

5136 - WIRELESS COMMUNICATION DEVICES

"Wireless communication device" (WCDs) as used in this policy are defined in Bylaw 0100.

[X] The School Board is aware that WCDs are used by students and parents to communicate with each other. However, the use of WCDs on school grounds must be appropriately regulated to protect students, staff, and the learning environment. This policy sets forth the District's policy with respect to WCDs. **[END OF OPTION]**

Pursuant to State law, students shall not operate a motor vehicle owned or leased by the District on or off school property, or personal motor vehicle on District property, while manually typing or entering multiple letters, numbers, symbols, or other characters into a personal communication device or while sending or reading messages on such a device, for the purpose of non-voice interpersonal communication, including, but not limited to, communication methods known as texting, e-mailing, instant messaging, and snap chatting.

Elementary and middle school students **Students** may not use WCDs during **the school day**. High school students may not use a WCD during instructional time and are prohibited from accessing social media platforms through the use of Internet access provided by the District. Teachers shall designate an area for WCDs to be stored during instructional time.

[SELECT OPTION A OR OPTION B]

OPTION A

[X] While students may possess WCDs in school during non-instructional time, on school property, during after-school activities (e.g., extra-curricular activities), and at school-related functions, they must be powered completely off (i.e., not just placed into vibrate or silent mode) and stored out of sight during school hours.

() during after school activities (e.g., extra-curricular activities), **()** and on school buses or other Board provided vehicles **[END OF OPTIONS]**.

[END OF OPTION A]

OPTION B

() Students may use WCDs before and after school, **()** during their lunch break, **()** in between classes as long as they do not create a distraction, disruption, or otherwise interfere with the educational environment, **()** during after school activities (e.g., extra-curricular activities), **()** or at school related functions **[END OF OPTIONS]**. High school students may use WCDs **()** during their lunch break, **()** and in between classes **[END OF OPTIONS]**, as long as they do not create a distraction, disruption, or otherwise interfere with the educational environment.

[END OF OPTION B]

WCDs intended and actually used for instructional purposes (e.g., taking notes, recording classroom lectures, writing papers) may be permitted in high school, as expressly directed by the Principal and/or teacher. **(X)** However, the use of a WCD to engage in non-education-related communications is expressly prohibited.

Students may not use WCDs on school property or at a school-sponsored activity to access and/or view Internet websites that are otherwise blocked to students at the school and shall not download or access prohibited applications using Internet access provided by the District.

Students may use WCDs while riding to and from school on a school bus or other Board provided vehicles or on a school bus or Board provided vehicle during school sponsored activities at the discretion of the classroom teacher and/or sponsor/advisor/coach. Distracting behavior that creates an unsafe environment will not be tolerated.

[IF SCHOOL VEHICLES WAS NOT SELECTED IN OPTION A, INCLUDE THE FOLLOWING: (X)

Students may use WCDs while riding to and from school on a school bus or other Board-provided vehicles **(X)** or on a school bus or Board-provided vehicle during school-sponsored activities after the school day, at the discretion of the bus driver, **(X)** classroom teacher **(X)** sponsor/advisor/coach. Distracting behavior that creates an unsafe environment will not be

tolerated. High school students may use WCDs in a school bus or Board-provided vehicle during school-sponsored activities. **[THIS LANGUAGE MAY ALSO BE USED IF OPTION B WAS SELECTED.]**

During after-school activities, WCDs shall be powered completely off (not just placed into vibrate or silent mode) and stored out of sight when directed by the administrator or sponsor.

Under certain circumstances, a student may keep his/her WCD "on" with prior approval from the building principal.

Except as authorized by a teacher, administrator, or IEP Team, students are prohibited from using WCDs during the school day, including while off-campus on a field trip, to capture, record, or transmit the words or sounds (i.e., audio) and/or images (i.e., pictures/video) of any student, staff member, or other person. Using a WCD to capture, record, and/or transmit audio and/or pictures/video of an individual without proper consent is considered an invasion of privacy and is not permitted. Students who violate this provision and/or use a WCD to violate the privacy rights of another person ~~erson~~ shall may **[END OF OPTION]** have their WCD confiscated and held until ~~the end of the school day~~ a parent/guardian picks it up, and may be directed to delete the audio and/or picture/video file while the parent/guardian is present **[END OF OPTIONS]**. **[END OF OPTIONAL SENTENCE]** ~~and may be directed to delete the audio and/or picture/video file~~. If the violation involves potentially illegal activity, the confiscated WCD may be turned over to law enforcement. The prohibitions herein also include using a WCD or any other device to covertly listen-in or make a recording (audio or video) of any meeting or activity in school. This includes placing a WCD or other device with one- or two-way audio and video communication technology (i.e., technology that allows a person to listen to live conversations and sounds taking place in the location where the device is located), within a student's book bag or other property of the student or on the student's person without express written consent from an administrator, IEP Team, or Section 504 Team.

"Sexting" is prohibited at any time on school property or at school functions. As set forth in State law, sexting is the knowing transmission or distribution to another minor by a computer or similar device any photograph or video of any person that depicts nudity and is harmful to minors. Sexting also includes possessing a photo of any person that was transmitted or distributed by another minor that depicts nudity. Such conduct not only is potentially dangerous for the involved students, but can lead to unwanted exposure of the messages and images to others, and could result in criminal violations related to the transmission or possession of child pornography. Such conduct will be subject to discipline and possible confiscation of the WCD.

[SELECT OPTION #1 OR OPTION #2 OR OPTION #3]

OPTION #1

The use of WCDs that contain built in cameras (i.e. devices that take still or motion pictures, whether in a digital or other format) is prohibited in classrooms, gymnasiums, locker rooms, shower facilities, rest/bathrooms, and/or swimming pool.

[END OF OPTION #1]

OPTION #2

The use of WCDs in classrooms, gymnasiums, locker rooms, shower facilities, rest/bathrooms and/or swimming pool is prohibited.

[END OF OPTION #2]

OPTION #3

WCDs, including but not limited to those with cameras, may not be activated or utilized at any time in any school situation where a reasonable expectation of personal privacy exists. These locations and circumstances include, but are not limited to classrooms, gymnasiums, locker rooms, shower facilities, rest/bathrooms, and any other areas where students or others may change clothes or be in any stage or degree of disrobing or changing clothes. The Superintendent and building principals are authorized to determine other specific locations and situations where use of a WCD is absolutely prohibited.

[END OF OPTION #3]

Students shall have no expectation of confidentiality with respect to their use of WCDs on school premises/property.

Students may not use a WCD in any way that might reasonably create in the mind of another person an impression of being threatened, humiliated, harassed, embarrassed, or intimidated. See Policy 5517.01 – *Bullying and Harassment*. In particular, students are prohibited from using WCDs to: (1) transmit material that is threatening, obscene, disruptive, or sexually explicit or that can be construed as harassment or disparagement of others based upon their race, national origin, sex (including sexual orientation/transgender identity), disability, age, religion, ancestry, or political beliefs; and (2) engage in "sexting" - i.e., sending, receiving, sharing, viewing, or possessing pictures, text messages, e-mails, or other materials of a sexual nature (i.e., sexting) in electronic or any other form. As set forth in State law, sexting is the knowing transmission or distribution to another minor by a computer or similar device any photograph or video of any person that depicts nudity and is harmful to minors. Sexting also includes possessing a photo of any person that was transmitted or distributed by another minor that depicts nudity and is harmful to minors. Violation of these prohibitions shall result in disciplinary action. Furthermore, such actions will be reported to local law enforcement and child services as required by law.

Students are also prohibited from using a WCD to capture, record, and/or transmit test information or any other information in a manner constituting fraud, theft, cheating, or academic dishonesty. Likewise, students are prohibited from using WCDs to receive such information.

Possession of a WCD by a student at the school during school hours **(X)** and/or during extra-curricular activities **[END OF OPTION]** is a privilege that may be forfeited by any student who fails to abide by the terms of this policy, or otherwise abuses this privilege.

Violations of this policy may result in disciplinary action and/or confiscation of the WCD. The building principal may also refer the matter to law enforcement or child services if the violation involves an illegal activity (e.g., child pornography, sexting). Discipline will be imposed on an escalating scale ranging from a warning to an expulsion based on the number of previous violations and/or the nature of or circumstances surrounding a particular violation. If the WCD is confiscated, it will be released/returned to the student's parent/guardian after the student complies with any other disciplinary consequences that are imposed, unless the violation involves potentially illegal activity in which case the WCD may be turned over to law enforcement. ~~(→ In particular egregious offenses involving the invasion of another person's privacy, the Board reserves the right to confiscate the WCD and hold it until the end of the school year.)~~ **[END OF OPTION]** A confiscated device will be marked in a removable manner with the student's name and held in a secure location in the building's central office until it is retrieved by the parent/guardian or turned over to law enforcement. School officials will not search or otherwise tamper with WCDs in District custody unless they reasonably suspect that the search is required to discover evidence of a violation of the law or other school rules. Any search will be conducted in accordance with Policy 5771 – *Search and Seizure*. If multiple offenses occur, a student may lose his/her privilege to bring a WCD to school for a designated length of time or on a permanent basis.

Exceptions

With permission of a school administrator, students may use a WCD ~~in the following~~ in the presence of the principal or designee. ~~locations in the school building:~~

A student may use a WCD during the school day in accordance with the student's individualized education plan (IEP), the student's 504 accommodation plan, or a doctor's note from a physician licensed under F.S. Chapter 458 or 459 certifying in writing that the student requires the use of a WCD based on valid clinical reasoning or evidence.

Duty to Report

A person who discovers a student using a WCD in violation of this policy is required to report the violation to the building principal.

Students Responsible for Their WCDs

Students are personally and solely responsible for the care and security of their WCDs. The Board assumes no responsibility for theft, loss, or damage to, or misuse or unauthorized use of WCDs brought onto its property.

Parents/Guardians are advised that the best way to get in touch with their child during the school day is by calling the school office.

Students may use school phones to contact parents/guardians during the school day.

[NOTE: F.S. 1006.07(2)(f) permits a student to possess a WCD while the student is on school property or in attendance at a school function. This policy provides a framework for the school boards if it desires to allow high school students to use have WCDs in their possession during school hours and all students while riding in a school vehicle. Your policy may be less restrictive (such as allowing their use during certain times in the school day) or more restrictive (no WCD uses allowed at all) to meet District needs.]