## Personal Electronic Communication Device Use

### Rationale

The increasing use of personal electronic devices in schools has been shown to impact student behavior, mental health, and academic performance. This policy is established to foster an environment conducive to learning, limit distractions, and protect the privacy and wellbeing of all students and staff, while ensuring compliance with North Dakota law (NDCC 15.1-07).

### Definitions

For purposes of this policy, the following definitions will be used:

- **"Instructional time"** means the time from the official start of classroom instruction until the official dismissal of students at the end of the school day, which may be marked by the school's first and last bell, including a structured or unstructured learning experience, recess, advisory, lunch period, open campus and time in between classes on school premises. 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.
- **"Parent"** means a parent, caregiver, or guardian of a student who is authorized to make decisions regarding education for the student.
- **"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, earbuds, tablet, smartwatch or other wearable device, and gaming device. The term does not include:
  (1) School-owned devices provided to a student and used by a student in accordance with this section.
  (2) 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.].
- **"School"** means all District campuses providing prekindergarten, elementary, or secondary education.
- **"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.
- **"Student"** means an individual currently enrolled or registered at a school.

### Use & Possession Prohibitions

1. **General Rule:** All personal electronic communication devices must be silenced or turned off, securely stowed away, and inaccessible to students during instructional time.

2. **Storage:** All personal electronic communication devices will be securely stowed away and inaccessible to students during instructional time in the following manner. Any student who brings any personal electronic communication device to school will be required to silence or turn off the device and secure it in their locker except students at the Explorer Academy and Early Childhood Special Education program may utilize a designated storage area.

   Fargo Public Schools does not issue locks for elementary school lockers and does not permit the use of locks provided by families. The Fargo Public Schools is not responsible for the loss or damage to students' personal electronic devices. Families concerned about loss or damage of student personal electronic devices should not send them to school with students.

3. **Outside Instructional Time:**
   - **Access Not Allowed:** All personal electronic communication devices will be securely stowed away and inaccessible to students during the following school-related activities.
     - Elementary and Middle School Field Trips
       - Including the bus ride to and from field trip
   - **Access Allowed:** All personal electronic communication devices will not be required to be securely stowed away and inaccessible to students during the following school-related activities.
     - Bus rides to and from home
     - Before the official start of instructional time, which may be marked by the school's first bell
     - After the official end of instructional time, which may be marked by the school's last bell
     - Shuttle busses between schools for high school
     - Field trips for high school
     - Sporting events
     - School dances
4. **Communication with Parents:**
   Students 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.

**Enforcement**

Violations of this policy will be addressed in accordance with the following graduated response system:

**First Violation on Campus:**

- The personal electronic communication device will be confiscated and held in the office.
  - A student's refusal to comply with turning over a personal electronic communication device during school is considered non-compliance. Consequences for non-compliance are defined in the Fargo Public Schools Code of Conduct and Support.

        - At no time should a staff member attempt to physically take a personal electronic communication device from a student.
- Building administration will contact parents, caregivers, or guardians.
- The device may be retrieved by the student at the end of the school day.

**Second Violation on Campus:**

- The personal electronic communication device will be confiscated and held in the office.
    - A student's refusal to comply with turning over a personal electronic communication device during school is considered non-compliance. Consequences for non-compliance are defined in the Fargo Public Schools Code of Conduct and Support.
        - At no time should a staff member attempt to physically take a personal electronic communication device from a student.
- The device may only be retrieved by a parent, caregivers, or guardians.
- The student will receive a report of non-compliance in accordance with the district Code of Conduct and Support.

**Third Violation on Campus:**

- The personal electronic communication device will be confiscated and held in the office.
    - A student's refusal to comply with turning over a personal electronic communication device during school is considered non-compliance. Consequences for non-compliance are defined in the Fargo Public Schools Code of Conduct and Support.
        - At no time should a staff member attempt to physically take a personal electronic communication device from a student.
- The device may only be retrieved by a parent, caregivers, or guardians.
- The student will receive a report of non-compliance in accordance with the district Code of Conduct and Support.

**Additional Provisions:**

- Repeated or egregious violations may result in further disciplinary action, up to and including long-term suspension or expulsion, as determined by the building administrator in accordance with the district Suspension and Expulsion policy (AP 6320).
- All confiscated devices will be stored securely by school administration until they are retrieved. The district assumes no responsibility for loss, theft, or damage to personal electronic communication devices confiscated as a result of policy violations.

**Exemptions**

- A student may possess or use a personal electronic device if:
    - A medical provider licensed under title 43 determines the possession or use of a personal electronic communication device is necessary for the health or well-being of the student; or

- The possession or use of a personal electronic communication device is required by the student's individual education program under
  - The Individuals with Disabilities Education Act [20 U.S.C. 1400]
  - Section 504 of the federal Rehabilitation Act of 1973 [29 U.S.C. 794], or
  - A plan developed in accordance with state or federal law requiring accommodation.

**Communication to Students, Staff, Parents, Authorized Caregivers & Public**

- This policy will be referenced in student and personnel handbooks and posted on the Fargo Public School website.
- This policy will be discussed with all students at the beginning of the school year to ensure all students are aware of the expectations of the policy.
- This policy will be referenced in district communication with parents and authorized caregivers at the beginning of each school year.

**Exceptions**

- Nothing in this policy prohibits school-provided educational technology use as part of instructional programming, provided such use is authorized by the school.

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