



ADMINISTRATIVE PROCEDURE

CATEGORY:

SUBJECT: **STUDENT USE OF ELECTRONIC
COMMUNICATION DEVICES**

A. PURPOSE AND SCOPE

1. To outline administrative procedures governing students’ use of electronic communication devices (“ECDs”) and the handling and ramifications of misuse of ECDs.

2. Related Procedures:

Possession and Use of Cellular Telephones and Other Electronic	
Signaling Devices	H-6980
Discipline and Supervision, General	6270
Student-to-Student Bullying, Harassment or Intimidation	6381
Student Use of District and School Data Communications Networks and	
the Internet	4580
Suspension	6290
Expulsion	6295
Communications	Emergency Procedure 15

B. LEGAL AND POLICY BASIS

1. Reference:

- a. Title IX, Educational Amendments of 1972
- b. Assembly Bill 537 – California Student Safety and Violence Prevention Act of 2000
- c. Assembly Bill 394 – Safe Place to Learn Act of 2007
- d. Assembly Bill 9 – “Seth’s Law” of 2010
- e. Senate Bill 777 – Student Civil Rights Act of 2007
- f. Assembly Bill 746 – Amendments to Education Code section 32261
- g. Assembly Bill 1156 – Amendments to Education Code sections 32282, 48900(r), and 46600
- h. Title 5, California Code of Regulations, § 4900(a)
- i. California Education Code § 32261(f)-(g); 48900 – 48900.4
- j. California Penal Code § 422.55; 11165.7(a)
- k. SDUSD Bullying Harassment, and Intimidation Prohibition Policy A – 3550, approved by the Board of Education on April 12, 2011

2. Student possession and use of Electronic Communication Devices (“ECDs”) on school campuses and school buses, at school-sponsored activities and while under the supervision and control of school district employees is permitted under the circumstances described herein. All students may use these devices on campus before school begins and after school ends. High school students may use such

devices during the lunch period. During the instructional program, or when otherwise directed by district staff members, ECDs must be kept out of sight and turned off.

3. The California Legislature has recognized that all students enrolled in the state public school system have the inalienable right to attend classes on campuses that are safe, secure, and peaceful. (Education Code section 32261.) Acts of bullying, cyberbullying, and sexting are distracting and potentially terrifying forms of mistreatment that disrupt both a student's ability to learn and a school's ability to educate its students in a safe environment. Please refer to Administrative Procedure 6381, Student-to-Student Bullying, Harassment or Intimidation.
4. The school district, through its school administrators and their designees, has the authority to impose regulations on the possession or use of any ECD while students are on campus, while attending school-sponsored activities, or while under the supervision and control of school district personnel. (Education Code section 48901.5.)
5. Nothing in this policy is intended to infringe upon the constitutionally protected right of expression or association of any student, employee, or other member of the school community. Rather, this procedure is intended to apprise students of their rights and the rules applicable to cellular phones and other ECDs. As the California Constitution provides, "Every person may freely speak, write and publish his or her sentiments on all subjects, being responsible for abuse of this right."

C. GENERAL

1. **Originating Office.** Suggestions or questions concerning this procedure should be directed to the Deputy Superintendent of Academics or the Information Technology Department.
2. **Definitions**
 - a. **Electronic Communication Devices:** ECDs may be *school-owned* or *student-owned*. Both types may include, but are not limited to, telephones, wireless telephones, computers, notebooks, pagers, cellular telephones, text-messaging devices, and personal data assistance devices.
 - b. **Material Disruption** means any of the following:
 - (1) The necessary cessation of instruction or educational activities.
 - (2) An inability of students or educational staff to have access to classroom or out-of-classroom activities.
 - (3) The institution of severe or repetitive disciplinary measures in the classroom or during educational and recreational activities to maintain order and protect students, school personnel, and the property of students and school personnel from harm.

- c. **Substantial Interference:** Substantial interference means any of the following:
 - (1) Interference with the ability of students to participate and learn in a safe schooling environment free of intimidation sufficient to cause psychological trauma, physical harm, or threats of physical harm.
 - (2) Interference with teaching and administrative responsibilities of school personnel through intimidation sufficient to cause psychological trauma, physical harm, or threats of physical harm.
 - (3) Damage or reasonable fear of damage to school property or the property of students and school personnel.
- d. **Sexting.** Sexting refers to taking, possessing, viewing, sharing, or sending pictures, graphic images, text messages, emails, or other material of a sexually explicit nature on an ECD.
- e. **Graduated sanctions:** Increasing severity of punishment with repeated offenses or increasing gravity of the offense.
- f. **School grounds:** Property on which a school building or facility is located or property that is owned, leased, or used by the school district.

D. IMPLEMENTATION

1. School's Authority Over School-Owned ECDs On and Off Campus

- a. Misuse of school-owned ECDs, including, but not limited to cyberbullying can begin both on and off campus. Both types have the potential to instantaneously reach a large number of students and public school employees and cause material and substantial disruptions in public schools.
- b. Conditions of using school-owned ECDs are set forth in the school district's Acceptable Use Policy, violations of which may be subject to disciplinary action by the District.

2. School's Authority Over Student-Owned ECDs On Campus

- a. **District Ability to Regulate.** The school district may regulate students' possession and use of student-owned ECDs while students are on campus, while attending school-sponsored activities, and while under the supervision and control of school district employees. (Education Code section 48901.5.)
- b. **Student Possession of ECDs.** Students may possess or use personal electronic signaling devices on school campus provided that students adhere to this policy and other applicable district procedures, such as the Acceptable Use Policy. ECDs must not disrupt the educational program or school activity and must not be used for illegal or unethical activities, such as sexting or cheating on assignments or tests.

- c. **Responsibility for ECDs.** Students are responsible for personal electronic signaling devices they bring to school. The district shall not be responsible for loss, theft or destruction of any such device brought onto school property.
- d. **Student Free Speech Rights.** Students have the right to exercise freedom of speech in the classroom and on school grounds. While schools possess broad authority to regulate student-owned ECDs, nothing in this procedure permits school officials to infringe upon students' constitutionally protected right of free speech. (Education Code sections 48907, 48950.)
- e. **On-Campus Restrictions.** ECDs shall be turned off and kept out of sight during class time or at any other time as directed by a school district employee, except where deemed medically necessary or when otherwise permitted by the teacher or administration. No student shall be prevented from using his/her cell phone in case of an emergency, except where that use inhibits the ability of school district employees to effectively communicate instructions for the safety of students.
- f. **Seizure.** School personnel may confiscate student-owned ECDs when they have reasonable cause to believe that ECDs have been used to bully or harass other students or employees of the school district, or use of ECDs will materially and substantially disrupt school activities. Notwithstanding any other school policies on searches in general, absent reasonable suspicion of wrongdoing with the device beyond merely possessing it or having it turned on or out in the open, school district employees may not search any personal telecommunication device without the express authorized consent of the student and the student's parent or legal guardian. Confiscated ECDs shall be stored by school district employees in accordance with the following:
- (1) Each school site shall designate a specific drawer or cabinet in the main office where confiscated items can be securely locked and stored.
 - (2) Access to the keys to the above-referenced drawer or cabinet shall be limited to one or two persons only. The keys shall not be maintained in public view.
 - (3) The school site shall maintain a log in the locked drawer or cabinet indicating the date and time an item was confiscated, by whom, the name of the student whose property was confiscated, a description of the item, and when it was retrieved. The parent or guardian retrieving the item must print his/her name, relationship, date and time of retrieval, and sign the log indicating receipt of the property.
- g. **Search.** School personnel may conduct searches of student-owned ECDs only when they reasonably believe the search will reveal evidence of misuse in violation of the law or rules of the school or district. The search must not

constitutes a threat to the safety and welfare of members of the school community.

5. Dissemination of this Procedure

- a. Students and their parents shall be notified of the above policy at the beginning of every school year.
- b. The policy shall appear in the *Facts for Parents*, available on the district website (www.sandi.net) and in the student and staff handbook. The school may distribute a copy of the policy annually to all students, parents, faculty, and staff.
- c. All parents/guardians and students of the school district must sign both the Acceptable Use Policy and the Student ECD Policy.
- d. The school may provide training opportunities for school personnel relative to use and misuse of school-owned and student-owned ECDs on and off campus.
- e. The school may provide informational programs or other activities designed to promote parent and community understanding of this policy.

E. FORMS AND AUXILIARY REFERENCES

1. Student use and misuse of Electronic Communication Devices – Letter to Parents and Guardians
2. Student Property Log
3. *H-E-L-L-O: Students have a Right to Privacy in Their Cell Phones*, by the ACLU of Northern California

F. REPORTS AND RECORDS

G. APPROVED BY



General Counsel, Legal Services
As to form and legality

SUBJECT: **STUDENT USE OF ELECTRONIC
COMMUNICATION DEVICES**

NO: **4581**

PAGE: **7 OF 7**

EFFECTIVE: **NEW**

REVISED: **6-12-12**

H. ISSUED BY



Chief of Staff