

Book	Policy Manual
Section	Special Update - June 2024 - Legislative Changes
Title	Replacement Policy - Special Update - June 2024 - Legislative Changes - PERSONAL COMMUNICATION DEVICES
Code	po5136
Status	
Legal	I.C. 20-26-5-40.7
Cross References	po0100 - DEFINITIONS po5517.01 - BULLYING po5771 - SEARCH AND SEIZURE po7540.03 - STUDENT TECHNOLOGY ACCEPTABLE USE AND SAFETY
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Last Reviewed	July 17, 2024

**Replacement Policy - Special Update - June 2024 - Legislative Changes**

5136 - **PERSONAL COMMUNICATION DEVICES**

The School Board believes that attendance at school should occupy a student's full attention and that the educational process should be safe and free from distraction and disruption.

Personal communication devices (PCDs) as used in this policy are defined in Bylaw 0100 - Definitions.

**[DRAFTING NOTE: SELECT OPTION A, B, OR C.]**

**[OPTION A]**

**[DRAFTING NOTE: OPTION A BROADLY PERMITS PCD USE AT SCHOOL EXCEPT AS PROHIBITED BY I.C. 20-25-5-40.7. CHOOSE THIS OPTION TO ALLOW STUDENTS TO USE CELL PHONES AND OTHER PCDs ON SCHOOL PROPERTY, IN SCHOOL VEHICLES, OR AT SCHOOL EVENTS EXCEPT DURING INSTRUCTIONAL TIME.]**

Students are prohibited from using a PCD during instructional time except that:

- A. a teacher may allow a student to use a PCD for educational purposes during instructional time;
- B. a student may use a PCD to manage the student's health care or in the event of an emergency; or
- C. a student may use a PCD if the use of a PCD is included in the student's individualized education program or Section 504 plan.

Students otherwise are permitted to use PCDs in school, before and after school hours, on School Corporation property, during their lunch break, between classes, during after-school activities (e.g., extra-curricular activities), and at school-related functions as long as they do not create a distraction, disruption or otherwise interfere with the educational environment. Use of a PCD on Corporation property that results in a distraction, disruption or otherwise interferes with the educational environment shall not be tolerated and may result in the loss of use of the PCD while on Corporation property.

Students may use PCDs while riding to and from school on a Corporation bus or other Corporation vehicle, or on a Corporation bus or other Corporation vehicle during school-sponsored activities. Distracting behavior that creates an unsafe environment shall not be tolerated and may result in the loss of use of the PCD while on a Corporation bus or other Corporation vehicle.

**[END OF OPTION A]**

**[OPTION B]**

**[DRAFTING NOTE: OPTION B GENERALLY PERMITS PCD WITHIN THE SCOPE OF THE OPTIONS SELECTED. CHOOSE THIS OPTION TO ALLOW STUDENTS TO USE CELL PHONES AND OTHER PCDs OUTSIDE OF INSTRUCTIONAL TIME WITHIN A NARROWED SCOPE.]**

~~Students are prohibited from using a PCD during instructional time except that:~~

- ~~A. a teacher may allow a student to use a PCD for educational purposes during instructional time;~~
- ~~B. a student may use a PCD to manage the student's health care or in the event of an emergency; or~~
- ~~C. a student may use a PCD if the use of a PCD is included in the student's individualized education program or Section 504 plan.~~

~~Students otherwise are permitted to use PCDs ( ) in school, ( ) before and after school hours, ( ) on School Corporation property, ( ) during their lunch break, ( ) between classes, ( ) during after school activities (e.g., extracurricular activities), and ( ) at school-related functions (end of options) as long as they do not create a distraction, disruption or otherwise interfere with the educational environment. Use of a PCD on Corporation property that results in a distraction, disruption or otherwise interferes with the educational environment shall not be tolerated and may result in the loss of use of the PCD while on Corporation property.~~

**[DRAFTING NOTE: SELECT OPTION 1 OR 2.]**

**[OPTION 1]**

**[DRAFTING NOTE: CHOOSE OPTION 1 TO GENERALLY PERMIT STUDENTS TO USE CELL PHONES AND OTHER PCDs ON CORPORATION VEHICLES.]**

~~Students may use PCDs while riding to and from school on a Corporation bus or other Corporation vehicle ( ) or on a Corporation bus or other Corporation vehicle during school sponsored activities (end of option) at the discretion of the bus driver ( ) or classroom teacher ( ) or sponsor/advisor/coach (end of options). Distracting behavior that creates an unsafe environment shall not be tolerated and may result in the loss of use of the PCD while on a Corporation bus or other Corporation vehicle.~~

**[END OF OPTION 1]**

**[OPTION 2]**

**[DRAFTING NOTE: CHOOSE OPTION 2 TO GENERALLY PROHIBIT STUDENTS FROM USING CELL PHONES AND OTHER PCDs ON CORPORATION VEHICLES.]**

~~Students are prohibited from using PCDs while riding to and from school on a Corporation bus or other Corporation vehicle, on a Corporation bus or other Corporation vehicle during school sponsored activities except that:~~

- ~~A. a student may use a PCD to manage the student's health care or in the event of an emergency; or~~
- ~~B. a student may use a PCD if the use of a PCD is included in the student's individualized education program or Section 504 plan.~~

~~Distracting behavior that creates an unsafe environment shall not be tolerated and may result in the loss of use of the PCD while on a Corporation bus or other Corporation vehicle.~~

**[END OF OPTION 2]**

**[END OF OPTION B]**

**[OPTION C]**

**[DRAFTING NOTE: OPTION C PROHIBITS PCD USE WITH LIMITED EXCEPTIONS. CHOOSE THIS OPTION TO GENERALLY PROHIBIT STUDENTS FROM USING CELL PHONES AND OTHER PCDs AT SCHOOL.]**

~~Students are prohibited from using PCDs at school during school hours, before and after school hours while on School Corporation property, during their lunch break, between classes, during after school activities (e.g., extracurricular activities), and at school-related functions except that:~~

- ~~A. a teacher may allow a student to use a PCD for educational purposes during instructional time;~~
- ~~B. a student may use a PCD to manage the student's health care or in the event of an emergency; or~~
- ~~C. a student may use a PCD if the use of a PCD is included in the student's individualized education program or Section 504 plan.~~

~~In addition, students are prohibited from using PCDs while riding to and from school on a Corporation bus or other Corporation vehicle, on a Corporation bus or other Corporation vehicle during school sponsored activities except that:~~

- ~~A. a student may use a PCD to manage the student's health care or in the event of an emergency; or~~
- ~~B. a student may use a PCD if the use of a PCD is included in the student's individualized education program or Section 504 plan.~~

~~Distracting behavior that creates an unsafe environment shall not be tolerated and may result in the loss of use of the PCD while on a Corporation bus or other Corporation vehicle.~~

### **[END OF OPTION C]**

Students are prohibited from using PCDs, including but not limited to those with cameras (i.e., devices that take still or motion pictures, whether in a digital or other format), in any school situation where a reasonable expectation of personal privacy exists. These locations and circumstances include but are not limited to gymnasiums, locker rooms, shower facilities, restrooms/bathrooms, swimming pools, and any other areas where students or others may change clothes or be in any stage of undress. The Superintendent and building principals are authorized to determine other specific locations and situations where use of a PCD is absolutely prohibited. If a student needs to use a PCD to manage the student's health care or in the event of an emergency, the student should go to an area where a reasonable expectation of personal privacy does not exist, except where the emergency prevents the student from leaving the area.

Except as authorized by a teacher, administrator or IEP team/case conference committee (CCC) or Section 504 committee, students are prohibited from using PCDs to capture, record and/or transmit the words or sounds (i.e., audio) and/or images (i.e., pictures/video) of any student, staff member or other person in school, before and after school hours, on Corporation property, during after-school activities (e.g., extra-curricular activities), and at school-related functions. Using a PCD 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 policy and/or use a PCD to violate the privacy rights of another person ( X ) shall ( ) may (end of options) have their PCD confiscated and held until ( X ) the end of the school day ( X ) a parent/guardian picks it up, ( X ) and may be directed to delete the audio and/or picture/video file while the parent/guardian is present (end of options). If the violation involves potentially illegal activity, the confiscated-PCD may be turned over to law enforcement.

When the use of PCDs is permitted, all PCDS must be placed in silent mode and must be stored out of sight when directed by the administrator or sponsor.

When the use of PCDs is prohibited, all PCDs must be powered off completely (i.e., not just placed in vibrate or silent mode) and stored out of sight.

Students may not use PCDs to access and/or view Internet websites that otherwise are blocked to students while in school, on Corporation property, or at a school-sponsored activity.

Students shall have no expectation of confidentiality with respect to their use of PCDs while at school or on Corporation property, including school buildings, other Corporation facilities, and Corporation buses or other Corporation vehicles.

Students shall not use a PCD in any way that reasonably might create in the mind of another person an impression of being threatened, humiliated, harassed, embarrassed or intimidated. See Policy 5517.01 – Bullying and Other Forms of Aggressive Behavior. In particular, students are prohibited from using PCDs 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, color, 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 in electronic or any other form. Violation of these prohibitions shall result in disciplinary action. Furthermore, such actions shall be reported to local law enforcement and the Indiana Department of Child Services (DCS), as required by law.

Students also are prohibited from using a PCD 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 PCDs to receive such information.

Possession of a PCD by a student in school, before and after school hours, on Corporation property, during their lunch break, between classes, during after-school activities (e.g., extra-curricular activities), and at school-related functions 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 PCD. The building principal also shall refer the matter to local law enforcement or DCS if the violation involves an illegal activity (e.g., child pornography, sexting) or child abuse. 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 PCD is confiscated, it will be released/returned to the student's parent/guardian unless the violation involves a potentially unlawful activity, in which case the PCD may be turned over to local law enforcement. A confiscated device will be marked in a removable manner with the student's name and ( ) kept in a

designated area in the teacher's classroom until the end of class or the end of the school day, as appropriate, for minor violations, or (end of option) held in a secure location in the building's central office until it is retrieved by the parent/guardian or turned over to local law enforcement. School officials will not search or otherwise tamper with PCDs in Corporation 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 PCD to school for a designated length of time or on a permanent basis.

A person who discovers a student using a PCD in violation of this policy is required to report the violation to the building principal, facility administrator, or Superintendent.

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

**[DRAFTING NOTE: THE FOLLOWING PROVISIONS ARE OPTIONAL]**

**X ]** Parents/Guardians are advised that use of school phones is the best way to communicate with their child during the school day.

**[X ]** Students may use school phones to contact parents/guardians during the school day.

**LEGAL REFERENCES:**

I.C. 20-26-5-40.7

**CROSS REFERENCES**

po0100

po5517.01

po5771

po7540.03

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