ABSTRACT

This is a new regulation. It establishes the Department of Education's ("DOE") policy regarding possession and use of: 1) cell phones; 2) laptops, tablets, iPads and other similar computing devices ("computing devices"); and 3) portable music and entertainment systems in schools. Possession of cell phones, computing devices, and portable music and entertainment systems is permitted in schools. Each school must establish a school-based policy regarding the use of such items on school property that is consistent with this Regulation. This Regulation supersedes and replaces Sections V(D), V(E), V(F) and Attachment A of Chancellor's Regulation A-412 dated 11/8/06.

I. DOE POLICY

A. Students are permitted to bring the following electronic items to school: 1) cell phones; 2) laptops, tablets, iPads and other similar computing devices ("computing devices"); and 3) portable music and entertainment systems (such as iPods, MP3 players, PSP and Nintendo DS).[1]

B. Cell phones and portable music and entertainment systems may not be turned on or used during the administration of any school quiz, test or examination.[2]

C. Computing devices may not be turned on or used during the administration of any school quiz, test or examination, except where such use has been explicitly authorized by the school or is contained in an Individualized Education Program or Section 504 Accommodation Plan.

D. Cell phones, computing devices and portable music and entertainment systems may not be turned on or used during school fire drills or other emergency preparedness exercises.

E. Cell phones, computing devices, and portable music and entertainment systems may not be used in locker rooms or bathrooms.

II. ESTABLISHMENT OF WRITTEN SCHOOL-BASED POLICIES

A. Principals must establish written school-based policies regarding the use of cell phones, computing devices and portable music and entertainment systems that are consistent with this Regulation and set forth:

1. the circumstances under which cell phones, computing devices, and portable music and entertainment systems may be used on school property; and
2. the procedures for confiscation, storage and return of such items.

B. Principals must consult with the School Leadership Team ("SLT") in developing school-based policies.

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[1] Sections V(D), V(E), and V(F) and Attachment A of Chancellor's Regulation A-412 are hereby superseded by this Regulation.

[2] Use of cell phones, computing devices, portable music and entertainment systems and other electronic devices during the administration of state standardized examinations is governed by State Education Department rules.

C. In addition, for schools located on a campus, the Building Council must establish a written policy regarding the use of such items in shared spaces that are jointly occupied, such as gymnasiums, auditoriums, hallways, and cafeterias.[3]

D. All school-based policies must be adopted for the 2014-2015 school year by March 2, 2015, and annually thereafter by October 31st.

E. For the 2014-2015 school year, if a school-based policy is not adopted by March 2, 2015, principals must institute one of the following interim policies by March 2, 2015 and must communicate such policies to students, parents and staff by April 1, 2015, as set forth in Sections III A and III B below:

1. Students may bring cell phones, computing devices, and portable music and entertainment systems to school, but they may not be turned on or used at school; or

2. Students may bring cell phones to school, but they will be collected by the school upon entry to the school building and stored in a designated location until the end of the school day. Students may bring computing devices and portable music and entertainment systems to school, but they may not be turned on or used at school.

F. By October 31st of every year beginning with the 2015-2016 school year, each school must certify in its Consolidated School and Youth Development Plan that it has adopted a policy regarding the use of cell phones, computing devices, and portable music and entertainment systems on school property, and that it has communicated such policy to students, parents and staff as set forth in Sections III A and III B below.

III. COMMUNICATION OF SCHOOL-BASED POLICIES

A. Each school must provide annual written notification of this Regulation and the school's policy to students, parents and staff by October 31st. For the 2014-2015 school year only, such notification must be provided by April 1, 2015.

B. Each school must conduct an annual orientation on this Regulation and the school's policy for school staff and students by October 31st. For the 2014-2015 school year only, such orientation must take place by April 1, 2015.

C. Each school must post a notice of its policy on the school's website.

IV. STUDENT DISCIPLINE

Students who use cell phones, computing devices and/or portable music and entertainment systems in violation of the DOE's Discipline Code, the school's policy, Chancellor's Regulation A-413, and/or the DOE's Internet Acceptable Use and Safety Policy ("IAUSP") will be subject to discipline in accordance with the guidance interventions and disciplinary responses set forth in the Discipline Code.

V. CONFISCATION OF CELL PHONES, COMPUTING DEVICES, AND HAND-HELD MUSIC AND ENTERTAINMENT SYSTEMS

If a school confiscates a cell phone, computing device, or portable music or entertainment system for violation of the DOE's Discipline Code, the school's policy, Chancellor's Regulation A-413 and/or the DOE's IAUSP, the principal/designee must contact the student's parent. Confiscation, storage and return of such items must be handled in accordance with the school's policy. (See Section II A above.)

[3] Each school on a campus shall have one vote regarding the policy for the campus. A majority vote will be determinative. In the event of a tie vote, the Building Council shall contact the Office of Campus Governance, which will make the final determination.

VI. WAIVER

The Chancellor reserves the right to waive this regulation or any portion(s) thereof if s/he determines it to be in the best interests of the school system.

VII. INQUIRIES

Inquiries regarding this regulation should be addressed to:

Telephone:	*Office of Safety and Youth Development* N.Y.C. Department of Education 52 Chambers Street – Room 218 New York, NY 10007	Fax:
212-374-4220		212-374-5751