FFI - PERSONAL ELECTRONIC COMMUNICATION DEVICES " PROHIBITION DURING INSTRUCTIONAL TIME

The Kidder County School District is committed to providing the necessary support for academics and student well-being in a positive educational environment that is free from unnecessary, non-educational distractions. Personal electronic communication devices can be a distraction during instructional time and counterproductive to student focus and engagement. By prohibiting and limiting the use of personal electronic devices during the school day, this policy aims to provide students with more opportunities to engage in meaningful interactions, collaborate with peers, and cultivate the essential skills necessary for academic and life-long success. Therefore, it is the position of the State of North Dakota and the District that students and school employees shall abide by this policy, which prohibits the use of personal electronic communication devices as outlined herein.

Definitions

For the purposes of this policy and in accordance with North Dakota law, the following terms are defined as follows:

a. *Instructional time* means the time from the start of the school day until dismissal at the end of the school day on school premises, for which the signal may be the ringing of a bell, including a structured or unstructured learning experience, recess, a lunch period, and time in between classes. The term does not include private student travel time to and from an area career and technology center or other offsite learning experience or instructional time occurring in virtual environments off school premises.

b. *Parent* means a parent or guardian of a student who is authorized to make decisions regarding education for the student.

c. *Personal electronic communication device* means a portable electronic device capable of communication by voice, text, or other data with one or more other parties or devices, or capable of connection to a smartphone, the internet, or a cellular or wireless fidelity network, including a smartphone, cell phone, bluetooth-enabled device, tablet, smartwatch or other wearable device, and gaming device. The term does not include:
   - School-owned devices provided to a student and school-approved devices used by a student in accordance with this section.
   - Portable devices that meet the definition of a medical device under the federal Food, Drug and Cosmetic Act [21 U.S.C. 9 et seq.].

d. *School* means a public school providing prekindergarten, elementary, or secondary education, including area career and technology centers. The term does not include virtual schools, virtual instruction, the North Dakota center for distance education, or education occurring in a home-school environment.

e. *School-related activity* means a school sanctioned activity, event, or function, occurring outside of instructional time, at which students are under supervision of the school, whether on or off school premises, including a bus ride, field trip, sporting event, and school dance.

f. *Student* means an individual currently enrolled or registered at a public school as defined under this policy.

g. *Inappropriate content* is defined as content that:

- Violates a district student conduct policy;
- Attacks race, color, national origin, ancestry, religion, sex, disability, or other status protected by law;
- Promotes violence, terrorism, or other illegal activities including, but not limited to, tobacco, drug, and/or alcohol use by minors;
- Is obscene or pornographic as defined by community standards.
- Is reasonably forecasted to materially or substantially disrupt the educational environment;
- Poses a direct threat to the physical safety of the school population; and
- Infringes on the rights of others, such as (but not limited to) material that is potentially libelous or invades an individual's privacy.

Prohibitions

In compliance with N.D.C.C. § 15.1-07-39, the Kidder County School District prohibits students from using personal electronic communications devices during instructional time. Prohibited devices include the following:

1. Smartphones
2. Cell phones
3. Bluetooth-enabled devices
4. Tablets
5. Smartwatches or other wearable devices
6. Gaming devices
7. Any other devices as defined under N.D.C.C. § 15.1-07-39

All personal electronic communication devices identified above must be:

1. Silenced or turned off, *and*
2. Securely stowed away*, and*

3. Inaccessible to students during instructional time.

The District may develop additional administrative regulations or rules, which outline the specific procedures each school building will follow to ensure all three legal requirements are met during instructional time.

Exceptions from this policy's prohibitions may be made only as outlined below.

Device Exceptions
The District provides specific device exceptions and will not prohibit a student from possessing or using a personal electronic communication device under this policy in each of the following circumstances:

a. *School-owned devices provided to a student, including school-issued laptops, tablets, or any other electronic device capable of communication as defined under this policy.*

b. *School-approved devices used by a student, including personal electronic communication devices that have been approved by* administration *pose. Such approval shall be limited in scope and time according to the specific educational-related use of the approved device. Students using a school-approved device shall only use that device for the educational-related purpose for which the device received approval. Any violation of this provision by the student or employee may result in approval being rescinded, and the student and/or employee being subject to discipline as identified in this policy.*

c. *Medical-provider recommendation*, which includes a medical provider licensed under N.D.C.C. Title 43 (Occupations and Professions) who determines the possession or use of a personal electronic communication device is necessary for the health or well-being of the student.

d. *Required accommodation*, which authorizes the possession or use of a personal electronic communication device when required by the student's individual education program under the:
- The Individuals with Disabilities Education Act [20 U.S.C. 1400];
- Section 504 of the Rehabilitation Act of 1973 [29 U.S.C. 794]; or
- A plan developed in accordance with state or federal law requiring accommodation.

Limitations/ Allowances for School-Related Activities
The District may limit or allow student access to personal electronic communication devices outside of instructional time, during a "school-related activity" as defined in this policy. Such approval may be provided to a student(s) by administration.

The District may develop and enforce specific limitations and allowances under administrative regulations or rules. Any time a student is using a school owned or approved device, a personal device on a limited or allowed basis, or a personal device that falls under another exception in this policy, the following prohibitions apply:

1. Students are prohibited from using any devices or technology to violate a student conduct policy including, but not limited to, policies on cheating and bullying while on school property or at a school-sponsored event;
2. Students are prohibited from using any devices or technology to photograph or video record any person during the school day. Students are furthermore prohibited from transmitting any photo or video using personal technology during the school day. Building principals are authorized to make exceptions to this rule for bona fide classroom activities and in accordance with the "exceptions" section of this policy;
3. Students are prohibited from using any devices or technology to photograph or video record inappropriate content and/or transmit inappropriate content while on school property and/or participating in school-sponsored events;
4. Students are prohibited from displaying and/or using any devices or technology in areas where there is a reasonable expectation of privacy by others on school property and at school-sponsored events. Students are also strongly discouraged from possessing personal technology in areas where there is a reasonable expectation of privacy by others on school property and at school-sponsored events;
5. Students are prohibited from using any devices or technology to compromise district networks or access confidential material on district networks. The District may also take disciplinary action against a student who has used personal technology to engage in hacking, trolling, accessing or transmitting inappropriate material, spamming, sending viruses, and/or engaging in illegal or other inappropriate activity while on school property or participating in school-sponsored event; and
6. Students are prohibited from using any devices or technology disruptively or in a manner that potentially compromises the safety of others on school property and during school sponsored events.
7. Students who are on-call as first responders, must have the emergency service organization they participate in contact the main office if they are needed for an emergency.

Student Contact with Parents/ Caregivers

A student may contact the student's parent or authorized caregiver during the school day if needed by using a school telephone made available to the student in a manner and location designated by the building administration. Student contact with parents/ caregivers will not be unreasonably withheld, but the Superintendent may develop administrative policies and rules to ensure the orderly operation of the District and the educational process is not unnecessarily disrupted.

Parents and staff should refer to other District policies and regulations which may apply in the event of District-wide emergencies, student emergencies, and other health and safety events that may occur.

Enforcement Provisions
The District enacts the following enforcement provisions to ensure strict compliance with the law and this policy by students and school employees:

1. **Employee Expectations and Disciplinary Measures.** The District requires strict compliance with state law and this policy by school employees. Any employee who knowingly allows students to access and use personal electronic communication devices (that do not fall under a policy exception) during instructional time in violation of this policy while under the employee's supervision may be subject to discipline, up to and including termination.

In complying with this policy, the following school employee expectations apply:

a. *School Staff Reporting Requirements.* School staff must direct students under their supervision and/or instruction to comply with this policy and shall require students' personal devices to be silenced or turned off, securely stowed away, and inaccessible during instructional time. Staff shall report to administration alleged student infractions of this policy (as defined in the next section: "Student Expectations and Disciplinary Measures").

b. Any alleged school staff violations of this policy should be addressed in accordance with policy KACB ("Complaints about Personnel") or other applicable complaint and investigation policies or procedures.

c. *Administration Investigation and Response.* Upon receipt of a report of an alleged policy violation/ infraction, administration must investigate and make a determination as to whether the student has committed an infraction (as defined in the next section: "Student Expectations and Disciplinary Measures").

d. Any alleged administrator violations of this policy should be addressed in accordance with policy KACB ("Complaints about Personnel") or other applicable policies or procedures.

e. *Identification of Policy Exceptions.* All school employees who instruct or who are entitled to information regarding a student who has an Individual Education Program ("IEP"), Section 504 plan, medical accommodation, or other plan requiring accommodation must identify and review any exceptions under this policy that are listed in the student's program or plan.

f. *Compliance with Policy Exceptions.* The District requires strict compliance with policy exceptions, including those exceptions made for school-owned

and school-approved devices; medical devices; and possession or use of a device required under the IDEA, Section 504, or a plan developed in accordance with state or federal law requiring accommodation. To that extent, the District expressly prohibits school employees from confronting, disciplining, or removing a student's approved electronic device when that device may fall under an exception under this policy.

School employees are expressly prohibited from openly/ publicly discussing students' medical conditions, accommodations, or other legally-protected confidential information. Inquiries or concerns may be directed to administration, particularly when a staff member observes a student with a personal electronic device (that may fall under an exception), and the staff member does not directly instruct or supervise that student and may not be entitled to the student's confidential information protected under state or federal law.

g. *Employee Use of Personal Electronic Communication Devices.* Employees are also expected to follow acceptable use of technology and professional code of conduct policies when using their own personal electronic communication devices during instructional time. Employees are expressly prohibited from using personal electronic communication devices during instructional time for non-instructional or education-related purposes, including personal texting, e-mailing, phone calls, and social media. Employees are expected to use personal devices during non-instructional times and other breaks in the school day.

1. **Student Expectations and Disciplinary Measures**. The District requires strict compliance with state law and this policy by students. Students who administration has found to have violated this policy may be subject to disciplinary consequences and/or corrective measures. When determining the appropriate response to violations of this policy, administration shall take into account the totality of circumstances surrounding the violation. Infractions of policy occur when a student knowingly and willfully violates this policy as determined by administration.

   Measures that may be imposed by administration include, but are not limited to:

   a. Level 1 Infraction:
      - *First violation*: confiscate device, contact parent, student receives detention and administrator returns device to student at the end of the school day.

      - *Second violation within a school term*: confiscate device, contact parent, student receives ISS (In-School Suspension), student cannot participate in any extra-curricular practice’s or events on the day of the infraction, administrator returns device to student at the end of the school day. Students will serve a full day of In-School Suspension. Any time not served on the day of the infraction will be served the following school day.

- *Third violation and all additional violations within a school term*: confiscate device, contact parent, student receives ISS (In-School Suspension), student cannot participate in any extra-curricular practice's or events on the day of the infraction, administrator returns device to student at the end of the day. These additional offenses may result in additional discipline per administration. Students will serve a full day of In-School Suspension. Any time not served on the day of the infraction will be served the following school day.

In administering the disciplinary measures above, administrators and school staff must adhere to the following guidelines:

a. Staff members shall direct students to comply with policy and should address alleged infractions with administration.

b. Only administration may determine an actual infraction of this policy and administer discipline.

c. If administration determines that a student is in violation of this policy and the student refuses to turn over the device to administration, the infraction may move to the next level.

d. At no time should a District administrator or staff member attempt to physically or forcibly take an electronic device from a student.

e. Administration may also respond under other conduct and disciplinary policies and regulations when a student's conduct implicates additional policies, including violence, threats of violence, harassment, bullying, or any other unlawful conduct or student code of conduct violations.

f. Administration is required to identify students with disabilities (including those covered under the IDEA, Section 504, the ADA, and any child-find obligations) and must address any alleged student infractions in compliance with special education policies, regulations, and applicable laws.

Searches of Personal Technology

If a student is using a school owned or approved device, a personal device on a limited or allowed basis, or a personal device that falls under another exception under this policy, then administration is authorized to search the device when there is reasonable suspicion of the following:

1. The device contains evidence of conduct or activity that may constitute a violation of policy or the law; or
2. There is a threat of danger or potential harm to self or others.

Only areas of the device reasonably related in scope to the purpose of the search will be subject to a search (e.g., if a student is texting inappropriate photos, only the device's text messages will be searched). Administration is authorized to contact legal counsel to help determine the appropriate scope of the search.

If administration suspects or finds that a device contains content that violates N.D.C.C. § 12.1-27.1-03.3 or other laws, they shall contact law enforcement. Under no circumstances shall school officials download or transfer sexually explicit content from a student's personal technology. Law enforcement, including school resource officers, may communicate the need for probable cause to search a device and may provide a student or the District with a search warrant or subpoena for information or records.

Dissemination and Education
Upon the adoption and implementation of this policy, the District shall:

a. Ensure the policy is communicated to students, parents, and authorized caregivers; and

b. Publish the policy in student and personnel handbooks.

The District shall review and revise this policy as it determines necessary. The District shall also develop and implement electronic communication device education programs for students and staff professional development activities. School administration may develop guidelines to assist students and staff with complying with this policy.

Annual Data Collection & Documentation
In accordance with state law, the District must collect data annually with the goal of measuring the impact of this policy on student behavior, mental health, disciplinary incidents, school attendance, and academic performance.

Complementing NDSBA Templates (may contain items not adopted by the Board)

- AAC, Nondiscrimination and Anti-Harassment Policy
- AACA, Section 504 of the Rehabilitation Act
- ACAA, Emergency Closings
- ACDA, Acceptable Use
- DE, Staff Code of Conduct
- FDE, Education of Special Education/ Disabled Students
- FGA, Student Education Records and Privacy
- FGDB, Student Handbooks
- FF, Student Conduct and Discipline
- FFK-BR, Suspension and Expulsion Regulations

- FFK-AR1, Suggested Procedure for Conducting an Expulsion Hearing
- FFK-AR2, Suspension and Expulsion of Special Education Students
- KACB, Complaints about Personnel

Legal References

- 20 U.S.C. 1400, Individuals with Disabilities Education Act
- 21 U.S.C. 9 et seq., Federal Food, Drug, and Cosmetic Act
- 29 U.S.C. 794, Section 504 of the Rehabilitation Act of 1973
- NDCC ch.15.1-07, School Districts
- NDCC Title 43, Occupations and Professions

End of Kidder County School District Policy FFI…… Adopted 7/23/2025