CELL PHONE POLICY

The following prohibition shall be known as the Cell Phone and Camera Policy.

**SECTION 1. PROHIBITION**

From the commencement of the school’s instructional day until dismissal of the last class of the

day, the following prohibition shall be in effect:

Except as otherwise stated herein, students are prohibited from using or displaying,

whether purposely or inadvertently, any cell phone, two-way pager, and any other

electronic device capable of transmitting or receiving voice or data communication, as

well as any electronic device capable of storing information, including any form of

electronic notebook, palm pilot and similar device, or computer. Students are also

prohibited from using or displaying any camera of any type. .

**SECTION 2. EXCEPTIONS TO THE ABOVE PROHIBITION:**

a) A student needing to make a telephone call during the day may proceed, with the

permission of a classroom teacher, to the school office where permission may be granted by the

person then in charge of the office to make such call. Students may not receive telephone calls

directly. All incoming calls shall be to the office which will, when appropriate, relay the

information to the student.

b) Devices to send emergency medical signals may be worn or carried if prior permission

has been granted by the Principal or a designee, in which case a protocol shall be established for

the individual student using the device and for the faculty members responsible for such student.

In such cases, the parent or student shall provide sufficient documentation from a health care

provider as to the medical necessity.

c) In an emergency, a classroom teacher may allow or direct a student to use a

prohibited item.

**SECTION 3. VIOLATION OF THE PROHIBITION:**

A violation occurs whenever a prohibited device is in plain view, whether or not the

student intended to display the item. Any teacher, teacher’s assistant, or administrator seeing

the device shall ask that it be surrendered immediately. A student’s failure to comply shall be

considered to be insubordination and shall be treated as such IN ADDITION TO ALL OTHER

PENALTIES under this policy. Such insubordinate student shall be referred to the office

immediately where the school staff may employ all reasonable means, including the assistance

of law enforcement, to gain possession of the device. If the student still refuses to comply, the

student shall be suspended from school and shall not return until the device is surrendered.

**SECTION 4: PROCEDURE ON DISCOVERY OF VIOLATION**

RECORDS AND DOCUMENTATION: When electronic devices are confiscated, the

following documentation shall be kept by appropriate school personnel: :

1. date and time of confiscation

2. reason for confiscation (see below) and location of occurrence

3. name of the person(s) confiscating the device

4. name and address of the student from whom the device was confiscated

5. name of owner if different from the student in possession

6. description of the device including serial number

7. brief description of data stored on the device (see section 5, below)

**SECTION 5. INSPECTION AND INVENTORY OF SEIZED ITEM**

To avoid claims that the item seized or the data stored thereon has been damaged,

deleted or otherwise destroyed while the item is in the custody of the school, an inspection of the

item and a review of the data stored thereon shall be made. The person conducting such

inspection and inventory shall note and record in general fashion the data stored on the item and

reasonable efforts shall be used to maintain the item so that no data is erased or damaged prior

to return to the student or parent. If the data is found to be in violation of a rule of the school or

is deemed to be criminal in nature, it may be used in the punishment or prosecution of the

student from whom it was seized as well as the owner of the device.

**Section 6. PENALTY:**

The penalty for display of a prohibited device, shall be:

a) if the device is found to be turned completely off at the time of seizure, the penalty

shall be

1) for a first offense, \_\_\_\_\_\_

2) for a second offense, \_\_\_\_\_\_

3) for a third and subsequent offense \_\_\_\_\_\_

**[DRAFTER PLEASE NOTE: if it is decided to require the**

**student to pay a fine, there must be an alternative nonfinancial**

**penalty. Due to Fifth Amendment Due Process**

**considerations, the non-financial penalty should not be so**

**severe as to be onerous in relation to the financial penalty.**

**In plain English, the student should not be punished more**

**for declining to pay the fine. Law Advisory suggests a $25**

**fine or one hour of community service for a first offense;**

**$75 or 3 hours for a second offense; 3-day suspension and**

**all work to be made up in detention at the completion of the**

**3 days for a third or subsequent offense] ]**

b) if the device is in the “on” position, whether or not configured to display an audible or

other sensory signal to the possessor, the penalty, in addition to that stated for the device in

the off position shall \_\_\_ (state additional penalty)\_\_\_\_\_

c) if a test is in progress when the violation takes place, in addition to all other provisions

of this policy, there shall be a presumption that cheating is taking place and the student shall

be dealt with according to the school’s policies and practices on cheating.

d) if the device is in use for the purpose of unreasonably compromising another person’s

privacy, or the inspection of the data stored on the device under section 5 hereof determines

that prior use has unreasonably compromised another person’s privacy, the student shall be

forthwith placed in in-school suspension pending a decision on suspension and potential

expulsion under other school policies dealing with invasion of privacy.

**Section 7. Involvement of other Students**

a) if the device which gives rise to the invocation of this policy is owned by another

student, the owner shall be deemed to be subject to the same penalty or penalties as the

student displaying the device.

b) if examination of the device under the provision below involving confiscation

determines that another student was involved in sending or receiving signals to or from the

offending device in violation of this or any other school policy, including, but not limited to,

cheating and invasion of privacy, the other student shall be deemed to be in violation of this

policy as though the student had displayed his or her own sending/receiving device.

**Section 8. Effective Date**

This policy shall take effect on . It shall be published in accordance

with the publication requirements for all other District policies.

**Section 9. Return of Confiscated Device to Student or Owner**

The confiscated device shall be dealt with as follows:

1) the first time this policy is violated, any device confiscated from the student shall be

retained for at least 48 but not more than 72 hours after the penalty is satisfied, at which time

it shall be returned to the student from whom it was confiscated or to the actual owner if

determined to be other than the student from whom it was taken;

2) the second time this policy is violated and a device is confiscated, even if it is a

device different from the first device, the parent or parents of the student from whom it is

taken shall be notified of the infraction in a reasonably timely fashion. At the parent’s

discretion, the device may be recovered by either parent upon acknowledgment by the

parent in writing that any devices confiscated in the future will be retained for 30 days

following which the item shall be destroyed without further notice unless the parent has

requested return of the item to the parent. In the event of such request by the parent, the

item shall be returned to the parent at the end of the 30 day period or, in the sole discretion

of the school, at an earlier time.

3) a third and all subsequent violations of this policy shall result in notice to the student

and parents that the item shall be retained until the end of the current school year.

When a parent has been notified of the parent’s right to recover the item and the parent fails to

seek recovery, the item may be destroyed after giving parent additional written notice of the intent

to do so if the parent does not pick up the item by a stated date. .

If it is determined that the seized item belongs to another party, that party shall be timely notified

of the intent to destroy. If the item belongs to a lessor, the lessor may recover the item by

signing a consent not to redeliver the item to the offender. Nothing in this policy obligates the

school to attempt to ascertain whether there is a third party owner.

**SECTION 10. SHORT FORM**

In the student handbook or such other notice of this policy as the school shall use, the following

wording shall be sufficient notice of the full policy as stated above.

**CELL PHONE AND CAMERA POLICY**

ANY ELECTRONIC DEVICE, INCLUDING, BUT NOT LIMITED

TO, CELL PHONES, PAGERS AND CAMERAS OF ANY TYPE,

OBSERVED ON CAMPUS AT ANY TIME DURING THE

SCHOOL DAY SHALL BE TAKEN FROM THE STUDENT AND

THE STUDENT SHALL BE SUBJECT TO APPROPRIATE

PUNISHMENT FOLLOWING WHICH THE ITEM WILL BE

RETURNED TO EITHER THE STUDENT OR A PARENT.

ELECTRONIC DEVICES SEIZED SHALL INSPECTED AND

INVENTORIED. IF DATA THEREIN INDICATES THAT THE

STUDENT HAS USED THE ITEM FOR IMPROPER

PURPOSES, INCLUDING, BUT NOT LIMITED TO, CHEATING

OR THE VIOLATION OF THE RIGHTS OF OTHER STUDENTS,

APPROPRIATE ACTION WILL BE TAKEN BY SCHOOL

AUTHORITIES.

A full copy of this policy may be obtained, without charge, from

the school office during normal hours of operation. All students

are presumed, therefore, to know the full contents. Additional

copies shall be subject to the same per page cost normally

charged for copying official documents.

**SECTION 6. PUBLICATION AND ADOPTION.**

This policy shall be published on passage in accordance with the rules applicable to all

other Board policies. In addition, it shall be prominently posted 20 days prior to enforcement

in a manner reasonably designed to come to the attention of all interested students.

Beginning with the next school year following passage, the following short form shall be

included in the student handbook/code of conduct:

AFFIRMATIONS AND SIGNATURES