

**SAMPLE DISTRICT POLICY
THE USE/POSSESSION OF
CELLULAR TELEPHONES BY STUDENTS**

CODE OF STUDENT CONDUCT (CSC) RULE

General Disruptive Conduct:

Unexcused tardiness, unexcused absences from class, truancy, possession of objects such as electronic beepers, telephone pagers, cellular telephones, laser pointers, radios, CD players, other recreational devices, and/or any other behavior which disrupts the orderly educational process.

It should be clarified that sole possession of a cellular telephone is not a violation of the Code of Student Conduct. The Code of Student Conduct allows for the possession of cellular telephones; however, when the possession of the cellular telephone disrupts the educational process, or the cellular telephone is used during school hours, or the cellular telephone disrupts or interferes with the safety-to-life issue for students being transported on a district school bus, then it would be a violation of the Code of Student Conduct.

QUESTIONS AND ANSWERS

Q. If a child is wearing a cellular telephone clipped onto a belt in plain view, is this a violation of the CSC and Board Rule?

A. No, possession in of itself is not a violation.

Q. A student is using a cellular telephone during the changing of classes. Does this constitute a violation?

A. Yes, it is a violation, and if the use is disruptive to the orderly educational process, the disciplinary actions outlined in the CSC should be followed.

Q. If a student is using a cellular telephone on school grounds prior to the beginning of school, is this a violation?

A. No, it is not a breach as long as the conversation is terminated before the commencement of school.

Q. Are cellular telephones to be confiscated during random metal detection searches?

A. No. If the phone is concealed and not in use, there is no disruption to the learning environment; therefore, it should not be confiscated. The objective of the weapons team is to search for weapons and drugs.

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Q. Can a student use a cellular telephone while on a school district's bus?

A. No. The use of cellular telephones is disruptive and can interfere with safety to life issues on the school bus.

Q. Can a student use a cellular telephone while on a privately contracted school bus?

A. This depends on each private bus company's policy.

Q. Is the use of a cellular telephone permissible during a school-sponsored event (i.e., dances, sports events, etc.)?

A. The sole use of the telephone is not a violation; however, if the use becomes disruptive to the event, it is an infringement.

Q. If a school administrator makes a decision to confiscate a cellular telephone, what is the administrator's/school's liability?

A. Employees who confiscate cellular telephones from students should ensure that the phones are kept in a secure place. As some cellular telephones are very expensive, should one be lost, damaged, or stolen while under an employee's custody, parents or students may attempt to seek reimbursement from the district for the missing or damaged phone. In most instances, employees are immune from liability for such losses.

However, employees should be advised that the power to confiscate cellular phones from students does not grant the employee the right to negligently store, permanently dispose, or lose a confiscated cellular phone. Moreover, in certain situations, the employee may be asked to cover the cost of a lost, damaged, or stolen cellular phone by school administrators, if the district is held liable for the loss and if it is determined that the employee did not take any precautions to ensure that a confiscated cellular phone is not lost or stolen.

Q. If a student utilizes his/her cellular telephone for the purpose of composing or receiving text mail, would that be considered a violation?

A. Yes, composing and receiving text mail via a cellular telephone during school hours or on a district school bus is a violation of the CSC.

Q. If a student utilizes his/her cellular telephone during lunch, is that considered a violation?

A. Yes, students are not to use cellular telephones during school hours.