

R277. Education, Administration.

R277-495. Required Policies for Electronic Devices in Public Schools.

R277-495-1. Definitions.

A. "Board" means the Utah State Board of Education.

B. "Electronic device" means a [~~privately owned~~]device that is used for audio, video, or text communication or any other type of computer or computer-like instrument.

C. "LEA" means a local education agency, including local school boards/public school districts, charter schools, and, for purposes of this rule, the Utah Schools for the Deaf and the Blind.

D. "LEA-owned electronic device" means any device that is used for audio, video, text communication or any other type of computer or computer-like instrument that is owned, provided, issued or lent by the LEA to a student or employee.

E. "Privately-owned electronic device" means any device that is used for audio, video, text communication or any other type of computer or computer-like instrument that is not owned or issued by the LEA to a student or employee.

[E]F. "Public school" means all schools and public school programs, grades kindergarten through 12, that are part of the Utah Public School system, including charter schools, distance learning programs, and alternative programs.

G. "Student," for purposes of this rule, means any individual enrolled as a student at the LEA regardless of the part-time nature of the enrollment or the age of the individual.

H. "The Children's Internet Protection Act (CIPA)" means regulations enacted by the Federal Communications Commission (FCC) and administrated by the Schools and Libraries Division of the FCC. CIPA and companion laws, the Neighborhood Children's Internet Protection Act (NCIPA) and the Protecting

Children in the 21st Century Act, require recipients of federal technology funds to comply with certain Internet filtering and policy requirements.

[D]I. "USOE" means the Utah State Office of Education.

J. "Utah Education Network (UEN)" is a robust network that connects most Utah LEAs, schools, and higher education institutions to quality educational resources and services consistent with Section 53B-17-102.

R277-495-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, by 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities, and Section 53A-11-901(2)(c)(i) directs the State Superintendent of Public Instruction to develop a conduct and discipline policy model for elementary and secondary public schools, and 47 CFR, Part 54, Children's Internet Protection Act, which requires schools and libraries that have computers with Internet access to certify they have Internet safety policies and technology protection measures in place in order to receive discounted internet access and services.

B. The purpose of this rule is to direct all ~~[public school districts or public schools, including charter schools,]~~ LEAs or public schools to adopt policies, individually or collectively as school districts or consortia of charter schools, governing the possession and use of electronic devices, both LEA-owned and privately-owned, while on public school premises and, for LEA-owned devices, wherever the devices are used.

R277-495-3. Local Board and Charter School Responsibilities.

~~[A. Local boards of education and local charter governing boards shall~~

~~establish a timeline that requires all schools under their supervision have a policy governing the use of electronic devices in schools approved by local boards, effective and posted for students, employees, parents and community member access—no later than April 1, 2009.]~~

A. LEAs shall require all schools under their supervision to have a policy or policies for students, employees and, where appropriate, for invitees, governing the use of electronic devices on school premises and at school sponsored activities.

B. LEAs shall review ~~[policies regularly]~~ and approve policies ~~[annually]~~ regularly.

~~[B]C. [Local boards and charter governing boards]~~LEAs shall encourage schools to involve teachers, parents, students, school employees and community members in developing local policies; school community councils could provide helpful information and guidance within various school communities and neighborhoods.

~~[C]D. [Local boards and charter governing boards]~~LEAs shall provide copies of their policies or clear electronic links to policies at LEA offices, in schools and on the LEA website.

~~[D]E. [School districts]~~LEAs and schools within ~~[school districts]~~LEAs shall work together to ensure that all policies within a school or school district are consistent and understandable for parents.

F. LEAs shall provide reasonable public notice and at least one public hearing or meeting to address a proposed or revised Internet safety policy. LEAs shall retain documentation of the policy review and adoption actions.

R277-495-4. Policy Requirements.

A. Local policies shall ~~[include]~~address the following minimum

components[;]:

~~(1) [scope of coverage of the policy, including clear rules for school premises, school hours, school activities, after school activities, school sponsored activities at remote sites, vehicles transporting students to and from school activities.~~

~~(2)] definitions of devices covered by policy;~~

~~[(3) prohibitions against use of electronic devices during Utah Performance Assessment System for Students (U-PASS) assessments unless specifically allowed by statute, regulation, student IEP, or assessment directions;~~

~~(4) clear information about restrictions, if any, on when or where possession of electronic devices, active or deactivated, are strictly prohibited or allowed, such as the use of an electronic calculator by a student consistent with a current and valid IEP, as determined by the school district/school;]~~

~~[(5)2] prohibitions on the use of electronic devices in [a-]ways that bull[ies]y, humiliate[s], harass[es], or intimidate[s] school-related individuals, including students, employees, and invitees, consistent with R277-609 and R277-613, or violate[s] local, state, or federal laws; and~~

(3) the prohibition of access by students, LEA employees and invitees to inappropriate matter on the Internet and World Wide Web while using LEA equipment, services or connectivity whether on school property or while using school-owned or issued devices;

(4) the safety and security of students when using electronic mail, chat rooms, and other forms of direct electronic communications (including instant messaging);

(5) unauthorized access, including hacking and other unlawful activities by LEA electronic device users; and

~~(6) [procedures, if any, and due process, for the confiscation and recovery~~

of electronic devices used in violation of local policies.]unauthorized disclosure, use and dissemination of personal student information under the Family Educational Rights and Privacy Act, 34 CFR, Part 99.

B. Additional requirements for student policies - In addition to the provisions of R277-495-4A, policies for student use of electronic devices shall include:

(1) prohibitions against use of electronic devices during standardized assessments unless specifically allowed by statute, regulation, student IEP, or assessment directions;

(2) provisions that inform students that there may be administrative and criminal penalties for misuse of electronic devices and that local law enforcement officers may be notified if school employees believe that a student has misused an electronic device in violation of the law;

(3) provisions that inform students that violation of LEA acceptable use policies may result in confiscation of LEA-owned devices which may result in missed assignments, inability to participate in required assessments and possible loss of credit or academic grade consequences;

(4) provisions that inform students that they are personally responsible for devices assigned or provided to them by the LEA, both for loss or damage of devices and use of devices consistent with LEA directives;

(5) provisions that inform students and parents that use of electronic devices in violation of LEA or teacher instructional policies may result in the confiscation of personal devices for a designated period; and

(6) provisions that inform students that use of privately-owned electronic devices to bully or harass other students or employees and result in disruption at school or school-sponsored activities may justify administrative penalties, including expulsion from school and notification to law enforcement.

C. Additional requirements for employee policies - In addition to the provisions of R277-495-4A, policies for employee use of electronic devices shall include:

(1) notice that use of electronic devices to access inappropriate or pornographic images on school premises is illegal, ~~[and]~~ may have both criminal and employment consequences, **and where appropriate, shall be reported to law enforcement;**

(2) notice that employees are responsible for LEA-issued devices at all times and misuse of devices may have employment consequences, regardless of the user; and

(3) notice that employees may use privately-owned electronic devices on school premises or at school sponsored activities when the employee has supervisory duties only as directed by the employing LEA; and

(4) required staff responsibilities in educating minors on appropriate online activities and in supervising such activities.

[B]D. Local policies may also include the following:

(1) prohibitions or restrictions on unauthorized audio recordings, capture of images, transmissions of recordings or images, or invasions of reasonable expectations of student and employee privacy;

(2) procedures to report the misuse of electronic devices;

(3) potential disciplinary actions toward students or employees or both for violation of local policies regarding the use of electronic devices;

(4) exceptions to the policy for special circumstances, health-related reasons and emergencies, if any; and

(5) strategies for use of technology that enhance instruction[; ~~and~~

~~(6) directives, protections, and requirements, if any, for school employees or invitees, or both].~~

~~[C. The USOE shall receive an annual assurance from the school district or charter school governing board as required under R277-108 that the local board has presented and implemented an electronic device policy consistent with the timelines and provisions of this rule.]~~

~~D. School districts or traditional school and charter schools shall post their duly enacted electronic device policies on their district or school websites.]~~

E. An LEA shall certify annually to the USOE and as required by the FCC, that the LEA has a CIPA-compliant Internet safety policy.

R277-495-5. Board and USOE Responsibilities.

A. The Board and USOE shall provide resources, upon request, for ~~[school districts]~~LEAs and public schools as they develop and update electronic device policies, including sources for successful policies, assistance with reviewing draft policies and amendments, and information about bullying, harassing, and discrimination via electronic devices consistent with ~~[R277-609 and]~~R277-613.

B. The Board and USOE shall develop or provide a model policy or a policy framework to assist ~~[school districts and individual]~~LEAs and public schools in developing and implementing their policies.

C. The Board and USOE shall promote the use of effective strategies to enhance instruction and professional development through technology.

D. The Board and USOE shall ensure that parents and school employees are involved in the development and implementation of policies.

E. The Board and USOE shall work and cooperate with other education entities, such as the PTA, the Utah School Boards Association, the Utah Education Association, the State Charter School Board and the Utah High School Activities Association to provide consistent information to parents and community members about electronic device policies and to provide for appropriate and

consistent penalties for violation of policies, including violations that take place at public school extracurricular and athletic events.

KEY: electronic device, policy

Date of Enactment or Last Substantive Amendment: ~~July 11, 2011~~2014

Notice of Continuation: December 16, 2013

**Authorizing, and Implemented or Interpreted Law: Art X Sec 3;
53A-1-401(3); 53A-11-901(2)(c)(i)**