

4.47— POSSESSION AND USE OF PERSONAL ELECTRONIC DEVICES

Definitions

“Emergency” means a serious, unexpected, and dangerous situation that requires immediate action, including without limitation:

- An active fire;
- An active tornado or earthquake;
- An active shooter;
- An evacuation of school grounds; or
- A medical emergency

“Personal electronic device” means without limitation a:

- a. Cellular telephone;
- b. Paging device;
- c. Beeper;
- d. Mobile telephone that offers advanced computing and internet accessibility;
- e. Digital media player;
- f. Portable game console;
- g. Tablet, notebook, or laptop computer;
- h. Digital camera;
- i. Digital video or audio recorder;
- j. Smart watch; and
- k. Device that can connect and transmit data through Bluetooth technology.

“School day” means from the time students are required to be at school until the time students are dismissed from school.

“Special school events” may include:

- Activities held during the school day that occur outside of the standard in-class curriculum, which may include any of the following activities:
 - Pep rallies;
 - Interscholastic activities;
 - Concerts and performances;
 - Art shows and science fairs;
 - School sponsored events held off campus; and
 - Graduation ceremonies; or
- Regular school activities where the public is invited.

Possession of Personal Electronic Device

Except as permitted under this policy, a student shall not be in possession of a personal electronic device during the school day. A student may possess a personal electronic device during the school day if:

- The personal electronic device is required by the student's individual education plan (IEP), 504 Plan, or Individual Health Plan for health reasons;¹
- The possession of the personal electronic device is during an emergency as defined by this policy;
- The personal electronic device is issued by the District for the student's use during the school day;
- The possession of the electronic device is by a student enrolled in an endorsed concurrent enrollment course at an institution of higher education in order to utilize two-factor authentication to access course work and resources for the endorsed concurrent enrollment course; or
- The possession of the personal electronic device is during a special event during the school day.

A student shall be deemed to not be in possession of a personal electronic device if:²

- The electronic device is in:
 - their bag, as long as they are not reaching into the bag to access it during the school day except as permitted by law when removing it from the bag to access;
 - the student's locker;
 - the student's vehicle;
 - a provided storage area within the classroom.

Use Of Personal Electronic Device

Except as permitted by this policy, a student shall not use a personal electronic device during the school day. A student may use a personal electronic device during the school day if:

- The personal electronic device is required by the student's individual education plan (IEP), 504 Plan, or Individual Health Plan for health reasons;¹
- The use of the personal electronic device is during an emergency as defined by this policy;
- The personal electronic device is issued by the District for the student's use during the school day;
- The possession of the electronic device is by a student enrolled in an endorsed concurrent enrollment course at an institution of higher education in order to utilize two-factor authentication to access course work and resources for the endorsed concurrent enrollment course; or
- The use of the personal electronic device is during a special event during the school day.

A student may possess and use a personal electronic device at a special school event for the purpose of taking photographs. The District shall inform the students and students' parents, legal guardians, persons having lawful control of the student, and persons standing in loco parentis the following before a special school event takes place:

- When and where the special school event will take place;

- Whether or not personal electronic devices shall be allowed at the special school event; and
- Where personal electronic devices may be used at the special school event.

The use of personal electronic devices at school sponsored functions outside the regular school day is permitted to the extent and within the limitations allowed by the event or activity the student is attending.

Misuse of Personal Electronic Devices

Even if a student is allowed to possess or use a personal electronic device under this policy, the misuse of a personal electronic device is prohibited. Misuse of personal electronic devices includes, but is not limited to:

1. Using personal electronic devices issued by the District during class time in any manner other than specifically permitted by the classroom instructor;
2. Permitting any audible sound to come from the personal electronic device when not being used for reason #1 above;
3. Engaging in academic dishonesty, including cheating, intentionally plagiarizing, wrongfully giving or receiving help during an academic examination, or wrongfully obtaining test copies or scores;
4. Using the personal electronic device to record audio or video or to take photographs in areas where a general expectation of personal privacy exists, including but not limited to locker rooms and bathrooms;
5. Creating, sending, sharing, viewing, receiving, or possessing an indecent visual depiction of oneself or another person regardless of whether the image is real or created through the use of artificial intelligence;
6. Using a personal electronic device issued by the District in a manner that violates the Electronic Device and Internet Use Agreement regardless of whether the violation occurred on or off campus;
7. Using a personal electronic device at an event during the school day that was not designated as a special school event or in a manner or location that was not authorized as part of the special school event;
8. Using personal electronic devices issued by the District while driving any vehicle at any time;³ or
9. Using a personal electronic device for the purposes of browsing the internet; composing or reading emails and text messages; or making or answering phone calls while driving a motor vehicle that is in motion and on school property.⁴

Discipline

A student may have a personal electronic device confiscated if:

- The student is found to possess or use a personal electronic device when the use or possession is not authorized by this policy and the personal electronic device was not issued by the District;
- The student misuses a personal electronic device as defined by this policy; or
- The student's parent, legal guardian, person having lawful control of the student, or person standing in loco parentis uses the remote recording or listening capabilities of a personal electronic device, either through an app installed on the personal electronic device or the built-in capacity of the personal electronic device, except when authorized by the District.^{1,5}

Confiscated personal electronic devices may be picked up at the school's administration office by the student's parent, legal guardian, person having lawful control of the student, or person standing in loco parentis.² Students have no right of privacy as to the content contained on any personal electronic devices that have been confiscated.³ A search of a confiscated device shall meet the reasonable individualized suspicion requirements of Policy 4.32—SEARCH, SEIZURE, AND INTERROGATIONS.⁶

A student and the student's parents, legal guardians, persons having lawful control of the student, or persons standing in loco parentis expressly assume any risk associated with a student's possession or use of a student's personal electronic device that is not issued by the District. The District shall not be liable for a personal electronic device that is confiscated if the personal electronic device is lost, stolen, or damaged.

In addition to the confiscation of a personal electronic device for a violation of this policy, a student may be subject to the following discipline:⁷

Cell Phone Consequences:

- 1st offense...Cell phone will be returned at the end of day...warning
- 2nd offense...Parent pick up cell phone
- 3rd offense...Parent pick up cell phone and punishment/ suspension

To protect the integrity of the administration of the assessments under the Arkansas Educational Support and Accountability Act, a student who is found to be in possession of or to use a personal electronic device during the administration of a statewide assessment that is not required by the student's IEP, 504 Plan, or issued by the District shall have the discipline the student is subject to increased by an additional level.

Legal References: A.C.A. § 6-15-2907
 A.C.A. § 6-18-515
 A.C.A. § 27-51-1602
 A.C.A. § 27-51-1603
 A.C.A. § 27-51-1609
 DESE Test Administration Manual
 DESE Rules Governing Student Discipline and School Safety

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