

## **Student Conduct Policy: *Electronic Devices***

*[Note that before an acceptable use policy is adopted or revised, a school board must provide reasonable public notice and must hold at least one public meeting or hearing regarding the policy. (Utah Admin. Rules R277-495-3(6) (April 8, 2019).) In addition, school boards are required to encourage schools to involve teachers, parents, students, school employees and community members in developing local school policies. (Utah Admin. Rules R277-495-3(3) (April 8, 2019).) Moreover, school community councils are to make recommendations regarding safe technology use and digital citizenship. ([Utah Code § 53G-7-1202\(3\)\(a\)\(ii\)\(D\)](#).) Therefore, this model policy may be used as a framework but should not be adopted without meeting the public notice and hearing requirements and the form of the adopted policy should reflect the input from the various groups identified.]*

### **Purpose—**

While in some instances the possession and use of electronic devices by a student at a school may be appropriate, often the possession and use of such devices or objects by students at school can have the effect of distracting, disrupting and intimidating others in the school setting and leading to opportunities for academic dishonesty and other disruptions of the educational process. The purpose of this policy is to vest in school administrators authority to enforce reasonable rules relating to such objects or devices in the public schools. Some electronic devices used by students may be owned by the District and provided to students for their use. This policy also addresses standards for student use of such District-owned devices.

*Utah Admin. Rules R277-495-3 (April 8, 2019)*

### **Definitions—**

1. “Electronic device” means a device that is used for audio, video, or text communication or any other type of computer or computer-like instrument including:
  - a. A smart phone;
  - b. A smart or electronic watch;
  - c. A tablet; or
  - d. A virtual reality device.

*Utah Admin. Rules R277-495-2(2) (April 8, 2019)*

*Utah Admin. Rules R277-495-4(1)(a) (April 8, 2019)*

2. “District-owned electronic device” means

an electronic device which is identified as being owned, provided, issued, or lent to a student by the District.

*Utah Admin. Rules R277-495-2(6) (April 8, 2019)*

3. "Guest" means an individual who is not a student, employee, or designated volunteer of the District who is on school property or at the site of a school-sponsored activity or event.

*Utah Admin. Rules R277-495-2(3) (April 8, 2019)*

4. "Inappropriate matter" means pornographic or indecent material as defined in [Utah Code § 76-10-1235\(1\)\(a\)](#).

*Utah Admin. Rules R277-495-2(4) (April 8, 2019)*

5. Individualized suspicion
  - a. Information that an individual has violated a policy;
  - b. This is generally required for a constitutional search (including a search of personal belongings);
  - c. Exceptions are possible when the privacy interests implicated by a search are minimal and where other safeguards are available;
  - d. This standard is not as exacting in the public school setting as in criminal law.
6. Instructional time
  - a. Hours during the school day designated as such by the school or school district.
7. Lunch time
  - a. Time period in either elementary or secondary schools designated for lunch;
  - b. This may, in elementary schools, be combined with a noon time recess.
8. Medical reasons
  - a. A student's illness, with or without a health care professional's documentation;
  - b. A student's recurring illness or medical problem(s).
9. Parent
  - a. The person(s) who has legal responsibility for the student's education.
10. Pass time
  - a. The period designated in secondary schools between classes or to allow students to move between classrooms.
11. Reasonable suspicion

- a. Reasonable suspicion need not be based on a single factor, but can be based on the totality of the circumstances;
- b. It can be based on the aggregate effect of all information available at the time of a search;
- c. It does not require absolute certainty, but only “sufficient probability,” the sort of common-sense conclusion about human behavior upon which practical people are entitled to rely.

## 12. Recess

- a. Time periods designated in elementary school for exercise or outside activity regardless of whether or not it is designated as instructional time by the school.

## 13. School or school events

- a. This includes the hours that make up school day, e.g. from 7:40 a.m. until 2:30 p.m., during students’ individual courses or during the entire period of the elementary/intermediate school day
- b. This includes field trips
- c. This includes extended school-sponsored trips or activities
- d. This includes school-provided transportation to and from curricular activities and extracurricular activities, including athletic events

### **Use of District-Owned Electronic Devices—**

District-owned electronic devices must be used in accordance with the specific rules and conditions related to the issuance of the device to the student, including rules on care and maintenance of the device, any restrictions on personal uses of the device, and rules relating to installation or use of software on the device. Students may not use any District-owned electronic device to access inappropriate matter, nor may students use any District-owned electronic device to hack (obtain unauthorized access or interfere in any way with) any network or any electronic device. Students may not use any District-owned electronic device in ways that bully, humiliate, harass, or intimidate school-related individuals, including students, employees, or guests. Regardless of location, use of District-owned electronic devices must comply with Policy EEB (regarding internet use), Policy FGAD (regarding bullying, cyberbullying, and hazing), and other student conduct policies.

*Utah Admin. Rules R277-495-4(1)(b), (c), (f) (April 8, 2019)*

District-owned electronic devices are the responsibility of the students to whom they are issued, both with respect to loss or damage of the device and with respect to misuse of the device. When the recipient student allows another to use a District-owned electronic device, the recipient student is jointly responsible for any misuse of the device.

*Utah Admin. Rules R277-495-4(2)(d) (April 8, 2019)*

Students have no expectation of privacy regarding the contents or use of District-owned electronic devices. The devices shall have filtering software or other restrictions in place to prevent students from accessing inappropriate matter. However, the failure of such filtering software or mechanisms does not prevent a student from being disciplined for accessing inappropriate matter. Teachers or administrators may directly or remotely view, control, search, or otherwise access District-owned electronic devices at any time.

*Utah Admin. Rules R277-495-4(1)(c) (April 8, 2019)*

District-owned electronic devices remain the property of the District. Use of a District-owned electronic device in violation of any District policy may result in the device being confiscated from the student, which may result in missed assignments, inability to complete required assessments, and possible loss of credit or academic grade consequences, in addition to any other appropriate disciplinary sanctions.

*Utah Admin. Rules R277-495-4(2)(b), (4)(c) (April 8, 2019)*

## **Use of Student Electronic Devices—**

Student electronic devices may be used during the school day, during school-sponsored activities or school-provided transportation as follows:

1. Students may have electronic devices in their possession during the regular school day.
2. The devices must remain out of sight during instructional time AND be turned off OR on a silent mode.
3. During the school day, if students intentionally use or respond to electronic devices during instructional time or during times of prohibited use identified by teachers, electronic devices may be confiscated.
4. Devices may be retrieved by individuals designated by the school. Students may also be subject to school discipline.
5. A school shall, by written policy, establish a warning schedule for student violations which all school employees shall follow. Exceptions may be made for individual students or for specific time periods as warranted. Time periods shall be interpreted with flexibility.
6. Student electronic devices must be either turned off or held in a secure place by the teacher, as determined by individual teacher, during class quizzes, tests and standardized assessments unless specifically allowed by statute, regulation, student IEP, or assessment directions.
7. Student electronic devices inappropriately used or disclosed may be subject to search by school administrators based on reasonable suspicion.

*Utah Admin. Rules R277-495-4(2)(a), (b), (4)(c) (April 7, 2019)*

*[Policy may allow for differences based on grade levels or age of students.]*

Exceptions to the above use limitations regarding student electronic devices shall be made consistent with District and school policies, but in the judgment and discretion of individual teachers. Specific potential exceptions are as following:

1. Medical reasons
  - a. School administrators may give permission for students to possess electronic devices for good cause shown if the devices do not distract from the instructional or education process.
2. Parent request
  - a. Parent(s) may request that a student possess an electronic device on active mode at all times during the school day, with the exception of during course or subject tests and standardized assessments. Teachers shall grant such requests for good cause shown. (Good cause may include medical needs or unusual family situations.)
    - i. Parents shall make requests for exceptions to the school district/ school policy to the school principal, designee or individual teacher. Schools shall have forms available at the main office and in the counseling center for parent/student requests.
3. Teacher permission
  - a. A teacher may permit a student to have an electronic device in his possession at all times during a regular school day, including during assessments, based on a written § 504 plan, an IEP or legitimate circumstances as determined by the individual teacher.
4. Emergency
  - a. Students may use electronic devices in situations that threaten the health, safety or well-being of students (including themselves), school employees or others.

*Utah Admin. Rules R277-495-4(4)(d) (April 8, 2019)*

Students may not use any electronic device to access inappropriate matter while on school property or while using District connectivity. Students may not use any electronic device to hack (obtain unauthorized access or interfere in any way with) any school network or any District electronic device or electronic device of a person associated with the school. Students may not use any electronic device in ways that bully, humiliate, harass, or intimidate school-related individuals, including students, employees, or guests. Use of student electronic devices at school must comply with Policy EEB (regarding internet use). Regardless of location, use of student electronic devices must comply with Policy FGAD (regarding bullying, cyberbullying, and hazing), and other student conduct policies. Misuse of student electronic devices in a manner that causes disruption at school or school-sponsored activities may result in discipline under the school disciplinary policies (including where warranted

suspension or expulsion) and may result in notification to law enforcement authorities.

*Utah Admin. Rules R277-495-4(1)(c), (2)(b), (f) (April 8, 2019)*

Use of a student electronic device in violation of this or other District policies may result in confiscation of the device as provided herein and in such other disciplinary sanctions as provided for under this or other student conduct policies. In addition, where such use is in violation or believed to be in violation of an applicable law, regulation, or ordinance, school administrators or teachers may notify law enforcement or other appropriate authorities and the student may be subject to criminal or other penalties provided by law.

*Utah Admin. Rules R277-495-4(2)(c), (e) (April 8, 2019)*

### **Consequences for Violation of Policy—**

Students will receive one warning prior to discipline for violation of this policy, as determined by the school.

Designated individuals, upon identification, may retrieve their student's electronic device during school hours or by appointment.

A school may impose other consequences for a student's violation of the electronic device policy only following notice of such policy to the school community. Such penalties are not exhaustive and more than one penalty may be imposed, if warranted. Such penalties may include:

1. loss of electronic device privileges
2. disciplinary letter
3. in-school suspension
4. suspension
5. loss of extracurricular or honor privileges or recognition

If students are defiant and will not cooperate with school administrators and/or will not surrender electronic device(s), the designated school administrator may take appropriate action for the safety and well-being of the student and other students or employees at the school. The school principal or designee shall notify a parent immediately of additional penalties.

*Utah Admin. Rules R277-495-4(2)(b), (c), (4)(c) (April 8, 2019)*

### **Reporting misuse of electronic devices—**

Students should report any misuse of electronic devices by an employee to the principal or other appropriate administrator. Students should report misuse of electronic devices by other students to a teacher or an administrator. Misuse of electronic devices by guests should be reported to the principal or other appropriate administrator.

*Utah Admin. Rules R277-495-4(4)(b) (April 8, 2019)*

## **Training—**

Each school shall, within the first 45 days of each school year, provide school-wide or in-classroom training to students that covers:

1. The District's internet and electronic device policies (Policies FGAB and EEB);
2. The importance of digital citizenship;
3. The District and school's student conduct and discipline policies;
4. The benefits of connecting to the internet and using the school's internet filters while on school premises; and
5. The discipline related consequences of violating internet and electronic device policies.

*Utah Admin. Rules R277-495-5 (April 8, 2019)*

## **Notice to Students and Parents of Policy—**

A copy of this policy shall be made available in printed form at the District offices and a copy of this policy or a clear electronic link to this policy shall be made available on the District's web site. Individual school policies shall be made available in printed form at the school offices and a copy of those policies or a clear electronic link to those policies shall be made available on the school's web site. Parents and students shall receive annual written notice of District and school electronic device policies, which may be satisfied by the website posting, publishing the policy in a school handbook or directory, sending the policy to the student's home or any other reasonable means.

*Utah Admin. Rules R277-495-3(4), (5) (April 8, 2019)*

Parents and students shall receive notice of changes in District or school electronic device policies in a timely manner and through reasonable means.

A copy of the most current policy shall always be available in the main office of the school and shall be posted online on the school website, if a school has a website.

Schools may require that parents return a copy of the policy with signature indicating that parents have had access to the policy.

Information to parents should include exceptions to the policy and potential consequences for students. Information to parents shall provide clear information of how best to contact students during school hours or activities, in lieu of immediate contact by electronic device.

Students and parents shall be notified that law enforcement may be contacted, at school's discretion, if circumstances warrant such contact.

## **Confiscated Student Electronic Devices—**

Only licensed school personnel (unless other employees are specifically identified in policy) may confiscate student electronic devices. Licensed school employees are discouraged from searching or reviewing material or numbers stored on student electronic devices except with reasonable suspicion that would warrant a search. Licensed school employees may search an electronic device based on their reasonable suspicion that the student has violated this policy or another District policy. To the extent justified by the nature of the violation for which the reasonable suspicion exists, the search may include text messages, photo files, and calls (recent, missed, or dialed).

Schools will do their best to guard and protect confiscated student electronic devices, but are not responsible for loss, damage, theft.

Schools will make a good faith effort to notify parent(s) or designated individuals that a student's electronic device is in the school's possession and, time and resources permitting, will maintain possession of such devices until the end of the school year, at which time the school may dispose of the device. Prior to disposal of devices, schools shall attempt to clear all personal data.

### **Creative and Innovative Uses for All Electronic Devices—**

With prior approval of the Principal, individual teachers and school employees may use electronic devices to communicate effectively with students and parents and to enhance instruction. Such uses might include:

1. notifying absent students of assignments;
2. communicating with parents when students excel or if students fall behind or are absent;
3. parents notifying school when students are absent or tardy;
4. teachers notifying students of news articles or events that would enhance discussion or student research;
5. providing immediate feedback to students on written work or assignments.

### **Other Provisions—**

Picture taking or video or audio recording by students is strictly forbidden in school or school activity private areas, such as locker rooms, counseling sessions, washrooms, and dressing areas. Students are further prohibited from using electronic devices to transmit any such recordings. Students are prohibited from using electronic devices in any way which would cause invasions of the reasonable privacy expectations of students or school staff or guest.

*Utah Admin. Rules R277-495-4(4)(a) (April 8, 2019)*

Students bring their electronic devices on school property or to school activities at their own risk. The school is not responsible for lost, stolen or damaged student electronic devices.



Students are strictly responsible for their own electronic devices. If devices are borrowed or taken and misused by non-owners, device owners are jointly responsible for the misuse of the device and policy violation(s) committed with the device.

Students and parents should be informed and understand that confiscated electronic devices may be subject to search by school officials.

A student's penalties for violation(s) of an electronic device policy provision may vary depending upon the intentional nature of the violation, other disciplinary actions the student may have received and specific circumstances of the violation.