WEST VIRGINIA CODE: §18-2-47

§18-2-47. Limitation on cell phones in classrooms; rule-making.

(a) *Purpose*. – Personal electronic devices contribute to a negative classroom environment with increased concerns relating to distractions, academic misconduct, bullying and/or harassment and other inappropriate behaviors. Concerns regarding the mental health of students with unfettered access to personal electronic devices are well-documented and are believed to prohibit the age-appropriate development of relationships, study skills, and other necessary skills to be successful.

(b) *Application*. – County boards of education shall develop a policy that includes, but is not limited to, the requirements established in this policy for implementation at the beginning of the 2025-2026 school year.

(c) *Definitions*. –

(1) "Personal Electronic Device" means any portable device capable of wireless communication or computing including, but not limited to, cellular phones, tablets, laptops, smartwatches, and portable gaming systems not provided by a county board of education.

(2) "Instructional Day" means the period of time from the start of the first instructional period to the end of the last instructional period, including transition times between classes.

(3) "Classroom Setting" means an environment where instruction or activities related to the school curriculum are occurring including, but not limited to, general classrooms, gymnasiums, common areas, or any other area where instruction may occur.

(d) *Prohibition of Personal Electronic Devices During Instructional Time*. – As personal electronic devices are a privilege and are not contributable to the appropriate development and growth of students, all personal electronic devices shall not be accessible to students for use in a classroom setting during instructional time, with the exception of exemptions set forth in this policy.

(e) *Minimum Requirements for County Board of Education Policies*. – County boards of education are required to adopt a policy that includes, but is not limited to, the following:

(1) Whether personal electronic devices will or will not be permitted on school property.

(2) If a county board decides that personal electronic devices will be permitted on school property, its policy must include a procedure for storing the devices that specifies where and how the devices will be stored during the instructional day.

(3) If a county board decides that personal electronic devices will be permitted on school property, students may be required to store the devices in containers or pouches provided by

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the county board.

(4) County boards of education policies shall include the following exemptions:

(A) Students with an approved documented need, as required by a medical doctor or licensed healthcare professional or as a requirement of an Individualized Education Plan (IEP) or 504 plan, the student's health care provider's medical orders, or other written accommodation plan, may have access to personal electronic devices if the device relates to the student's specific need. An exemption related to a student's IEP, 504 plan, medical order, or other written accommodation shall include a timeline of the required exemption and specify what electronic device(s) shall be included in the exemption.

(B) County boards of education may include permission of specific personal electronic devices as related to the requirements of a county board of education approved work-based learning program. The approval shall include the specific course and purpose for which an electronic device may be used.

(5) County boards of education policies shall include consequences for students determined to have violated the policy including, but not limited to, the following:

(A) Penalties for a first offense, a second offense, and subsequent offenses;

(B) Confiscation of a student's personal electronic device(s) for violation of the policy and/or require the student's parent/guardian to retrieve the device(s); and,

(C) Prohibiting an individual student from possessing any device if previous misuse has been documented. However, if a student is prohibited from possessing electronic devices on school property, a conference shall be offered to the parent/guardian to discuss the reasoning for the prohibition.

(6) County board of education policies shall require schools to document all violations of the policy in the West Virginia Education Information System (WVEIS}.

(7) County boards of education shall make reasonable efforts to ensure that information related to acceptable use of personal electronic devices is disseminated to students and their parents/guardians including posting signs on school property and publishing the information in student handbooks, newsletters, social media, and county or school websites.

(8) The Local School Improvement Council (LSIC) of each school shall annually discuss the progress of implementing the county board's personal electronic device policy. The LSIC shall, at a minimum, review the relevant discipline data and make recommendations designed to promote student compliance with the policy.

(9) County boards shall require each school to develop and publish protocols regarding how parents/guardians may communicate with their children in a manner that does not distract the student in the learning environment. This may include, but is not limited to, establishing

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specific times when personal electronic devices are permissible, utilizing office staff to disseminate information from the parent/guardian, or any other applicable strategy designed to minimize disruption during instructional time.

(f) *Severability.* – If any provision of this policy or the application thereof to any person or circumstance is held invalid, such federal legislation or invalidity shall not affect other provisions or applications of this policy.

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