

Student Cell Phones and Electronic Devices on School Grounds and at School Events

This policy governs students' possession and use of cell phones and other personal electronic devices, notwithstanding any other school policy governing searches or discipline.

Possession and Use of Personal Electronic Devices on School Grounds

Students may possess and use personal electronic devices, including cell phones, on school grounds and at school events provided that usage does not disrupt the educational program or school activity and is not illegal or a violation of the code of conduct, such as cheating on assignments or tests.

Electronic devices shall be turned off and kept out of sight during class time and at other times as directed by school staff. School staff may grant permission, in individual cases, for a student to have her cell phone on, for reasons of medical necessity or other serious needs. Students shall not be prevented from using cell phones in case of an emergency, unless that use interferes with school staff or others effectively communicating safety instructions.

Discipline for Violations

Violation of this policy may be treated as a disciplinary offense under the school's written code of conduct. The code shall set out progressive discipline for such violations, providing for a reprimand or an order that a student turn off her electronic device, for a first offense, and, for subsequent offenses, for school staff to confiscate the device and return it to the student at the end of the class period, school day or activity. Students may be subject to other disciplinary measures when their use of an electronic device violates other provisions of the school's code of conduct; for examples, rules against cheating and plagiarism.

Searches of Personal Electronic Devices

Students retain an expectation of privacy in their cell phones and electronic devices. As the Supreme Court has recognized, students do not shed their constitutional rights when they go to school.

Searches Conducted by School Officials

A school official may search an individual student's cell phone or electronic device only when she has a reasonable and individualized—focused on the individual student—suspicion that the search will reveal evidence that the student violated a school district policy pertaining to the conduct of students, as published and made available by the school pursuant to G.L. chapter 71, §37H. Simple possession or use of a cell phone or electronic device in violation of a school rule is insufficient justification for a search of the device.

Reasonable suspicion must be based on specific and objective facts that the search will produce evidence related to the particular alleged violation. Reasonable suspicion cannot be based on curiosity, rumor, hunch, mere disruptive activity, attempts to hide personal

possessions, or invocations of a student's constitutional rights. Searches of an individual student's cell phone or electronic device may not be conducted in order to search for evidence of another student's or students' violations.

Prior to conducting any search of a student's personal device, school staff shall: (1) document the individualized facts that constitute the reasonable suspicion justifying the search; (2) notify the student and the student's parent or legal guardian of the particular suspected violation and the type of data to be searched for as evidence of the violation; and (3) provide the student's parent or legal guardian the opportunity to be present during the search. The search must be limited in scope to locating evidence of the suspected policy violation and must be terminated when any such evidence has been located.

It shall be a violation of this policy to copy, share, or in any way transmit any information from a student's cell phone or electronic device unless that action is directly related to the stated justification for the search and is necessary for the proper handling of any related disciplinary proceeding.

Searches Involving Law Enforcement

School officials shall not perform searches of student devices at the instigation, request, direction, or on behalf of law enforcement officials except (1) when there is an imminent threat to life or safety, as outlined below, or (2) when a law enforcement official presents a probable cause warrant specifying the particular item(s) to be searched and/or seized. Except as outlined below, school officials shall not disclose any part of a student's digital information, including information accessed from a student's personal device, to law enforcement absent a probable cause warrant stipulating the particular information to be searched and/or seized. For the purposes of this policy, School Resource Officers are considered law enforcement, not school officials.

Requiring search warrants for investigations of possible criminal violations protects the integrity of the criminal justice process, the student's rights, and the school district's and staff's interests.

Searches in Case of Emergency

When there is an immediate threat to life or safety, school staff or law enforcement officials may search a student's device without providing advanced notice or obtaining a warrant. Within 72 hours of accessing a device in response to an emergency situation, the school employee or law enforcement official who took that action shall provide a written description of (1) the threat, (2) the reasons for accessing the particular device, (3) a description of the search, and (4) the data accessed and/or seized to the student whose device was searched, to the student's parents or legal guardians, and to the school principal's office.

Log of Searches

The school principal's office shall maintain a personal device access log in which the following information shall be recorded for each search of a student's personal device by

school staff or other public employees: the name of the school official or other public employee accessing the device; the business address and other contact information for the person accessing the device; the date of access; the data or functions accessed; and the basis for the search. The log shall include documentation of searches undertaken in emergencies. Personal device access logs maintained pursuant to this provision shall not contain any personally identifiable student data, shall be made available to members of the public upon request, and shall be public records subject to the public records law, G.L. chapter 66, §10.

Personal Responsibility & Storage of Confiscated Devices

Students are solely responsible for cell phones or electronic devices they bring to school. The district shall not be responsible for loss, theft or destruction of any such device brought onto school property, except that it shall be the responsibility of the school to ensure the safekeeping of any confiscated devices.

Confiscated electronic devices shall be stored by school staff in a secure manner in a centralized location and shall not be available to anyone until they are returned to the student owner or his or her parent or guardian. Confiscated electronic devices must be returned to the student by the end of the school day.

Students and their parents shall be notified of this policy at the beginning of every school year. The school district shall ensure that the policy is distributed to all school staff within 3 months of its adoption and that training is provided at least once per year.

Policy
Adopted:
Revised:

[DISTRICT]
[LOCATION]