

## A Policy on Student Use of Cell Phones

By GIANFRANCO A. PIETRAFESA, Esq.

Cell phones are everywhere these days, including in the pockets of students. Parents like the convenience and security of being just a cell-phone-call away from their children.

But cell phones can be a distraction to students and they can be used for mischief—and worse. For starters, the games, music, ring tones and even the vibrations of a cell phone can disrupt classroom instruction. But there are other reasons for regulating the use of cell phones in schools. During an exam, for example, a student could surreptitiously send or receive a text message. Some cell phones could enable a student to access the Internet to obtain answers. A student could store “cheat sheets,” in the notes section of a cell phone. Even more troubling, though, is the possibility of students taking improper photographs with a camera cell phone and sending the photos to other students or posting them on the Internet.

The potential for problems, along with the ubiquity of cell phones, requires school districts to have a policy regulating the use of cell phones.

To put a cell phone policy in perspective, however, it helps to first understand the New Jersey law restricting student possession of paging equipment like beepers or pagers. A state law, which was enacted in 1989 and amended in 1996, prevents most students from having these devices on school property. (Some students, such as student volunteer fire fighters or rescue squad members, may obtain written permission to have pagers.) The law was intended to limit the use of these gadgets in illegal activities such as drug trafficking. School districts are required to have a policy addressing the prohibition of paging devices.

To a large extent, pagers have been

replaced by cell phones. The statute, however, has not been amended to keep up with technology. There is currently no state law governing student possession or use of cell phones while in school or on school property.

As a result, a school board should prohibit student *use*, but not *possession*, of cell phones and similar electronic devices while in school by adopting a policy.

The adoption of a cell phone policy will balance a board of education's need to maintain discipline in schools with the recognition that parents and students use and rely on cell phones for their communications. Such a policy will allow student possession of cell phones, to the relief of parents, but prohibit their use while in school.

When drafting a cell phone policy, begin with a statement of the policy's purpose and intent. For example:

The Board of Education recognizes that cellular phones and other electronic devices are commonly used and relied upon by students. However, in order to maintain discipline and an orderly and non-disruptive instructional environment, the Board must regulate the use of cellular phones and other electronic devices by students in school buildings, in school vehicles, and on school grounds while school is in session.

Next, the prohibition or restriction on student use of cell phones and other electronic devices should be stated, as follows:

Students are not permitted to use cellular phones or other electronic devices while school is in session. Cellular phones and other

electronic devices must be turned off while students are in school buildings and may be turned on only after the school session has concluded for the day and students are outside school buildings. At no time shall cellular phones and other electronic devices be used in bathrooms, locker rooms or in other areas designated by the superintendent of schools or the building principal.

As with any policy, the disciplinary consequences to students violating the rules should be made clear. For example:

A student violating this policy shall be disciplined as follows:

1. First offense—The cellular phone or other electronic device will be confiscated and returned to the student at the end of the school day.
2. Second offense—The cellular phone or other electronic device will be confiscated and returned to the student's parent or guardian.
3. Third offense—The cellular phone or other electronic device will be confiscated and returned to the student's parent or guardian, and the student will serve detention for a period of time as determined by the building principal.
4. Subsequent offenses—The cellular phone or other electronic device will be confiscated and returned to the student's parent or guardian, and the student will serve detention or

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be suspended from school for a period of time as determined by the building principal.

The policy should also provide definitions of certain important terms mentioned in the policy. The definitions will eliminate certain nuances and help the reader understand the policy. For example:

“Other electronic devices”—shall include but not be limited to beepers, pagers, walkie talkies, iPods, MP3 players, Walkmans, BlackBerries, Personal Digital Assistants (PDAs), and other similar electronic devices.

“Use”—shall mean making or receiving phone calls, taking or receiving photographs, text-messaging, playing games, listening to music and using any other

function or feature of the cellular phone or other electronic device.

“Turned off”—shall mean that the cellular phone or other electronic device is turned off so that it cannot function, and shall not mean that the cellular phone or other electronic device is in silent or vibrate mode.

In recognition of the existing state law governing possession of pagers, the school district policy should create an exception for pagers.

Finally, the policy should include a disclaimer that the board of education will not be liable if a student’s cell phone is stolen, lost or misused:

Students shall be personally and solely responsible for the security of their cellular phones and other electronic devices. The Board shall not assume responsibility for theft, loss or damage

of a cellular phone or other electronic device, or for unauthorized calls made on or other unauthorized use of a cellular phone or other electronic device. **SI**

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### **NJSBA Can Help with Policy**

For additional sample school policies on cell phones and other electronic portable devices, and more information, contact the staff of the NJSBA policy unit, Steve McGettigan, manager, at [smcgettigan@njsba.org](mailto:smcgettigan@njsba.org), Dave Bosted at [dbosted@njsba.org](mailto:dbosted@njsba.org) or Jean Harkness at [jharkness@njsba.org](mailto:jharkness@njsba.org), or call Joan Campbell at (888) 886-5722, ext. 5222.