

## **TITLE 17: EDUCATION**

### **CHAPTER 3: VIRGIN ISLANDS BOARD OF EDUCATION**

#### **SUBCHAPTER 21: REGULATIONS AND ORDERS**

##### **DIVISION 3: ELECTRONIC DEVICE POLICY**

###### **Section 21-30. Authority.**

The Virgin Islands Board of Education is authorized and has jurisdiction to prescribe general regulations to do anything necessary for the proper maintenance and operation of the public schools of the Virgin Islands by virtue of Virgin Islands Code, Title 17, Section 21.

###### **Section 21-31. Purpose**

The Virgin Islands Board of Education recognizes that reasonable access to mobile technology and devices are necessary to support 21<sup>st</sup> century learning and the needs of today's students to fully participate in learning environments. This policy provides guidelines for the use of Virgin Islands Department of Education "Department" issued Electronic Communication Devices and Personal (Privately Owned Electronic Communication Devices) in the public schools of the Virgin Islands to ensure their integration with learning goals, projects and global connections in all curriculum areas.

###### **Section 21-32. Scope**

The Virgin Islands Board of Education Board views the use of electronic devices as important and significant to all persons involved with a learning experience. Therefore, this policy is to be implemented by the Department at all grade levels for appropriate use of electronic devices to support academic achievement, digital literacy, and creative, analytical, and critical thinking.

###### **Section 21-33. Definitions.**

For the purposes of this Chapter, and unless the context otherwise requires:

(a) "Department issued electronic communication device" means a school owned, distributed and regulated device for the purposes of teaching, learning and communicating by various formats (audio, video, text, Internet or computer) to support and expand academic growth.

(b) "Educational use" means activities designed for the purpose of academic learning, assessment programs, curriculum development, instructional programs, and educational events.

(c) "Personal electronic communication devices" or "PECEDs" means tablets, cell phones, computers, and other electronic devices used in school settings for transmitting audio, video or texts, in accordance with these regulations.

(d) "School Administration" means public school principal and associate principals and other supervisory personnel.

(e) "The Department of Education" shall include the Department of Education, its administrative personnel, the public schools of the Virgin Islands, and teachers and staff employed at such schools.

#### **Section 21-34. Permitted Uses of Electronic Communication Devices**

(a) Students may possess, but may not use, personal electronic communication devices, in the classroom, while on school grounds or at school-sponsored activities during the instructional day, except as provided in subsections (b) to (e) of this section. Unless the use is authorized, devices must:

- (1) be powered off; and
- (2) be secured per school protocol (for example in a backpack, locker, or purse).

(b) **Classroom Use.** Students shall be permitted to possess and use personal electronic communication devices in the classroom as permitted by the teacher and regulated by the school administration, provided the following conditions are met:

(1) *Notification.* Students must receive annual written notification and approval to use privately-owned electronic communication devices from the school's administration.

(2) *Acceptable Use Agreement.* The school's administration shall prepare an agreement to be signed by students and their parents and which shall include the following terms and conditions: (A) List of Acceptable Uses, (B) List of Prohibited Uses, (C) an Agreement by parent to assume responsibility for loss or damage. (D) Waiver, Release and Indemnification for devices.

(c) **Educational Use.** When specifically permitted by a teacher for instructional purposes, the electronic communication devices should only be used for the specified assignment and only for the length of time a teacher permits.

(1) When appropriate, the teacher will provide written notification to parents/guardians prior to instructional usage and/or include the notification in the course syllabi.

(2) Students shall not suffer negative consequences if they do not have the permitted technology for an instructional assignment; teachers will be expected to provide an alternative format or assignment for students who do not have the technology for an instructional assignment.

(d) **Audio, Video, Texting.** Personal electronic communication devices such as tablets, cell phones, computers and other electronic devices may be used in school settings for audio, video or texts, which comply with the rules specified in this policy.

(e) **School Sponsored Activities.** Personal electronic communication devices may be used at school-sponsored activities, unless otherwise specified by a staff member. If a staff member intends to restrict the use of electronic communication devices during a particular school-sponsored activity, that staff member must consult with the school administrator and have a process to notify the students that the restriction will be in effect. The decision of the administrator, upon consulting with the staff member, is final.

(f) **Non-Academic Use of Devices During the School Day.** The school principal may use his/her discretion to permit the use of personal electronic communication devices in certain areas of the school, whether privately owned or department issued, during certain portions of the school day or, in the case of emergency.

(1) Information must be posted regarding additional times and areas in which personal electronic communication devices may be used; posted information should be located within the school where it can be easily seen by all students.

(2) Administrators shall determine in advance what constitutes an emergency use of personal electronic communication devices. This information must be provided to students and included in the Agreement.

(g) **School Bus Use.** While riding to and from school or a school sponsored event on a school bus or transportation provided by the school, the use of personal electronic communication devices, whether privately owned or department issued, may be

allowed, provided such use does not interfere with the safe operation of the school bus. If the student is doing something that interferes with the safe operation of the school bus, the driver and/or aide may request that the student put the device away or stop using it in a way that interferes with the safe operation of the bus.

### **Section 21-35. Prohibited Uses of Personal Electronic Communication Devices**

(a) **Wireless Network.** Students using personal electronic communication devices, whether privately owned or Department issued, are only allowed to connect to the wireless network provided by the Department of Education. Any attempt to circumvent technology protection measures such as network internet access filtering by using an electronic communication device's built-in cellular network is prohibited.

(b) **Use of devices during examinations.** Students are not allowed to use their privately owned electronic communication device or VIDE issued devices during tests or examinations unless authorized by school personnel. Unauthorized use of an electronic device to assist a student during an examination or test shall be considered a violation of this policy and the student Code of Conduct. Any student found to be in violation shall be subject to penalties under the Student Discipline Policy.

(1) All personal electronic devices shall be turned off (not vibrate) and not used during any test or examination period or following the rules specified by the school administration. During the testing period all personal electronic devices shall be stored in a secured place and shall not be visible on a desk.

(2) The school administration may suspend or restrict network access during class time or restrict student passwords for wireless connections.

(c) **Use of the internet during class.** The use of the internet during a class for personal communication, private exploration, or any other purpose outside of the instructional activities prescribed by the teacher for that instructional session is strictly prohibited.

(d) **Use of devices for fostering misconduct.** Examples of behavior(s) using personal electronic communication devices, which are not tolerated, includes but is not limited to:

- (1) cheating;
- (2) bullying or harassment;
- (3) recording staff and other students without their consent;
- (4) displaying, accessing, or downloading obscene or pornographic materials;
- (5) disruption of the learning environment; and

- (6) downloading from sites or using the electronic devices for engaging in activities that constitute criminal activity or a violation of the Student Code of Conduct or territorial and federal laws.

### **Section 21-36. Students with disabilities or exceptional needs**

- (a) Students with disabilities or exceptional needs, who require assistive technological devices for their day-to-day functioning in the academic setting must coordinate the use of electronic devices during class sessions with their teachers. The need for use of electronic communication devices shall be stated in the individual educational plan (IEP).
- (b) Students with disabilities or exceptional needs who require electronic devices to complete tests, mid-term examinations and final examinations, are to inform the class instructor, in writing, at the beginning of the course, and the requirement must be stated in IEP. In the event a teacher is not present, and an examination is monitored by an authorized teacher, the authorized teacher shall be informed of any necessary assistive device or technology needed before the test.

### **Section: 21-37. Registration and approval of personal electronic communication devices**

- (a) Students requiring use of personal electronic communication devices such as tablets, cell phones, computers and other electronic devices must request and complete An Acceptable Use Agreement Form for Electronic Communication Devices on an annual basis. Each type of device must be listed with identifying device numbers.
- (b) Parents/guardians must provide their signatures to indicate compliance with the school's policy on the Acceptable Use Agreement Form for the Use of Personal Electronic Communication Devices for educational purposes.

### **Section 21-38. Department Issued Technology**

- (a) The Department shall ensure that every student has access to reliable technology and the Internet.
- (b) Students are responsible for the general care of technology issued by the Virgin Islands Department of Education. VIDE issued technology is the property of the Department. These devices are for instructional use to support curriculum goals and will be available for students to use at home or in school.

- (c) In using the device, students must adhere to all VIDE and VIBE policies, accompanying procedures, and guidelines in order to maintain access to this resource. The student is subject to and must comply with Board of Education Policies, addressing Bullying, Prevention and Remediation, student discipline, and acceptable use of electronic network/technology and their associated administrative procedures and regulations. A violation of any of these policies could result in loss of network/technology privileges, loss of right to use a device, or appropriate disciplinary action.
- (d) In addition to the Acceptable Use Agreement Form, persons issued a VIDE device must also complete a statement of Waiver and Indemnification.

**Section 21-39. No Unauthorized Software or Data.** Only legally licensed software, apps, media, or other data is permitted on the device. Students shall not download software, apps, media or other data (including songs, photos, or videos) without a Department employee's prior approval. Students will not replace the manufacturer's operating system with custom software (i.e., "jailbreak" the device), or remove or modify the VIDE-installed device configuration.

#### **Section 21-40. Internet Safety and Privacy**

The Department shall provide an appropriate training course on internet safety, regulations and protocols to personnel, students and legal guardian(s), which can be delivered online. All personnel and students will be required to complete the designated course. When this policy is effectuated, all students enrolled in public school must complete the course within the first semester of the school year.

The Department shall implement technology protection measures that block inappropriate sites or limit access to selected portions of the Internet based on identified criteria designed to limit or prevent access to inappropriate material. The Department shall provide an updated Technology Acceptable Use and Internet Safety Policy and User Agreement to take effect at the beginning of the school year in the year of implementation. This policy will be submitted to the Board for review and approval 90 days after implementation. Department personnel, students/legal guardians and other authorized users shall be required to complete the Agreement and abide by the Policy. The completed policy shall be kept on file at the school.

At no time shall Department personnel or students engage in behavior that violates the Board's K-12 Bullying Intervention, Prevention and Remediation Policy and Student Discipline Policy.

VIDE issued devices are Department property; therefore, the district may examine the devices and search their contents at any time for any reason. Neither students, parents/guardians, or Department personnel have any right to privacy of any data saved on the device or in a cloud-based account to which the device connects. The VIDE may involve law enforcement, if it is possible the device may have been used for an illegal purpose.

### **Section 21-41. Opt-Out**

Parents/guardians have the option to not use a VIDE provided device. It is expected that students who opt out will have a suitable device to use instead. Phones and similarly sized devices are not suitable devices. When choosing to use a privately owned device instead of the VIDE device, please be aware of VIDE policies regarding the installation of VIDE licensed software on personal devices. The VIDE cannot provide any repair or troubleshooting services and is not responsible for the device should it be lost or damaged. Privately-owned devices are not filtered by the district when not on campus.

The Acceptable Use Agreement and other provisions of this document still apply to the student's technology use regardless of which device is used. Parents or guardians may request a department-owned device at any time if the personal device is unavailable, subject to device availability.

### **Section 21-42. Disclaimer of Liability**

The Department of Education shall not be responsible for the loss, theft or damage to any privately owned electronic communication device or Department issued device. Persons who bring privately owned electronic communication devices onto school property do so at their own risk. The school administrator must ensure each Acceptable Use Agreement contains this disclaimer of liability.

### **Section 21-43. Enforcement**

- (a) Students are expected to comply with the terms of this policy for the appropriate and acceptable use of personal electronic devices and use of electronic devices provided by the Department of Education as well as the Acceptable Use Agreement. Individuals using these technologies without teacher approval and appropriate authorization or in violation of infractions such as insubordination, destruction of property, unauthorized use of device, etc. or the Acceptable Use Agreement are subject to disciplinary action as follows:
- (b)

- First offense- a verbal warning
  - Second offense – a written reprimand
  - Third offense – confiscation of the device in accordance with this policy and a required parent/guardian conference (the instructional guidelines and privilege of using a personal electronic device in the school setting will be reviewed).
- (c) If a student refuses to give up the device in a classroom, the student may be referred to the school administrator for further disciplinary action under the Student Discipline Policy.

#### **Section 21-44. Confiscation of Personal Electronic Communication Devices**

- (a) The school administrator or teacher may confiscate a personal electronic communications device to avoid disruption of learning, to help protect the health, safety, or welfare of students and/or staff or during the administration of a standardized test in order to protect academic integrity.
- (b) The personal electronic communication device must be turned over to the administrator or designee at the earliest possible time.
- (c) The administrator or designee shall complete a standardized intake form -signed and witnessed documenting the condition of the device and other critical details. A picture of the device may also be taken.
- (d) The administrator or designee shall take reasonable measures to label and secure the portable electronic communication device until such time that it can be returned safely to the student or parent/guardian.
- (e) Schools shall return confiscated portable electronic communication devices to the student or their parent at the end of the school day and should make every possible effort to ensure PECDs are not kept for longer than two (2) school days.

#### **Section 21-45. Emergency Contact**

- (a) To the furthest extent practicable, personal and emergency calls shall be directed through the school's office while students are attending class.
- (b) Prior to emergencies, students should provide details of their daily class schedule to parents/guardians.



(c) Students, enrolled in classes for regular school hours and extracurricular activities (Monday through Fridays, and other designated times) should provide the school's contact number and other emergency contact information in the event an emergency should arise. The person calling with emergency information should always alert the person receiving the call that the nature of the call is an emergency.

(d) School personnel receiving the call must record important details and tactfully inform the teacher that the student needs to leave class to respond to an emergency situation.

(e) Emergency calls may be permitted on a student's personal electronic communications while the student is not in class or when the student cannot be contacted through the school's office.

Approved by the 20<sup>th</sup> governing board of the VI Board of Education on December 10, 2021.

Flynn A. Greenup

Chairman

Dec. 13, 2021

Date

Shawna U. Richards

Secretary

Dec. 13, 2021

Date

