

DRAFT

**EAST
STROUDSBURG
AREA
SCHOOL DISTRICT**

NO.: 237
SECTION: PUPILS
TITLE: ELECTRONIC
COMMUNICATION
DEVICES
ADOPTED: August 19, 2002
REVISED: November 15, 2004
July 17, 2006
July 18, 2011

237. ELECTRONIC COMMUNICATION DEVICES	
1. Purpose	<p><u>Electronic Communication Devices (“ECDs”)¹ can be supportive of the educational program of the School District. They can assist students in achieving the School District’s mission and goals, as well as a student’s own educational goals. With the many kinds of ECDs, some issued by the School District (“SD ECDs”) and some of the students (“PECDs”), the potential for the The use of Electronic Communication Devices² by students has been found to be disruptive to the educational process, can be abused in ways that negatively affect students, employees, and to the School District exists.environment, and is generally prohibited in accordance with this Policy.</u></p>
2. Definitions	<p><u>Electronic Communication Devices (“ECDs”)</u> – are communication devices with voice, data, text, and/or navigation capabilities that are able to access the internet, transmit telephone calls, text messages, email messages, instant messages, video communications (such as iChat and Skype), <u>perform word processing and other computer and online applications (“apps”).</u> and/or provide location information. <u>The devices are capable of electronically communicating, sending, receiving, storing, recording, reproducing, and/or displaying information and data.</u></p> <p>Examples of Electronic Communication Devices include smartphones (iPhone); iPod, Blackberry); cellular phones; mobile phones (capable of being configured to recording photos, video and/or audio); traditional telephones; pagers/<u>beepers</u>; <u>location tracking devices</u>; global positional system (GPS) instruments; computers; portable game units; MP3 <u>music and media</u> players; PDAs; digital cameras; <u>tablet</u></p>

¹ See Definition section for the defined terms generally provided in initial capital letters throughout this Policy.

² See Definition section for the defined terms generally provided in initial capital letters throughout this Policy.

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and laptop computers; wearable technology; drones; iPads; Kindles and other similar devices that can capture still images or video, and can record, store, display, transmit, or receive audio or video with digital, electronic, wired, wireless, or cellular communication capabilities. ECDs, ~~Electronic Communications Devices~~ may also be referred to as electronic devices in other publications and School District policies.

ECDs could be devices that are not capable of transmitting telephone communications (such as radios), do not have Internet access (such as Kindles), are lasers, and/or are radar communication devices.

Personal Electronic Communication Devices (“PECDs”)– are ~~ECDs Electronic Communications Devices~~ that are ~~owned~~ brought to the School District by the student, and are not owned by the School District.

Silent Use – is the use of ECDs, and PECDs (where permission has been granted by an administrator or IEP team), that make no sound, are inaudible, and are speechless. Examples of Silent Use include texting and electronic messaging. No device rings, ringtones, or sound effects are permitted at any time, unless a teacher permits such use in an area within the teacher’s control and is not disruptive to other employees and students.

3. Authority

24 P.S. § 5-510
24 P.S. § 1317.1
Policy 815

1. The Board permits the possession and Silent Use³ of SD ECDs by School District students during the school day in School District buildings, on School District property, and while students are attending School District-sponsored activities during regular school hours when they are in compliance with this Policy, other School District policies, regulations, rules, and procedures, Internet Service Provider (“ISP”), website and apps terms (if they are lawful), and local, state, and federal laws and procedures (“School District Policies and/or Other Legal Requirements”). Use must be supportive of the educational program of the School District, must not interfere with the students’ educational requirements, responsibilities/duties and performance, the rights and education of others, and the operation and services of the School District.
2. Students are prohibited from visually possessing, using, and turning on their PECDs during the school day in School District buildings, on School District property, and while students are attending School District-sponsored activities during regular school hours on School District premises and property (including but not limited to, buses and other vehicles), at School District events, or through connection to the School District CIS systems, unless prior expressed permission has been granted by the building administrator (or

³ See Definition section for the defined terms generally provided in initial capital letters throughout this Policy.

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designee) for educational, safety, emergency, medical, or security use. Students who are permitted to use their PECDs are also subject to the School District's Acceptable Use Policy #815.

Students who are performing volunteer fire company, ambulance or rescue squad functions, or need such a Computer due to their medical condition, or the medical condition of a member of their family, with notice and the approval of the school administrator (or designee) may qualify for an exemption of this prohibition.

3. Connection of SD ECDs and PECDs to the Internet by way of anything other than the School District's WiFi network is a violation of this Policy and the School District's Acceptable Use Policy, unless the Principal of the School District building has authorized students to use their cellular service in that building. The School District will not be responsible for Student's acts conducted through their cellular service. Parent(s)/Guardian(s) are responsible for their child's use and misuse of their cellular service in violation of School District Policies and Other Legal Requirements, and they must cooperate with the School District if disciplinary matters arise.
4. Building level administrators, in consultation with the Superintendent, and/or designee, and in compliance with School District Policies and Other Legal Requirements, are authorized to determine the extent of the use of SD ECDs and permitted PECDs, within their schools, on the school's property, and/or while students are attending that school's sponsored activities during regular school hours. For example, use at the elementary grade level may be different than that at the middle school, and/or high school grade levels.
5. Students are prohibited from using SD ECDs and PECDs with or without Internet access and/or recording, and/or camera/video, and other capabilities and configurations to take videos and images of others, transfer them, and/or place them on websites or social media without the consent of the person(s) in the image and/or building principal.
6. Unless a teacher and/or principal determines otherwise, SD ECDs and permitted PECDs, must be turned off upon entering any instructional area and remain off until the student leaves the instructional area. Instructional areas include, but are not limited to, classrooms, gymnasiums, practice fields, field trip locations, auditoriums, conference rooms, band rooms, and chorus rooms.
7. In addition, unless they must be used for emergency situations, the SD ECDs and permitted PECDs must remain off during a school evacuation due to the safety and security of all individuals.

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8. The School District will not be liable for the theft, loss, damage, misuse, or unauthorized use of any permitted and/or not permitted PECD brought to school by a student, and the School District will not guarantee that time or resources will be used by the School District to locate stolen or lost PECDs. Students are personally and solely responsible for the security of PECDs and the privacy of their information and data brought to school, school events, or School District property. The School District will not be responsible for restricting, monitoring, or controlling the personal electronic communications of students; however, it reserves the right to do so. The student is responsible for any costs of the use (for example, monthly expenses, voice and data charges), repair, maintenance, replacement, upgrades, enhancements, or modifications to their PECD; the School District and School District employees will not provide such support.
9. If students' PECDs are loaned or borrowed and misused, the students loaning the PECDs and the students receiving/borrowing the PECDs and misusing the PECDs are jointly responsible for the misuse and/or violation of School District policies, regulations, rules, or procedures.

~~Unless Otherwise Specifically Permitted Herein, The Board prohibits Electronic Communication Devices and Personal Electronic Communication Devices from being visible, used, or turned on by students during the school day in School District buildings, on School District property, on school buses and while students are attending School District sponsored activities during regular school hours. Electronic Communication Devices and Personal Electronic Devices must be turned off upon entering any School District building and remain off until the student leaves the School District building, and for numerous reasons the Electronic Communications Devices must remain off during a school evacuation due to safety and security of all individuals.~~

~~However, appropriate student use of School District-owned Electronic Communications Devices may be permitted when the educational, safety, emergency, medical, or security use of the device is approved by the building principal (or designee), or the student's Individuals Education Program (IEP) is approved by the IEP team. School District-owned Electronic Communication Devices are also subject to the School District's Acceptable Use Policy #815.~~

~~Personal Electronic Communication Devices must not be visible, used or turned on during the school day unless prior permission has been granted by the building principal (or designee) for educational, safety, emergency, medical, or security use and the student is supervised by a School District professional. Connection to the internet by way of anything other than the School District's network is a violation of this Policy and the School District's Acceptable Use Policy. For example, if use~~

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~~is authorized, the Personal Electronic Communication Devices only may be connected through the School District's network. Students may not connect to others' services (including but not limited to, WiFi) or use 3G or 4G connections. Personal Electronic Communication Devices, where relevant, are also subject to the School District's Acceptable Use Policy #815.~~

~~The Board strictly prohibits possession by students on school grounds, at School District sponsored activities, and on buses or other vehicles provided by the School District any non-School District-owned laser pointers, or laser pointer attachments, and any Electronic Communication Devices that are hazardous or harmful to students, employees, and the School District, including but not limited to devices that control/interfere with the operation of the buildings' systems, facilities and infrastructure, or digital network. Only under the direct supervision of a school district employee, may a student be authorized by the Principal (or designee), or anyone, for students to possess and/or use such devices.~~

~~The School District shall not be liable for the loss, damage or misuse of any Personal Electronic Communication Device brought to school by a student.~~

4. Delegation of Responsibility

- ~~1. The s~~Superintendent (and/or designee,) shall annually notify students, parent(s)/guardian(s), employees, and Guests~~staff~~ about the School District's Electronic Communication Devices Policy by publishing the Policy, or references to the Policy, in the student handbook, in a newsletter, and/or posted~~ing~~ notices, on the School District's website and/or on apps, in its social media locations, and/or by any other methods.
- ~~2. The Superintendent, and/or designee, is responsible for training and retraining administrators and employees who are responsible for the use, supervision, discipline, investigation, confiscation, searching, and/or other matters involving students' SD ECD and PECD.~~
- ~~3. If needed, the Superintendent is granted the authority to create and enforce administrative regulation(s), rules, guidelines, procedures, and forms to accompany this Policy, which must be incorporated into the administrative regulation.~~
- ~~4. Students must comply with this School District Policies and/or, o Other Legal Requirements~~relevant School District policies, regulations, rules and procedures. Students must comply with the guidelines set by the classroom teacher and/or School District and building level officials for ECDs and permitted PECDs.~~for the educational use of Electronic Communication Devices and Personal Electronic Communication Devices. The Any~~ guidelines must be consistent with this Policy and the School District's Acceptable Use Policy.

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Students will be held responsible for their conduct in the use and misuse of the SD ECDs and PECDs, and are subject to the consequences provided in the Guidelines Section of this Policy.

If needed, the Superintendent is granted the authority to create an administrative regulation to accompany this Policy.

5. Guidelines Policies 218, 233

1. In accordance with this Policy, ECDs and permitted PECDs, *may be used* in authorized areas as determined by the School District administration as follows:

1.1 For educational or instructional purposes.

1.2 Before and after school, and in the cafeteria at lunchtime.

1.3 When the educational, safety, emergency, medical, or security use of the ECDs and permitted PECDs by the student is approved by the building level administrator, or designee. In such cases, the student's use must be supervised by a School District professional.

2. In accordance with this Policy, ECDs and all PECDs, *may not be used* in unauthorized areas as determined by the School District administration as follows:

2.1 The Board strictly prohibits possession and use by students of any non-School District-owned laser pointers, or laser pointer attachments, and any ECDs and PECDs that are hazardous or harmful to students, employees, and the School District on school grounds, at School District-sponsored activities, and on buses or other vehicles provided by the School District. These include, but not limited to, SD ECDs and PECDs that control/interfere with the operation of the buildings' systems, facilities and infrastructure, or digital network. No exception or permission may be authorized by the principal, or designee, or anyone, for students to possess or use such devices.

2.2 During tests, examinations, and/or assessments, unless the teacher authorizes such use. When ECDs and any PECDs are not authorized to be used during tests, examinations, and/or assessments they must be stored in closed items such as pocketbooks and book bags, and may not be visible or turned on. For example, they may not be placed on the desktop, table or on an individual's lap.

2.3 To cheat, engage in unethical conduct, and threaten academic integrity.

24 P.S. § 1317.1

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47 U.S.C. § 254
(5)(B)(iii)

2.4 To access and/or view Internet websites that are blocked by the School District. Examples include, but are not limited to, inappropriate social media sites, and “Inappropriate Matter” as defined in the School District’s Acceptable Use Policy and Social Media Policy.

2.5 To invade the privacy rights of any student or employee, violate the rights of any student or staff member, for example unlawfully harass, threaten, intimidate, bully or cyberbully any student, employee, or Guest, or promote or engage in violence. Actions include, but not limited to, taking an individual’s photo without consent, recording an individual’s voice or image without consent, or storing/accessing personal and/or academic information/data without consent.

2.6 In locker rooms, bathrooms, dressing rooms, swimming pool areas, and any other changing areas.

2.7 In the hallways and during the changing of classes.

2.8 To create, send, share, view, or disseminate sexually explicit, obscene, pornographic, child pornographic, lewd images or video content, such as acts that may be a crime under state and/or federal law.

2.9 To disrupt the education and learning of others and the educational and learning environment of the School District.

3. ~~Electronic Communication Devices~~ECDs and ~~PECDs~~ that violate this Policy, other relevant School District ~~Policies and/or Other Legal Requirements, regulations, rules, and procedures shall~~may be lawfully be confiscated. ~~The confiscated ECDs and PECDs shall be lawfully processed by the confiscator and may not be returned until a conference is held with a parent or guardian.~~

4. If ~~school officials have~~ reasonable suspicion ~~exists~~ that ~~this~~the School District ~~Policies and/or Other Legal Requirements, other relevant School District policies, regulations, rules, procedures, and laws~~ are violated by the student’s use of ~~Electronic Communication Devices~~ECDs or ~~Personal Electronic Communication Devices~~PECDs, ~~or~~and that the use of these devices ~~may~~will materially or substantially disrupt the school’s atmosphere, the ~~devices~~ECDs and PECDs may be turned over to law enforcement when warranted.~~lawfully searched.~~

5. Students have no expectation of privacy when using the ~~School District~~

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~~owned Electronic Communication Devices~~SD ECDs and when using the School District's WiFi or other service(s). In addition, students have no expectation of privacy when they use Personal Electronic Communication Devices on the School District's WiFi or other service(s) or when their device is lawfully searched.

6. When legally required or when in the interest of the student, the student's parent/guardian shall be notified.
7. If ~~the Electronic Communication Device~~an ECD, SD ECD or PECD is suspected of being stolen, it shall be turned over to ~~the police~~law enforcement.
8. Disciplinary consequences shall be in accordance with the School District's policies and administrative regulations, rules, guidelines, and procedures, including but not limited to Student Code of Conduct, Acceptable Use Policy, Bullying/Cyberbullying Policy, Harassment Policy, and Social Media Policy~~among others~~.
9. Violations of this Policy should be reported to the student's principal, or designee.

References:

School Code – 24 P.S. 510, 1317.1.
Electronic Communications Privacy Act – 18 U.S.C. 2510 et seq.
Wiretapping and Electronic Surveillance Act – 18 Pa. C.S.A. 5703.
Federal Children's Internet Protection Act - 47 U.S.C. § 254.
Pennsylvania Child Internet Protection Act – 24 P.S. § 4601 et seq.
Bullying Act – 24 P.S. § 13-1303.1-A.
School Board Policies, Regulations, Rules, and Procedures

47 U.S.C. § 254
(5)(B)(iii)