



POLICY 5.183

4-B I recommend that the Board adopt the proposed revised Policy 5.183, entitled “Cellular Telephones and Other Wireless Communication Devices.”

[Contact: Keith Oswald, PX 48813.]

Adoption

CONSENT ITEM

- The Board approved development of this revised Policy at the development reading on February 22, 2012.
- This policy is to implement the provisions of Section 1006.07(2) (f), Florida Statutes, which permits students to possess wireless communication devices on school property and authorizes the School Board to regulate the possession and use of such devices.
- The amended policy provides that students may possess cellular phones and wireless communication devices on school property and school-sponsored transportation, provided such devices are not visible, used, or activated, and are kept in the “off” position throughout the instructional school day and while on school-sponsored transportation. Students are required to keep their phones stored in a vehicle, locker, purse, backpack, or other non-visible secure location during the day and while on school-sponsored transportation. See Sec. 3. A definition is provided for instructional school day. See Sec. 2c.
- An exception to the above provision is provided to middle and high schools. Middle and High School Principals may modify the instructional school day and authorize use of wireless communication devices for additional time periods. See Sec. 3b and c.
- For elementary and middle schools, wireless communication devices may be used while waiting for the beginning of the instructional school day or waiting for a school bus at the end of the instructional school day. See 3(a)(i).
- Section 4 of the policy outlines unauthorized uses of wireless devices to include, but not be limited to, matters as:
 - Interference with or disruption of the instructional or educational environment.
 - Use which violate academic integrity, as the reproduction of images of tests, communication of test or examination contents or answers, to provide access to unauthorized school information, or assistance to

students in any aspect of their instructional program in a manner that violates school board policy or the Student Code of Conduct.

- The communication of the marks or grades assigned to students resulting from evaluation or the actual contents, or parts thereof, of any evaluation activity being completed by an individual(s).
 - Use to commit a crime, under federal or state law.
 - Violation of a student's or other person's reasonable expectation of privacy, by using such devices with photographic capabilities in student locker-rooms, restrooms, any other student changing areas, or the classroom, whether such use occurs during the instructional school day or on school property.
 - Use in a manner that is profane, indecent, obscene, threatening, discriminatory, bullying or harassing language, pictures or gestures. Cellular phones which have the capability to take "photographs" or "moving pictures" shall not be used for such purposes while on school property, while on school-sponsored transportation, or while a student is engaged in school-sponsored activities.
- The amended policy, in Section 5, provides for other acceptable uses of wireless devices for:
 - Instructional or educational purposes
 - IEP, 504, or Health Care/Medical Plan
 - Health, Safety or Emergency Reasons
 - School Trips or School Sponsored Activities

- Other Reasons as determined by the Principal

POLICY 5.183

1 CELLULAR TELEPHONES AND OTHER WIRELESS COMMUNICATION DEVICES

2
3 1. Purpose

4 The School Board of Palm Beach County (Board) is committed to providing a safe,
5 positive and productive learning environment for its students. The Board
6 recognizes that, depending on how they are used, cellular phones and other
7 wireless communication devices can be either a valuable learning tool or a source
8 of disruption in the learning environment. This policy is to implement the
9 provisions of Section 1006.07(2)(f), Florida Statutes, which permits students to
10 possess cellular phones and other wireless communication devices on school
11 property and authorizes the Board to regulate the possession and use of such
12 devices. In order to maintain a secure and orderly learning environment, student
13 use and possession of cellular phones and other wireless communication devices
14 shall be subject to the limitations as set forth in this policy. ~~For ease of reference,~~
15 ~~this Policy updates and expands upon existing portions of Policies 5.1812 and~~
16 ~~5.1813 concerning wireless communications devices, to clarify that students may~~
17 ~~possess wireless communications devices as allowed by Fla. Stat. § 1006.07(2)~~
18 ~~(e), (except for camera phones), but students shall not use or display such devices~~
19 ~~at any time on school property, at a school function, or on District transportation.~~

20 2. Definitions

21 As used herein, the terms below are defined as follows:

- 22 a. "Wireless communications device" means a handheld electronic device having
23 the ability to receive and/or transmit voice, text, or data messages without a
24 cable connection, such may include, but is not limited to, as cellular
25 telephones, digital wireless phones, radio-phones/walkie-talkies, telephone
26 paggers, PDA phones (personal digital assistants with wireless communications
27 capabilities), iPhones, iPads, iPods, or RIM ("research in motion") wireless
28 devices. This definition also includes any current or emerging wireless
29 handheld technologies or portable information technology systems developed
30 for similar purposes.
- 31 b. "School property" means any school center, bus, facility, including grounds
32 owned or occupied by the Board. The definition includes the location of a
33 School District sponsored activity as well as transportation provided by the
34 School District to attend a School District sponsored activity. School property
35 excludes a mass transit system, such as Palm Tran, and any student utilizing
36 such services is expected to abide by the rules of the carrier. "Camera phone"
37 means any cellular phone (or other wireless communications device) capable
38 of taking digital photographs.

- 40 c. "Instructional school day" means the moment a student enters the school
41 center until the final dismissal bell. The "instructional school day" includes, but
42 is not limited to, study halls, lunch break, class changes and any other
43 structured or non-structured instructional activity that occurs during the normal
44 school day, including the administration of examinations, and regardless of
45 whether a student is on campus or at an off-campus school-sponsored activity.
- 46 d. "Kept in the "off" position" means powered completely off and is not simply set
47 on a vibrate, silent, standby, hibernation or airplane mode.

48 3. **Policy Statement**

49 In accordance with state law, students may possess cellular phones and other
50 wireless communication devices on school property and school-sponsored
51 transportation, as long as the students adhere to the restrictions provided herein.
52 Any unauthorized use of cellular phones and other wireless communication devices
53 during the instructional school day, while on school-sponsored transportation, or at
54 such times as not authorized by the school principal or designee, is prohibited as it
55 disrupts the instructional program or distracts from the educational environment.

56 a. Elementary School Students. Elementary school students may possess
57 cellular phones and other wireless communication devices on school property
58 and school-sponsored transportation, provided such devices are not visible,
59 used, or activated, and are kept in the "off" position throughout the
60 instructional school day and while on school-sponsored transportation.
61 Students must keep their cellular phones and other wireless communication
62 devices stored in a purse or backpack, or other non-visible secure location
63 during the instructional school day and while on school-sponsored
64 transportation.

65 i. Times of Authorized Use on Elementary School Grounds. While waiting
66 for the beginning of the instructional school day or waiting for a school
67 bus at the end of the instructional school day, students may use their
68 cellular phones and other wireless communication devices.

69 b. Middle School Students. Middle school students may possess cellular phones
70 and other wireless communication devices on school property and school-
71 sponsored transportation, provided such cellular phones and other wireless
72 communication devices are not visible, used or activated, and are kept in the
73 "off" position throughout the instructional school day and while on school-
74 sponsored transportation. Middle school students must keep their cellular
75 phones and other wireless communication devices stored in a vehicle, locker,
76 purse, backpack, or other non-visible secure location. Middle school principals
77 may modify the instructional school day to establish other authorized times of
78 use in addition to when students are waiting for the beginning of the

79 instructional school day or waiting for a school bus at the end of the
80 instructional school day, including the designation of areas of the school
81 campus for such use.

82 i. Communication to Students and Parents. If the principal modifies the
83 instructional school day to permit middle school students to use cellular
84 phones or other wireless communication devices at times other than
85 when students are waiting for the beginning of the instructional school
86 day or waiting for a school bus at the end of the instructional school day,
87 the principal shall include such information in the school's student/parent
88 handbook and other communications to parents/students.

89

90 c. High School Students. High school students may possess cellular phones
91 and other wireless communication devices on school property and school-
92 sponsored transportation, provided such cellular phones and other wireless
93 communication devices are not visible, used or activated, and are kept in the
94 "off" position throughout the instructional school day and while on school-
95 sponsored transportation. High school students must keep their cellular
96 phones and other wireless communication devices stored in a vehicle, locker,
97 purse, backpack, or other non-visible secure location. High school principals
98 may modify the instructional school day to establish other authorized times of
99 use in addition to when students are waiting for the beginning of the
100 instructional school day or waiting for a school bus at the end of the
101 instructional school day, including the designation of areas of the school
102 campus for such use.

103 i. Communication to Students and Parents. If the principal modifies the
104 instructional school day to permit high school students to use cellular
105 phones or other wireless communication devices at times other than
106 when students are waiting for the beginning of the instructional school
107 day or waiting for a school bus at the end of the instructional school day,
108 the principal shall include such information in the school's student/parent
109 handbook and other communications to parents/students.

110 **Restrictions**

111 a. ~~Students shall not possess, display, or use a wireless communication~~
112 ~~device (a camera phone) at any time on school grounds or during any~~
113 ~~school sponsored program or activity, including school transportation.~~

114 ~~Although students may possess wireless communications devices~~
115 ~~pursuant to Fla Stat. § 1006.07(2)(c), s Students must abide by section~~
116 ~~(4)(a)(iii)(G) of Policies 5.1812 and 5.1813, "if students possess a cellular~~
117 ~~phone [or other wireless communications device], it should be turned off~~
118 ~~and kept inside a book bag, purse, or similar container, and it may not be~~
119 ~~used (and may not be allowed to emit any ringtone or other noise) on~~
120 ~~school grounds or during any school sponsored program or activity,~~
121 ~~including school transportation."~~

122 4. **Unauthorized Use of Devices**

123 A student's possession, display or use of a cellular phone and other wireless
124 communication devices on school property contrary to the provisions of this policy
125 shall be viewed as the unauthorized use of the cellular phone or other wireless
126 communication devices when such possession, display or use of such devices
127 results in conduct which includes, but is not limited to:

128 a. Interference with or disruption of the instructional or educational environment.

- 129 b. Use which violates academic integrity, as the reproduction of images of tests,
130 communication of test or examination contents or answers, to provide access
131 to unauthorized school information, or assistance to students in any aspect of
132 their instructional program in a manner that violates school board policy or the
133 Student Code of Conduct.
- 134 c. The communication of the marks or grades assigned to students resulting from
135 evaluation or the actual contents, or parts thereof, of any evaluation activity
136 being completed by an individual(s).
- 137 d. Use to commit a crime, under federal or state law.
- 138 e. Violation of a student's or other person's reasonable expectation of privacy, by
139 using such devices with photographic capabilities in student locker-rooms,
140 restrooms, any other student changing areas, or the classroom, whether such
141 use occurs during the instructional school day or on school property. Cellular
142 phones and other wireless communication devices may not be utilized to take
143 "photographs" or "videos" while on school property, while on school-sponsored
144 transportation or while a student is engaged in school-sponsored activities.
- 145 f. Use in a manner that is profane, indecent, obscene, threatening,
146 discriminatory, bullying or harassing language, pictures or gestures. Cellular
147 phones and other wireless communication devices which have the capability
148 to take "photographs" or "moving pictures" shall not be used for such purposes
149 while on school property, while on school-sponsored transportation or while a
150 student is engaged in school-sponsored activities.

151 5. **Other Acceptable Uses**

152 Cellular phones and other wireless communication devices are permissible in the
153 following circumstances:

- 154 a. Instructional or Educational Purposes. Cellular phones or wireless
155 communication devices may be used during a class period or school activity
156 when specifically approved by the principal in conjunction with educationally
157 appropriate objectives.
- 158 b. IEP, 504, or Health Care/Medical Plan. Students may use cellular phones,
159 wireless communication devices and other electronic devices during class time
160 when authorized pursuant to an Individual Education Plan (IEP), a Section 504
161 Accommodation Plan, or a Health Care/Medical Plan with supportive
162 documentation from the student's physician.
- 163 c. Health, Safety or Emergency Reasons. Exceptions to the restrictions in this
164 policy, in part or in its entirety, may be made for health, safety and emergency
165 reasons by the principal.

166 d. School Trips or School Sponsored Activities. The use, display or activation of
167 cellular phones or other wireless communication devices during school trips or
168 school sponsored activities shall be at the discretion of the principal or
169 designee, but shall not be disruptive to the activity.

170 e. Other Reasons. Other reasons determined appropriate by the principal.

171 6. ~~4~~ **Consequences.**

172 a. An offense shall occur each time this policy is violated regardless of the
173 specific device or devices involved. However, the possession of multiple
174 devices at one time shall be regarded as one offense.

175 i. Any cellular phone or wireless communication device possessed or used
176 in violation of this policy shall be confiscated by school personnel, absent
177 compelling and unusual circumstances, and only returned to the student's
178 parent or guardian or another adult designated by the parent or guardian.

179 If a cellular phone or wireless communication device is confiscated, the
180 device shall be taken to the school's main office to be identified and
181 placed in a secure area.

182 ii. Students will be disciplined as provided for in Board Policies [5.1812](#) and
183 [5.1813](#), as now or hereafter amended.

184 b. The application of discipline for violations under this policy will be progressive
185 except for those instances where there are additional aggravating factors as
186 outlined in the non-exclusive listing in paragraph 4 of this policy. Any
187 additional aggravating factors may subject the student to more stringent
188 discipline consequences and /or reports to law enforcement agencies.

189 ~~The following consequences may be imposed for violation of this Policy:~~

190 ~~a. As stated in section (4)(a)(iii)(G) of Policies [5.1812](#) and [5.1813](#), use or~~
191 ~~display of a wireless communications device (other than a camera phone)~~
192 ~~constitutes a display or use of an item that is "disruptive to the general~~
193 ~~peace and welfare to a school center, school bus, or a school sponsored~~
194 ~~activity" and consequences will be imposed accordingly.~~

195 ~~A student's possession or use of a camera phone on school grounds or during~~
196 ~~any school sponsored program or activity, including school transportation,~~
197 ~~shall constitute "possession and/or use of items or contraband designated by~~
198 ~~the school as inappropriate materials" under Policy [5.1812](#) or [5.1813](#), section~~
199 ~~(4)(a)(iii)(H) ("Prohibited Items, Non-Criminal") and consequences will be~~
200 ~~imposed accordingly.~~

201 7. **Responsibility/Liability**

202 Any student who chooses to bring a cellular phone or other wireless
203 communication device to school shall do so at his or her own risk and shall be
204 personally responsible for the security of his or her cellular phone or wireless
205 communication device. Neither the school personnel or Board will assume any
206 responsibility or liability for loss, theft, damage or vandalism to a cellular phone or
207 other wireless communication device brought onto school property, or for the
208 unauthorized use of any such device.

209 STATUTORY AUTHORITY: Fla. Stat. §§ 1001.41(2); 1001.43(1); 1006.07(2)

210 LAWS IMPLEMENTED: Fla. Stat. §§ 1001.32(2); 1006.07(2)(f)

211 HISTORY: 9/13/2004; __/___2012

Legal Signoff:

The Legal Department has reviewed proposed Policy 5.183 and finds it legally sufficient for adoption by the Board.

Attorney

Date