

PUPIL SAFETY (continued)

The District shall hold a public hearing on violence and vandalism pursuant to N.J.S.A. 18A: 17-46 and N.J.A.C. 6A: 16-5.3. The requirements of the public hearing are covered in greater detail in file code 5131.5 of this manual.

Student Access To Personal Cell Phones

Safety is the primary concern for the Newark Public Schools (the “District”) and the ability of parents and guardians to communicate with their children in an emergency situation is essential. Further, the District understands that students may need access to their cell phones when walking home from school or for after school activities that they may attend immediately upon leaving the school premises.

As such, the District allows students to carry **concealed** on their persons or carrying bags under the condition that the cell phones remain off (not on a silent ring or “vibrate” setting) at all times during the school day, on school premises, or at school functions. In the event of an emergency, the school administration (or the classroom teacher upon the direction of the school administration) will direct the students when they may safely turn on a cell phone.

If the student desires to carry a cell phone during the school day, the parent/guardian and student must execute a User Agreement specifically identifying the cell phone and acknowledging that the District assumes no responsibility for any loss or damage to the cell phone. The form must be on file in the school office before the device is brought to school.

Violation of this policy may be punishable as a Level III offense under the District’s Discipline Plan and Policy. Further, the student’s cell phone will be confiscated, the student’s parent/guardian will be contacted to retrieve the phone, and cell phone carrying privileges may be suspended or revoked.

Date Adopted by State District Superintendent: August 19, 2008

Legal References: Jerkins v. Anderson, 191 N.J. 285 (2007)

<u>N.J.S.A.</u> 2C:7-2 <u>et seq.</u>	Registration and Notification of Release of Certain Offenders
<u>N.J.S.A.</u> 2C:39-5	Unlawful possession of weapons
<u>N.J.S.A.</u> 18A:6-2	Instruction in accident and fire prevention
<u>N.J.S.A.</u> 18A:16-2	Physical examinations; requirement
<u>N.J.S.A.</u> 18A:17-42, -43 and -45 through -48	Public School Safety Law
<u>N.J.S.A.</u> 18A:20-21	Supervisors and other employees
<u>N.J.S.A.</u> 18A:35-5	Maintenance of physical training courses; features
<u>N.J.A.C.</u> 6A:16-7.2	Short term suspensions

PUPIL SAFETY (continued)

<u>N.J.S.A.</u> 18A:35-5.1 through -5.3	Lyme disease prevention; public school health curriculum
<u>N.J.S.A.</u> 18A:36-24 through -25	Missing children; legislative findings and declarations ...
<u>N.J.S.A.</u> 18A:36-29 <u>et seq.</u>	Voluntary fingerprinting ...
<u>N.J.S.A.</u> 18A:40-12.1, -12.2	Protective eye devices required for teachers, pupils and visitors in certain cases ...
<u>N.J.S.A.</u> 18A:41-1 <u>et seq.</u>	Fire drills and fire protection
<u>N.J.S.A.</u> 30:5B-26 through -29	Child care before and after school hours
<u>N.J.S.A.</u> 34:5A-1 <u>et seq.</u>	Worker and Community Right to Know Act
<u>N.J.S.A.</u> 39:4-183.1a	Traffic control devices
<u>N.J.A.C.</u> 6:8-3.1	Curriculum and instruction
<u>N.J.A.C.</u> 6A:8-5.1	Graduation requirements
<u>N.J.A.C.</u> 6A:16-1.1 <u>et seq.</u>	Programs to Support Student Development
<u>See particularly:</u> <u>N.J.A.C.</u> 6A:16-2.1, -5.1, -5.2, -5.5, -5.6, -5.7, -6.1, -6.2, -6.4, -6.5	
<u>N.J.A.C.</u> 6A:19-10.1 <u>et seq.</u>	Safety and Health Standards
<u>See particularly:</u> <u>N.J.A.C.</u> 6A:19-10.2	
<u>N.J.A.C.</u> 6A:24-6.1(a)2	Implementation of required programs in secondary schools
<u>N.J.A.C.</u> 6A:26-12.1 <u>et seq.</u>	Operation and Maintenance of Facilities
<u>See particularly:</u> <u>N.J.A.C.</u> 6A:26-12.2, -12.5	
<u>N.J.A.C.</u> 6A:27-11.1 <u>et seq.</u>	Safety

Manual for the Evaluation of Local School Districts (September 2002)

<u>Cross References:</u>	1250	Visitors
	1410	Local units
	3000/3010	Concepts and roles in business and Non-instructional operations; goals and objectives
	3516	Safety
	3541.33	Transportation safety
	4112.4	Employee health

4131/4131.1 Staff development; in-service
education/visitations/conferences
4212.4 Employee health

File Code: 5142
Page 8 of 8

PUPIL SAFETY (continued)

4231/4231.1 Staff development; in-service
education/visitations/conferences
5020 Role of parents/guardians
5113 Absences and excuses
5124 Reporting to parents/guardians
5125 Pupil records
5131 Conduct/discipline
5131.5 Vandalism/violence
5131.6 Drugs, alcohol, tobacco (substance abuse)
5131.7 Weapons and dangerous instruments
5141.1 Accidents
5141.2 Illness
5141.4 Child abuse and neglect
5141.21 Administering medication
5145.12 Search and seizure
6114 Emergencies and disaster preparedness
6142.12 Career education

THE NEWARK PUBLIC SCHOOLS
AGREEMENT FOR POSSESSION OF PERSONAL CELL PHONES

Student's Name _____ Grade _____

Parent/Guardian's Name _____ Home Phone _____

Make/Model of Phone _____ Serial/ID Number _____

Cell Phone Number _____

The undersigned agrees to defend, indemnify, and hold harmless the Newark Public Schools ("District"), its officers, agents, employees, and volunteers, from any and all loss, costs, and expense, arising out of any claim of liability for personal injury or property damage (including damage to the equipment/property listed above), or any other loss, sustained or claimed to have been sustained, arising out of or in any way connected with the above listed equipment/property.

The District assumes no responsibility whatsoever for any equipment brought on its premises. By signing this form, the undersigned certifies that he/she will assume all financial responsibility for damage or theft of this equipment.

I have read and I understand the District's policy on Student Possession of Personal Cell Phones. I represent that the equipment identified above is not a camera or video phone. Further, I agree that the cellular telephone must be kept off (not on a silent ring or "vibrate") and concealed at all times during the school day, on school premises, or at school functions. During an emergency, I agree to refrain from use of the cell phone until my teacher or administrators advise that it is safe to use the phone.

I further understand that:

(i) the violation of this policy is punishable as a Level III offense under the District's Discipline Plan and Policy, and the privilege of carrying a cell phone onto the school campus may be revoked and the device will be impounded if I do not obey these rules;

(ii) phones left unclaimed for over 30 days may be disposed of accordingly as abandoned property;

(iii) in the event that a student uses a cell phone (or any component thereof) to facilitate the commission of a crime or the infliction of injury or harm to persons or property, the violation shall be deemed a Level IV offense and the student will be reported to law enforcement.

Student Signature

Date

Parent/Guardian's Signature

Date

Administrator's Signature

Date