

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.

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;
- 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; 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:

Include where a student may have a personal electronic device during the school day that would not be considered to be in their possession. Examples include: 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; or if the district is going to provide storage in classrooms specifically for devices. If you provide electronic device pouches for your students, include the process to be used for placing and removing devices from the pouches.

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; 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. 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.**

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:

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 increase by an additional level.

Nemo Vista Elementary

Students in grades K-2 are not to bring these items to school (cell phones or electronic devices). If for a special reason, these devices are required in a class, permission from the principal must be obtained before bringing the devices to school. Unauthorized electronic devices will be taken and secured in the office to be picked up by the student's parents. Students have no right to privacy as to the content contained on any cell phones and other electronic communication devices that have been confiscated. These items should not be taken on school-sponsored trips unless permission has been granted by the principal.

Cell Phone Guidelines (Grades 3–5 ONLY)

Students in grades 3–5 may bring cell phones to school; however, upon arrival, all phones must be placed in a designated hanging pouch in their homeroom classroom. Phones will remain in the pouch for the entire school day and may not be used until dismissal. This policy applies to all school activities unless specific permission is granted by staff.

Nemo Vista High School/Middle School

Students may possess cell phones and other electronic devices. At no time during normal school hours (which includes the bus) can these items be visible and/or in use and/or heard without permission from the administration. (High School: Exception will be made for academic purposes with prior permission from the principal.) Items will be confiscated, and the student's parent(s) must pick up the item and/or the student will receive other disciplinary actions if the rule is violated.

When a student must leave the class to use the restroom or similar circumstances, their cell phone (if possessed) must be placed on the teacher's desk to be returned upon the student's re-entering the classroom.

Elementary/Middle School/High School Cell Phone Consequences:

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

Bus and School Property Notice

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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