

## F.A.Q.'S

### Board Policy on Student Cell phone Possession and Usage

#### Students

##### *Can a student carry a cell phone and use the phone on campus?*

The District permits restricted possession, but not the use of cell phones and/or paging devices on school campuses during the regularly scheduled school hours. **During any State mandated assessment exams, all cell phones must be turned in to the test administrator and be in the OFF position.** Students may not use, display, or have in operational mode a paging device, cellular phone, telecommunications device at school during school hours. While on a school campus, all electronic devices must be in the OFF position during school hours. Any electronic device that rings, beeps, vibrates, or otherwise indicates the receiving of a signal during school hours shall be confiscated. FNCE (LOCAL)

#### District Employee

##### *Does an employee of ECISD have the authority to confiscate a cell phone?*

District employees shall confiscate any electronic devices found on school campuses during school hours that are being used or possessed in violation of Board policy FNCE (LOCAL). The employee shall turn the cell phone/electronic device over to the campus administrator as soon as possible.

#### Campus Administrator

##### *Does a campus administrator have the authority to confiscate and search the content of a cell phone?*

As an employee of ECISD, the campus administrators do have the authority to confiscate a cell phone from a student who has violated ECISD Board Policy for cell phone usage and may conduct a search to recover the cell phone. All contents contained within the cell phone can be subject to a Private Party Search by the campus administrator. If any information contained within the cell phone is deemed inappropriate, the student may face disciplinary proceedings. In the event of reasonable suspicion that a violation of the law has occurred, the administrator may turn the cell phone over to any ECISD Police Officer who will conduct a criminal investigation.

In the interest of promoting student safety and attempting to ensure that schools are safe and drug free, District officials may from time to time conduct searches of a student's clothing, personal property, mode of transportation, or school property used by the student (such as lockers or desks). Searches may include the use of metal detectors and specially trained dogs. Such searches are conducted without a warrant and as permitted by law. FNF (LOCAL)

Students shall be free from unreasonable searches and seizures by school officials. School officials may search a student's outer clothing, pockets, or property by establishing reasonable

cause or securing the student's voluntary consent. Coercion, either expressed or implied, such as threatening to contact parents or police, invalidates apparent consent. *U.S. Const., Amend. 4.; New Jersey v. T.L.O., 469 U.S. 325, 105 S.Ct. 733 (1985); Jones v. Latexo ISD, 499 F.Supp. 223 (1980)*

A search is reasonable if it meets both of the following criteria:

1. The action is justified at the inception; i.e., the school official has reasonable grounds for suspecting that the search will uncover evidence of a rule violation or a criminal violation.
2. The scope of the search is reasonably related to the circumstances that justified the search in the first place; i.e., the measures adopted are reasonably related to the objectives of the search and are not excessively intrusive in light of the age and gender of the student and the nature of the infraction. (FNF legal)

### **ECISD Police Officers**

#### ***Can an ECISD Police Officer confiscate and search the content of a cell phone?***

ECISD Police Officers have administrative powers and the authority to confiscate a cell phone in the event of a violation of ECISD Board Policy which would result in administrative action only. If an arrest has been made, the officer who confiscates the phone as a result of that arrest may search the content of the cell phone. The search by the officer must be conducted immediately after the phone comes into their possession. If the information contained within the phone reveals a law violation, a criminal investigation will be conducted. Other than the circumstances stated above, the content of a cell phone cannot be searched by a Police Officer without a search warrant. The compartments of a cell phone can be searched for contraband.

### **Fees**

#### ***Can the parent be charged more than \$15?***

The maximum fee is set by law. The District can charge no more than \$15.

### **Process**

1. Employee seizes an electronic device
2. Employee turns device over to an administrator
3. Administrator determines if facts and circumstances exist that would justify a search of the device
4. If the search of an electronic device results in the discovery of illegal material, the administrator shall contact the District Police Department for assistance
5. If there is no need to hold the phone, it shall be released to a parent or guardian for a \$15 fee.