



POLICY 5.183

5-C I recommend that the Board approve development of the proposed **revised** Policy 5.183, entitled "Cellular Telephones and Other Wireless Communications Devices."

[Contact: Keith Oswald, PX 48813.]

Development

CONSENT ITEM

- This policy is to implement the provisions of Section 1006.07(2) (f), Florida Statutes, which permits students to possess wireless communications 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 transportation. See Sec. 3. A definition is provided for instructional school day. See Sec. 2c.
- An exception to the above provision is provided to high schools, if High School Principals desire to modify the instructional school day and establish times of authorized use of wireless communication devices for high school students for time periods in addition to when students are waiting for the beginning of the instructional school day or waiting for a school bus at the end of the instructional school day, including the designation of areas of the school campus for use of such devices. If the Principal modifies the instructional day to authorize more time for usage, the Principal is required to provide notice to students and parents. See Sec. 3c.
- For elementary and middle schools, the policy provides the times of authorized uses of cell phones to be 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) and 3(b)(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 violates 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 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 COMMUNICATIONS DEVICES

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

19 2. **Definitions.** As used herein, the terms below are defined as follows:

20 a. "Wireless communications device" means a handheld electronic device having
21 the ability to receive and/or transmit voice, text, or data messages without a
22 cable connection, such ~~may~~ include, but is not limited to, ~~as~~ cellular
23 telephones, digital wireless phones, radio-phones/walkie-talkies, telephone
24 paggers, PDA phones (personal digital assistants with wireless communications
25 capabilities), I Phones, or RIM ("research in motion") wireless devices. This
26 definition also will include any current or emerging wireless handheld
27 technologies or portable information technology systems developed for similar
28 purposes. Excluded from this definition is any device with communication
29 capabilities that has been approved for instructional purposes.

30 b. "School property" means any school center, bus, facility, including grounds
31 owned or occupied by the School Board. The definition includes the location
32 of a School District sponsored activity as well as transportation provided by the
33 School District to attend a School District sponsored activity. School property
34 excludes a mass transit system, such as Palm Tran, and any student utilizing
35 such services is expected to abide by the rules of the carrier. "Camera phone"
36 means any cellular phone (or other wireless communications device) capable
37 of taking digital photographs.

38 c. "Instructional school day" means the moment a student enters the school

39 center until the final dismissal bell. The “instructional school day” includes, but
40 is not limited to, study halls, lunch break, class changes and any other
41 structured or non-structured instructional activity that occurs during the normal
42 school day, including the administration of examinations, and regardless of
43 whether a student is on campus or at an off-campus curriculum-related school
44 sponsored-activity.

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

- 52 a. *Elementary School Students.* Elementary school students may possess
53 cellular phones and wireless communication devices on school property and
54 school-sponsored transportation, provided such devices are not visible, used
55 or activated and are kept in the “off” position throughout the instructional
56 school day and while on school-sponsored transportation. Students must keep
57 their wireless communication devices stored in a vehicle, locker, purse,
58 backpack, or other non-visible secure location during the instructional school
59 day and while on school-sponsored transportation.

- 60 i. *Times of Authorized Use on Elementary School Grounds.* While waiting
61 for the beginning of the instructional school day or waiting for a school
62 bus at the end of the instructional school day.

- 63 b. *Middle School Students.* Middle school students may possess cellular phones
64 and wireless communication devices on school property and school-
65 sponsored transportation, provided such devices are not visible, used or
66 activated and are kept in the “off” position throughout the instructional school
67 day and while on school-sponsored transportation. Students must keep their
68 wireless communication devices stored in a vehicle, locker, purse, backpack,
69 or other non-visible secure location during the instructional school day and
70 while on school-sponsored transportation.

- 71 i. *Times of Authorized Use on Middle School Grounds.* While waiting for
72 the beginning of the instructional school day or waiting for a school bus at
73 the end of the instructional school day.

- 74 c. *High School Students.* High school students may possess cellular phones
75 and wireless communication devices on school property and school-
76 sponsored transportation, provided such wireless communication devices are
77 not visible, used or activated and are kept in the “off” position throughout the

78 instructional school day, and while on school-sponsored transportation.
 79 However, Principals have the discretion to modify the instructional school day
 80 and establish times of authorized use of wireless communication devices for
 81 high school students for time periods in addition to when students are waiting
 82 for the beginning of the instructional school day or waiting for a school bus at
 83 the end of the instructional school day, including the designation of areas of
 84 the school campus for use of such devices. Otherwise, high school students
 85 must keep their wireless communication devices stored in a vehicle, locker,
 86 purse, backpack, or other non-visible secure location.

- 87 i. Communication to Students and Parents. If the Principal modifies the
 88 instructional school day to permit high school students to use cell phones
 89 or wireless communication devices at times other than when students are
 90 waiting for the beginning of the instructional school day or waiting for a
 91 school bus at the end of the instructional school day, the Principal shall
 92 include such information in the school's student/parent handbook and
 93 other communications to parents/students.

94 **Restrictions**

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

- 98 b. ~~Although students may possess wireless communications devices pursuant to~~
 99 ~~Fla Stat. § 1006.07(2)(c), s Students must abide by section (4)(a)(iii)(C) of Policies~~
 100 ~~5.1812 and 5.1813, "if students possess a cellular phone [or other wireless~~
 101 ~~communications device], it should be turned off and kept inside a book bag, purse,~~
 102 ~~or similar container, and it may not be used (and may not be allowed to emit any~~
 103 ~~ringtone or other noise) on school grounds or during any school-sponsored~~
 104 ~~program or activity, including school transportation."~~

- 105 4. Unauthorized Use of Devices. A student's possession, display or use of a
 106 wireless communication device on School property contrary to the provisions of this
 107 policy shall be viewed as the unauthorized use of wireless devices when such
 108 possession, display or use of such devices results in conduct which includes, but is
 109 not limited to:

- 110 a. Interference with or disruption of the instructional or educational environment.
- 111 b. Use which violates academic integrity, as the reproduction of images of tests,
 112 communication of test or examination contents or answers, to provide access
 113 to unauthorized school information, or assistance to students in any aspect of
 114 their instructional program in a manner that violates school board policy or the
 115 Student Code of Conduct.
- 116 c. The communication of the marks or grades assigned to students resulting from

117 evaluation or the actual contents, or parts thereof, of any evaluation activity
118 being completed by an individual(s).

119 d. Use to commit a crime, under federal or state law.

120 e. Violation of a student's or other person's reasonable expectation of privacy, by
121 using such devices with photographic capabilities in student locker-rooms,
122 restrooms, any other student changing areas, or the classroom, whether such
123 use occurs during the instructional school day or on school property.

124 f. Use in a manner that is profane, indecent, obscene, threatening,
125 discriminatory, bullying or harassing language, pictures or gestures. Cellular
126 phones which have the capability to take "photographs" or "moving pictures"
127 shall not be used for such purposes while on School property, while on school-
128 sponsored transportation or while a student is engaged in school-sponsored
129 activities.

130 5. Other Acceptable Uses. The requirement that cell phones or wireless
131 communication devices be turned off shall not apply in the following circumstances.

132 a. Instructional or Educational Purposes. Cell phones or wireless
133 communication devices may be used during a class period or school activity
134 when specifically approved by the Principal in conjunction with educationally
135 appropriate objectives.

136 b. IEP, 504, or Health Care/Medical Plan. Students may use electronic
137 devices during class time when authorized pursuant to an Individual Education
138 Plan (IEP), a Section 504 Accommodation Plan, or a Health Care/Medical
139 Plan with supportive documentation from the student's physician.

140 c. Health, Safety or Emergency Reasons. Exceptions to the restrictions in this
141 policy, in part or in its entirety, may be made for health, safety and emergency
142 reasons by the Principal.

143 d. School Trips or School Sponsored Activities. The use, display or activation of
144 cell phones or wireless communication devices during school trips or school
145 sponsored activities shall be at the discretion of the Principal or designee, but
146 shall not be disruptive to the activity.

147 e. Other Reasons. Other reasons determined appropriate by the Principal.

148 6. **4- Consequences.**

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

- 152 i. Any cell phone or wireless communication device possessed or used in
 153 violation of this policy shall be confiscated by school personnel and only
 154 returned to the student's parent or guardian. Absent compelling and
 155 unusual circumstances, confiscated devices will only be returned to the
 156 student's parent or guardian. If a cell phone or wireless communication
 157 device is confiscated, the device shall be taken to the school's main office
 158 to be identified and placed in a secure area.
- 159 ii. Students will be disciplined as provided for in section School Board
 160 Policies 5.1812 and 5.1813, as now or hereafter amended.
- 161 b. The application of discipline for violations under this policy will be progressive
 162 except for those instances with additional aggravating factors as outlined in
 163 the non-exclusive listing in paragraph 4 of this policy. Any additional
 164 aggravating factors may subject the student to more stringent discipline
 165 consequences and /or reports to law enforcement agencies.

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

- 167 ~~a. As stated in section (4)(a)(iii)(G) of Policies 5.1812 and 5.1813, use or~~
 168 ~~display of a wireless communications device (other than a camera phone)~~
 169 ~~constitutes a display or use of an item that is "disruptive to the general~~
 170 ~~peace and welfare to a school center, school bus, or a school sponsored~~
 171 ~~activity" and consequences will be imposed accordingly.~~
 172 ~~A student's possession or use of a camera phone on school grounds or during any~~
 173 ~~school sponsored program or activity, including school transportation, shall~~
 174 ~~constitute "possession and/or use of items or contraband designated by the school~~
 175 ~~as inappropriate materials" under Policy 5.1812 or 5.1813, section (4)(a)(iii)(H)~~
 176 ~~("Prohibited Items, Non-Criminal") and consequences will be imposed accordingly.~~

- 177 7. Responsibility/Liability. Any student who chooses to bring a wireless
 178 communication device to school shall do so at his or her own risk and shall be
 179 personally responsible for the security of his or her cell phone or wireless
 180 communication device. The school personnel or School Board will assume no
 181 responsibility or liability for loss, theft, damage or vandalism to a portable or
 182 wireless communication device brought onto school property, or for the
 183 unauthorized use of any such device.

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

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

186 HISTORY: 9/13/2004; __/__/2012

Legal Signoff:

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

Attorney

Date