

1 **R277. Education, Administration.**

2 **R277-495. Electronic Devices in Public Schools.**

3 **R277-495-1. Authority and Purpose.**

4 (1) This rule is authorized by:

5 (a) Utah Constitution [Article X, Section 3](#), which vests general control and supervision
6 over public education in the Board;

7 (b) Subsection [53E-3-401\(4\)](#), which allows the Board to make rules to execute the
8 Board's duties and responsibilities under the Utah Constitution and state law;

9 (c) Subsection [53G-8-202\(2\)\(c\)\(i\)](#), which directs the Superintendent to develop a
10 conduct and discipline policy model for elementary and secondary public schools; and

11 (d) 47 CFR, Part 54, Children's Internet Protection Act, which requires schools and
12 libraries that have computers with internet access to certify they have internet safety
13 policies and technology protection measures in place to receive discounted internet
14 access and services.

15 (2) The purpose of this rule is to direct all LEAs and public schools to adopt policies,
16 individually or collectively as school districts or consortia of charter schools, governing the
17 possession and use of electronic devices including:

18 (a) both LEA-owned and privately-owned, while on public school premises or during
19 participation in school activities; and

20 (b) for LEA-owned devices, wherever the LEA-owned devices are used.

21

22 **R277-495-2. Definitions.**

23 (1) "Acceptable use policy" means a document stipulating constraints and practices
24 that a user shall accept prior to a user accessing an LEA's, or any school within an LEA's,
25 network or the Internet.

26 (2) "Electronic device" means a device that is used for audio, video, or text
27 communication or any other type of computer or computer-like instrument including:

28 (a) a smart phone;

29 (b) a smart or electronic watch; (c) a tablet; or

30 (d) a virtual reality device.

31 (3) "Guest" means an individual:

32 (a) who is not a student, employee, or designated volunteer of a public school;

33 and (b) who is on school property or at the site of a school-sponsored activity or event.

34 (4) "Inappropriate matter" means pornographic or indecent material as defined in
35 Subsection 76-10-12~~[53]~~35(1)(a).

36 (5) "LEA" includes for purposes of this rule, the Utah Schools for the Deaf and the
37 Blind.

38 (6) "LEA-owned electronic device" means a device that is used for audio, video, text
39 communication, or other type of computer or computer-like instrument that is identified as
40 being owned, provided, issued or lent by the LEA to a student or employee.

41 (7) "Policy" means an electronic device use policy as required by this rule that
42 contains:

43 (a) permissible uses of an electronic device under certain circumstances; or

44 (b) restricted uses of an electronic devices under certain circumstances.

45 (8) "Privately-owned electronic device" means a device, including an electronic device
46 that is used for audio, video, text communication, or other type of computer or computer-
47 like instrument that is not owned or issued by the LEA to a student, or employee.

48 (9) "Public school" means a school or public school program, grades kindergarten
49 through 12, that is part of the Utah public school system, including a school with a distance
50 learning program or alternative program.

51 (10) "Student," for purposes of this rule, means an individual enrolled as a student at
52 an LEA regardless of the part-time nature of the enrollment or the age of the individual.

53 (11)(a) "The Children's Internet Protection Act (CIPA)" means federal regulations enacted
54 by the Federal Communications Commission (FCC) and administrated by the Schools
55 and Libraries Division of the FCC.

56 (b) CIPA and companion laws, the Neighborhood Children's Internet Protection Act
57 (NCIPA) and the Protecting Children in the 21st Century Act, require recipients of federal
58 technology funds to comply with certain Internet filtering and policy requirements.

59 (12) "Utah Education Telehealth Network or UETN" means the Utah Education and
60 Telehealth Network created in Section [53B-17-105](#).

61 **R277-495-3. Requirement of Electronic Device Use Policy, Creation, and Access.**

62 (1) An LEA shall require all schools under the LEA's supervision to have a policy or
63 policies for students, employees and, where appropriate, for guests, governing the
64 use of electronic devices on school premises and at school sponsored activities.

65 (2) An LEA shall review and approve policies regularly.

66 (3) An LEA shall encourage schools to involve teachers, parents, students, school
67 employees, school community councils, and community members in developing the
68 local policies.

69 (4) An LEA shall provide copies of the LEA's policies or clear electronic links to policies
70 at LEA offices, in schools and on the LEA's website in the same location as the LEA's
71 data governance plan required in [R277-487](#).

72 (5) An LEA and all schools within the LEA shall cooperate to ensure that all policies within
73 a school or school district are consistent and accessible to parents and community
74 members.

75 (6) An LEA shall provide reasonable public notice and at least one public hearing or
76 meeting to address a proposed or revised acceptable use policy.

77 (7) An LEA shall retain documentation of the policy review and adoption actions.

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79 **R277-495-4. LEA Electronic Device Policy Requirements.**

80 (1) An LEA's policy shall include at least the following:

81 (a) definitions of electronic devices covered by policy;

82 (b) prohibitions on the use of electronic devices in ways that:

83 (i) significantly impair academic excellence;

84 (ii) bully, humiliate, harass, or intimidate school-related individuals, including students,
85 employees, and guests, consistent with [R277-609](#) and [R277-613](#); or

86 (iii) violate local, state, or federal laws;

87 (c) the prohibition of access by students, LEA employees and guests to inappropriate
88 matter on the internet and world wide web while using LEA equipment, services, or
89 connectivity whether on or off school property;

90 (e) directives on the safety and security of students when using social media and other
91 forms of electronic communications;

92 (f) directives on unauthorized access, including hacking and other unlawful activities
93 by a user of an LEA electronic device; and

94 (g) directives on unauthorized disclosure, use and dissemination of personal student
95 information under [R277-487](#) and the Family Educational Rights and Privacy Act
96 (FERPA)34 CFR, Part 99.

97 (2) In addition to the requirements of Subsection (1), an LEA's policies for student use
98 of electronic devices shall include directives regarding the following:

99 (a) the use of privately-owned electronic devices during standardized assessments; (b)
100 administrative penalties for misuse of electronic devices during school hours or at a
101 school-sponsored;

102 (c) violations of an LEA's acceptable use policies that may result in confiscation of
103 LEA-owned electronic devices or restricted access on the LEA's;

104 (d) a student's personal responsibility for devices assigned or provided to a student by
105 the LEA, both for loss or damage of electronic devices and use of electronic devices
106 consistent with the LEA's directives;

107 (e) use of electronic devices in violation of an LEA's or teacher's instructional policies
108 may result in the confiscation of privately-owned electronic devices for a designated
109 period; and

110 (f) uses of privately-owned electronic devices to bully or harass other students or
111 employees during school hours or at school-sponsored activities that may result in the
112 student being subject to LEA disciplinary action.

113 (3) In addition to the provisions of Subsections (1) and (2), directives for employee use
114 of electronic devices shall include:

115 (a) notice that use of electronic devices to access inappropriate matter on LEA-owned
116 electronic devices or privately-owned electronic devices on school property, at school-

117 sponsored events or using school connectivity may have criminal, employment or student
118 disciplinary consequences, and if appropriate, may be reported to law enforcement; (b)
119 notice that an employee is responsible for LEA-issued electronic devices at all times and
120 misuse of an electronic device may have employment consequences, regardless of the
121 user; and

122 (c) required staff responsibilities in educating minors on appropriate online activities, as
123 required by Section [53G-7-1202](#), and in supervising such activities.

124 (4) An LEA's policies shall also include the following:

125 (a) prohibitions or restrictions on unauthorized use that would cause invasions of
126 reasonable expectations of student and employee privacy;

127 (b) procedures to report the misuse of electronic devices; and

128 (c) potential disciplinary actions toward students or employees for violation of local
129 policies regarding the use of electronic devices; and

130 (d) exceptions to the policy for special circumstances, health-related reasons and
131 emergencies, if any.

132 (5) An LEA shall certify annually through UETN, and as required by the FCC, that the
133 LEA has a CIPA-compliant acceptable use policy.

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135 **R277-495-5. Required School Level Training.**

136 (1) A school shall provide, within the first 45 days of each school year, a school-wide or
137 in-classroom training to employees and students that covers:

138 (a) the contents of the school's policy;

139 (b) the importance of digital citizenship;

140 (c) the LEA's conduct and discipline related consequences as related to a violation of the
141 school's policy;

142 (d) the LEA's general conduct and discipline policies as described in Section [53G8-202](#);
143 and

144 (e) the benefits of connecting to the Internet and utilizing the school's Internet filters, while
145 on school premises.

146 (2) A school that adopts a permissible use policy shall:

147 (a) within the first 45 days of each school-year, provide school-wide or in-
148 classroom training to employees and students that covers:

149 (i) the elements described in Subsections (1)(a) through (e); and

150 (ii) specific rules governing the permissible and restricted uses of personal electronic
151 devices while in a classroom; and

152 (b) require that each educator who allows the use of a personal electronic device in the
153 classroom clearly communicates to parents and students the conditions under which the
154 use of a personal electronic device is allowed.

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156 **R277-495-6. Resources and Required Assurances.**

157 (1) The Superintendent may provide resources, upon request, for an LEA
158 regarding electronic device policies, including:

159 (a) sample acceptable use policies;

160 (b) general best practices for electronic device use as outlined in [R277-922](#); and

161 (c) materials for digital citizenship as outlined in Section [53G-7-1202](#).

162 (2) An LEA shall post the LEA's electronic device use policy on the LEA's website and
163 provide a link to the Board through the annual assurances document described in
164 [R277108](#).

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166 **R277-495-7. LEA Requirement to Notify Parents of Filtering Options.**

167 An LEA shall provide an annual notice to all parents of the location of information
168 for in-home network filtering options as provided for in Section [76-10-1231](#).

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170 **KEY: electronic devices, policy**

171 **Date of Enactment or Last Substantive Amendment: April 8, 2019**

172 **Notice of Continuation: December 7, 2018**

173 **Authorizing, and Implemented or Interpreted Law: [Art X Sec 3](#); [53E-3-401\(4\)](#); [53G-](#)
174 [8202\(2\)\(c\)\(i\)](#)**