancestry, religion, sex, disability, or other status protected by law;
  - iii. Promotes violence, terrorism, or other illegal activities including, but not limited to, tobacco, drug, and/or alcohol use by minors;
  - iv. Is obscene or pornographic as defined by community standards.
  - v. Is reasonably forecasted to materially or substantially disrupt the educational environment;
  - vi. Poses a direct threat to the physical safety of the school population; and
  - vii. Infringes on the rights of others, such as (but not limited to) material that is potentially libelous or invades an individual's privacy.

### Prohibitions

In compliance with N.D.C.C. § 15.1-07-41, the Bismarck Public Schools prohibits students from using personal electronic communications devices during instructional time. Prohibited devices include the following:

- a. Smartphones
- b. Cell phones
- c. Tablets
- d. Smartwatches or other wearable devices
- e. Gaming devices
- f. Any other devices as defined under N.D.C.C. § 15.1-07-41

All personal electronic communication devices identified above must be:

- a. Silenced or turned off, and
- b. Securely stowed away, and
- c. Inaccessible to students during instructional time.

The District may develop additional administrative regulations or rules, which outline the specific procedures each school building will follow to ensure all three legal requirements are met during instructional time.

Exceptions from this policy's prohibitions may be made only as outlined below.

**Device Exceptions**

The District provides specific device exceptions and will not prohibit a student from possessing or using a personal electronic communication device under this policy in each of the following circumstances:

- A. School-owned devices provided to a student, including school-issued laptops, tablets, or any other electronic device capable of communication as defined under this policy.
- B. Parent Provided Personal Computer or Tablet, when used for educational purposes and approved by building administration.
- C. Medical-provider recommendation, which includes a medical provider licensed under [N.D.C.C. Title 43](#) (Occupations and Professions) who determines the possession or use of a personal electronic communication device is necessary for the health or well-being of the student.
- D. Required accommodation, which authorizes the possession or use of a personal electronic communication device when required by the student's individual education program under the:
  - i. The Individuals with Disabilities Education Act [[20 U.S.C. 1400](#)];
  - ii. Section 504 of the Rehabilitation Act of 1973 [[29 U.S.C. 794](#)]; or
  - iii. A plan developed in accordance with state or federal law requiring accommodation.

**Limitations/ Allowances for School-Related Activities**

The District may limit student access to personal electronic communication devices outside of instructional time, during a "school-related activity" as defined in this policy. Such approval may be provided to a student(s) by administration, a teacher, or a coach.

School-related activities where students may be allowed limited access to personal electronic communication devices include:

- a. Field trips
- b. School dances
- c. Other activities where students are under the supervision of the school, whether on or off school premises

The District may develop and enforce specific limitations and allowances under administrative regulations or rules. Any time a student is using a school-owned or approved device, a personal device on a limited or allowed basis, or a personal device that falls under another exception in this policy, the following prohibitions apply:

- A. Students are prohibited from using any devices or technology to violate a student conduct policy including, but not limited to, policies on cheating and bullying while on school property or at a school-sponsored event;

- B. Students are prohibited from using any devices or technology to photograph or video record inappropriate content and/or transmit inappropriate content while on school property and/or participating in school-sponsored events;
- C. Students are prohibited from displaying and/or using any devices or technology in areas where there is a reasonable expectation of privacy by others on school property and at school-sponsored events. Students are also strongly discouraged from possessing personal technology in areas where there is a reasonable expectation of privacy by others on school property and at school-sponsored events;
- D. Students are prohibited from using any devices or technology to compromise district networks or access confidential material on district networks. The District may also take disciplinary action against a student who has used personal technology to engage in hacking, trolling, accessing or transmitting inappropriate material, spamming, sending viruses, and/or engaging in illegal or other inappropriate activity while on school property or participating in school-sponsored event; and
- E. Students are prohibited from using any devices or technology disruptively or in a manner that potentially compromises the safety of others on school property and during school sponsored events.

**Student Contact with Parents/ Caregivers**

A student may contact the student's parent or authorized caregiver during the school day if needed by using a school telephone made available to the student in a manner and location designated by the building administration. Student contact with parents/ caregivers will not be unreasonably withheld, but the Superintendent may develop administrative policies and rules to ensure the orderly operation of the District and the educational process is not unnecessarily disrupted.

Parents and staff should refer to other District policies and regulations which may apply in the event of District-wide emergencies, student emergencies, and other health and safety events that may occur.

**Student Expectations and Disciplinary Measures**

The District requires strict compliance with state law and this policy by students. Students who administration has found to have violated this policy may be subject to disciplinary consequences and/or corrective measures. When determining the appropriate response to violations of this policy, administration shall take into account the totality of circumstances surrounding the violation.

**Searches of Personal Technology**

If a student is using a school-owned or approved device, a personal device on a limited or allowed basis, or a personal device that falls under another exception under this policy, then

administration is authorized to search the device when there is reasonable suspicion of the following:

1. The device contains evidence of conduct or activity that may constitute a violation of policy or the law; or
2. There is a threat of danger or potential harm to self or others.

Only areas of the device reasonably related in scope to the purpose of the search will be subject to a search (e.g., if a student is texting inappropriate photos, only the device's text messages will be searched).

If administration suspects or finds that a device contains content that violates N.D.C.C. § 12.1-27.1-03.3 or other laws, they shall contact law enforcement. Under no circumstances shall school officials download or transfer sexually explicit content from a student's personal technology. Law enforcement, including school resource officers, may communicate the need for probable cause to search a device and may provide a student or the District with a search warrant or subpoena for information or records.

### **Dissemination and Education**

Upon the adoption and implementation of this policy, the District shall:

- a. Ensure the policy is communicated to students, parents, and authorized caregivers; and
- b. Publish the policy in student and personnel handbooks.

School administration may develop guidelines to assist students and staff with complying with this policy.

### **Annual Data Collection & Documentation**

In accordance with state law, the District must collect data annually with the goal of measuring the impact of this policy on student behavior, mental health, disciplinary incidents, school attendance, and academic performance.

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### **Complementary Documents**

- ACDA, Responsible Use
- FGCB, Searches of Students and Students' Personal Property

### **Legal References**

- 20 U.S.C. 1400, Individuals with Disabilities Education Act
- 21 U.S.C. 9 et seq., Federal Food, Drug, and Cosmetic Act
- 29 U.S.C. 794, Section 504 of the Rehabilitation Act of 1973
- NDCC ch.15.1-07, School Districts
- NDCC Title 43, Occupations and Professions