



POLICY 5.183

5-B I recommend that the Board approve development of the proposed **revised** Policy 5.183, entitled “Cellular Telephones and Other Wireless Communication 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 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

CELLULAR TELEPHONES AND OTHER WIRELESS COMMUNICATION DEVICES

1. Purpose

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

2. Definitions.

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

- a. *"Wireless communications device"* means a handheld electronic device having the ability to receive and/or transmit voice, text, or data messages without a cable connection, such may include, but is not limited to, as cellular telephones, digital wireless phones, radio-phones/walkie-talkies, telephone pagers, PDA phones (personal digital assistants with wireless communications capabilities), iPhones, iPads, iPods, or RIM ("research in motion") wireless devices. This definition also includes any current or emerging wireless handheld technologies or portable information technology systems developed for similar purposes.
- b. *"School property"* means any school center, bus, facility, including grounds owned or occupied by the Board. The definition includes the location of a School District sponsored activity as well as transportation provided by the School District to attend a School District sponsored activity. School property excludes a mass transit system, such as Palm Tran, and any student utilizing 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.~~

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

45 d. "Kept in the "off" position" means powered completely off and is not simply set
46 on a vibrate, silent, standby, hibernation or airplane mode.

47 3. **Policy Statement**

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

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

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

68 b. Middle School Students. Middle school students may possess cellular phones
69 and other wireless communication devices on school property and school-
70 sponsored transportation, provided such cellular phones and other wireless
71 communication devices are not visible, used or activated, and are kept in the
72 "off" position throughout the instructional school day and while on school-
73 sponsored transportation. Middle school students must keep their cellular
74 phones and other wireless communication devices stored in a vehicle, locker,

75 purse, backpack, or other non-visible secure location. Middle school principals
76 may modify the instructional school day to establish other authorized times of
77 use in addition to when students are waiting for the beginning of the
78 instructional school day or waiting for a school bus at the end of the
79 instructional school day, including the designation of areas of the school
80 campus for such use.

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

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

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

108 **Restrictions**

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

112 b. ~~Although students may possess wireless communications devices~~
113 ~~pursuant to Fla Stat. § 1006.07(2)(c), s Students must abide by section~~

114 ~~(4)(a)(iii)(C) of Policies 5.1812 and 5.1813, "if students possess a cellular~~
115 ~~phone [or other wireless communications device], it should be turned off~~
116 ~~and kept inside a book bag, purse, or similar container, and it may not be~~
117 ~~used (and may not be allowed to emit any ringtone or other noise) on~~
118 ~~school grounds or during any school sponsored program or activity,~~
119 ~~including school transportation."~~

120 4. **Unauthorized Use of Devices**

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

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

149 5. **Other Acceptable Uses**

150 Cellular phones and other wireless communication devices are permissible in the
151 following circumstances:

152 a. Instructional or Educational Purposes. Cellular phones or wireless
153 communication devices may be used during a class period or school activity
154 when specifically approved by the principal in conjunction with educationally
155 appropriate objectives.

156 b. IEP, 504, or Health Care/Medical Plan. Students may use cellular phones,
157 wireless communication devices and other electronic devices during class time
158 when authorized pursuant to an Individual Education Plan (IEP), a Section 504
159 Accommodation Plan, or a Health Care/Medical Plan with supportive
160 documentation from the student's physician.

161 c. Health, Safety or Emergency Reasons. Exceptions to the restrictions in this
162 policy, in part or in its entirety, may be made for health, safety and emergency
163 reasons by the principal.

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

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

169 6. ~~4~~ **Consequences.**

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

173 i. Any cellular phone or wireless communication device possessed or used
174 in violation of this policy shall be confiscated by school personnel, absent
175 compelling and unusual circumstances, and only returned to the student's
176 parent or guardian or another adult designated by the parent or guardian.
177 If a cellular phone or wireless communication device is confiscated, the
178 device shall be taken to the school's main office to be identified and
179 placed in a secure area.

180 ii. Students will be disciplined as provided for in Board Policies [5.1812](#) and
181 [5.1813](#), as now or hereafter amended.

182 b. The application of discipline for violations under this policy will be progressive
183 except for those instances where there are additional aggravating factors as
184 outlined in the non-exclusive listing in paragraph 4 of this policy. Any

185 additional aggravating factors may subject the student to more stringent
186 discipline consequences and /or reports to law enforcement agencies.

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

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

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

198 7. **Responsibility/Liability**

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

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

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

208 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