

**A. Purpose**

1. To establish guidelines to help maximize the responsible use of technology, and minimize the likelihood of illegal, unethical, or inappropriate use of technology that could harm Frederick County Public Schools (FCPS), its students, or its employees.
2. To establish procedures for possession and responsible use of FCPS-issued technology and acceptable personal mobile devices (PMDs) by students who are on school grounds or engaged in school-sponsored or FCPS-sponsored activities.

**B. Background**

1. FCPS is committed to assisting students and staff in creating learning environments that provide access to digital learning opportunities that are age appropriate, instructionally sound and safe.
2. This regulation aligns with the [Student Code of Conduct](#), current practice, and use of an ever-expanding range of devices used by students on school grounds and/or at FCPS-sponsored activities to receive data via voice or text, take and share photos, record and watch videos, play games, and/or listen to music.

**C. Definitions**

1. “Acceptable Personal Mobile Device” or “Acceptable PMD” is defined as technology, not provided by FCPS, brought to school by a student that includes: cell phones, headphones, smartwatches, speakers, cameras, and/or eReaders.
2. “Approved Instructional Purposes” is defined to mean an acceptable PMD that may be used to support student learning when expressly permitted by FCPS staff and when an FCPS-issued laptop is not able to support the approved instructional goals.
3. “Digital Technology in FCPS” or “Technology” is defined to mean, but is not limited to:
  - a. Hardware such as, but not limited to servers, computers, laptops, tablets, and other hardware, infrastructure, and peripherals.
  - b. Software such as, but not limited to, operating systems, application software, mobile applications, and websites.
  - c. Physical media such as, but not limited to, flash drives, external drives, and printed materials.
  - d. Data such as, but not limited to, locally stored and online documents, emails, instant messages, voicemails, passwords, database records, and files.
  - e. Accounts such as, but not limited to, internally or externally accessed accounts, applications, tools, websites, databases, email, websites, social media, cloud services,

- and mobile applications.
- f. Communication such as, but not limited to, internet, LAN, WAN, Wi-Fi, telecommunications, and cellular.
  - g. New technologies as they become available.
4. “FCPS-Issued Technology” is defined to mean technology tools provided to students for use to fully access the prescribed instructional program aligned to the educational mission of FCPS.
  5. “FCPS-Sponsored Activity” is defined to mean any FCPS endorsed activity involving students that is supervised by FCPS staff on school grounds as described in the “School Grounds” definition below.
  6. “School Property” or “School Grounds” is defined to mean any school or other FCPS facility, including grounds owned or operated by FCPS, FCPS buses and other FCPS vehicles, chartered vehicles, and the facility and/or grounds of any FCPS-sponsored activity involving students.
  7. “School-Related Activity” or “School-Sponsored Activity” is defined to mean any school system activity, on or off school property, in which a student directly participates (*e.g.*, school field trip, athletic event, or class/graduation activity), or an activity in which the student does not directly participate but represents the school or student body simply by being present (*e.g.*, spectator at a school event).
  8. “Student Day” is defined to mean the time students are scheduled to arrive to start the day and the designated dismissal time to end the day, including the instructional times for students attending extended day and extended year instructional programs.
  9. “Student Tracking Safety Devices” is defined to mean portable or wearable devices equipped with GPS and other tracking capabilities provided by a student’s parent for the purpose of monitoring their child’s location.

#### **D. Procedures**

1. Use of PMDs by students must be in compliance with this regulation and the [Student Code of Conduct](#). Since all students have access to FCPS-issued technology, including laptops, for instructional purposes, personal laptops and tablets are generally not permitted. However, exceptions may be made under special circumstances, including, but not limited to, documented accommodations for instructional purposes required for students with an Individual Education Plan (IEP) or Section 504 Plan.
2. **Technology Access**
  - a. When educational and/or instructional activities within FCPS require the use of technology to align with the educational mission of FCPS, the school system ensures that students have access to the necessary digital tools.

- i. Elementary students are provided with a digital device for use in school.
    - ii. Middle and high school students are provided with a digital device for use at school and home.
  - b. Technology access and use will occur in a responsible manner as described in the [Student Code of Conduct](#).
  - c. FCPS-issued technology must be used for educational purposes and returned in good condition when requested to do so.
  - d. The destruction or theft of technology as the result of negligence or misuse will be the financial responsibility of the responsible individual(s).
  - e. Violations of this regulation may result in discipline in accordance with the [Student Code of Conduct](#) which may include confiscation and/or denial of access to FCPS-issued technology and acceptable PMDs.
3. **Compliance with Legal Requirements**
  - a. FCPS adheres to the requirements of the Children’s Internet Protection Act (CIPA) as well as all other applicable federal, state, and local laws, regulations, and policies. When utilizing FCPS-issued technology, internet access is filtered or blocked as required by CIPA.
  - b. Data created or stored on technology covered under this regulation are the property of FCPS. The school system may monitor, audit, and review all accounts, files, and communications to ensure that students are using technology responsibly and in accordance with Board policies and FCPS regulations, and federal, state, and local laws, regulations, and policies.
4. **Privacy.** Students should not expect that files or electronic communication will be private.
5. **Student Instruction in Responsible Use of Technology.** All students who have access to using FCPS-issued technology and acceptable PMDs will be informed about responsible technology use expectations detailed in this regulation and the [Student Code of Conduct](#). Instruction will include:
  - a. Expectations when using technology. *See* Section D(5).
  - b. Privacy guidelines.
  - c. Copyright laws.
  - d. Locating and using appropriate digital resources.
  - e. Determining the validity of digital resources.
6. **Student Responsibilities.** To ensure the responsible use of technology in FCPS, all students are expected to:
  - a. Use technology in an ethical, responsible, and legal manner for school-related purposes only.
  - b. Be responsible for their behavior when using technology and for all actions taken under their accounts.
  - c. Show respect to themselves and others when using technology.
  - d. Adhere to the provisions of the [Student Code of Conduct](#) and all other applicable Board policies and FCPS regulations.
  - e. Immediately report inappropriate uses of technology to a teacher or an administrator.

- f. Keep data private:
  - i. Keep personal information (such as phone numbers, mailing address, passwords) and that of others private.
  - ii. Never divulge passwords, or otherwise allow access, to their accounts to anyone. Students are required to disclose system, account, or file-level passwords upon request of a teacher or school administrator.
- g. Never make their FCPS digital work publicly accessible without approval from staff.
- h. Be responsible for taking reasonable measure to prevent theft, loss, or damage to FCPS-issued technology.
- i. Never access the accounts of others.
- j. Never circumvent or disable filtering or other technology protection measures put in place by FCPS.
- k. Never use technology or an acceptable PMD while on school grounds or at FCPS-sponsored activities in a manner that violates this regulation or the [Student Code of Conduct](#). Examples of violations may include, but are not limited to:
  - i. Racism. (See [Board Policy 117](#), *Anti-Racism*.)
  - ii. Bullying/Harassment/Intimidation. (See [Board Policy 437](#), *Bullying/Harassment/Intimidation*.)
  - iii. Sexual Harassment. (See [Board Policy 116](#), *Title IX Sexual Harassment*.)
  - iv. Denigration or defamation of character.
  - v. Jeopardizing the safety of others.
  - vi. Offensive, rude, threatening, or discriminatory behavior.
  - vii. Accessing or distributing pornographic material.
  - viii. Spreading gossip and/or rumors.
  - ix. Knowingly spreading viruses, worms, or any other malicious files.
  - x. Violating copyright laws.
  - xi. Installing or using unauthorized software.
  - xii. Accessing another individual's accounts, materials, information, or files without authorization.
  - xiii. Unauthorized entry (*e.g.*, hacking).
  - xiv. Advertising commercial products or services.
  - xv. Sending mass unsolicited communications.
  - xvi. Engaging in activities for personal gain or profit.
  - xvii. Vandalizing, damaging, or disabling FCPS-issued technology.
  - xviii. Audio or video recording of lectures or school activities without permission from FCPS.
  - xix. Posting pictures, audio, or video of lectures or school activities to the internet/social media without permission of FCPS.
  - xx. Allowing others to use technology covered under a program without authorization.
- l. Refrain from using an acceptable PMD, such as personal earbuds/headsets, during the student day except as may be permitted by this regulation, a teacher or administrator, or pursuant to an IEP or Section 504 Plan.

## 7. Internet Access and Use

- a. **Elementary School Students.** Elementary students may only access internet sites that have been pre-screened and assigned by FCPS staff.

- b. **Secondary School Students.** Secondary students may access the internet as needed for educational purposes.
- c. In instructional settings, adult supervision is required to adequately monitor student activities on the internet.
- d. Staff members assigning internet use will ensure that such activities are applicable to the curricular needs and developmentally appropriate for the participating students.
- e. FCPS uses filtering and other technological measures to limit student access to harmful internet sites. Access through private cellular networks does not provide the same measures of filtering, therefore, while on school grounds, students must use the FCPS network (*i.e.*, not private cellular networks). If a student uses an acceptable PMD to access the internet on school grounds or at an FCPS-sponsored activity, but is not on the FCPS network, the student remains obligated to comply with the requirements of this regulation.

8. **Acceptable Personal Mobile Devices (PMDs)**

- a. Student possession and use of acceptable PMDs on school grounds and at FCPS-sponsored activities is a privilege, not a right.
- b. FCPS staff will not provide technical support or assistance for any acceptable PMDs.

c. **Permitted Uses**

i. **Elementary School Students**

- 1. Elementary school students may possess acceptable PMDs, however, they are to be silenced and kept out of sight, including when riding FCPS transportation to and from school.
- 2. During the school day, acceptable PMDs must be silenced and kept out of sight as directed by school staff.
- 3. School staff may grant permission, on an individual basis, for a student to have their cell phone on, including for medical necessity or other exigent situations.
- 4. Students may wear smartwatches or similar devices, but during school hours these devices must be set to “Airplane Mode” or “Schooltime Mode” to prevent distractions.

ii. **Middle School Students**

- 1. Middle school students may use acceptable PMDs before and after the student day, including when riding FCPS transportation to and from school.
- 2. Middle school students are not permitted to use acceptable PMDs during instructional periods, lunch periods, between classes, or between/during transitional times.
- 3. During the school day, acceptable PMDs must be silenced and kept out of sight as directed by school staff.
- 4. School staff may grant permission, on an individual basis, for a student to have their cell phone on, for approved instructional purposes, medical necessity, or other exigent situations.
- 5. Students may wear smartwatches or similar devices, but during school hours these devices must be set to “Airplane Mode” or “Schooltime Mode” to prevent distractions.

iii. **High School Students**

- 1. High school students may use acceptable PMDs before and after the student

- day.
2. Students may use acceptable PMDs during transitions between classes and during lunch periods.
  3. Acceptable PMDs are permitted for approved instructional purposes during instructional periods when explicitly permitted by staff.
  4. Unless directed otherwise by staff, acceptable PMDs must be silenced and kept out of sight during instruction.
- iv. **Students with IEP or Section 504 Plans.** Students with an IEP or Section 504 Plan with related documented accommodations will be authorized to use appropriate acceptable PMDs for instructional purposes during the school day.
  - v. Notwithstanding the limitations established above in Section D(8)(c)(i)-(iii), students riding to or from school or school-sponsored activities on FCPS or commercially chartered buses may use acceptable PMDs, as long as such use does not impact the safe operation of the bus and is compliant with this and related Board policies and FCPS regulations.
  - vi. Students are permitted to use cell phones during a school-based emergency unless such use interferes with school staff or others effectively communicating safety instructions.

#### 9. **Parent Expectations**

- a. Since students will have limited access to their acceptable PMDs during the student day, parents are encouraged to refrain from calling or texting their child's acceptable PMD when its use is unauthorized.
- b. Parents are encouraged to communicate by way of acceptable PMDs outside of school hours. In exigent situations, parents may contact the school office to request to communicate with their child.
- c. If a child contacts their parent during school hours via an acceptable PMD, parents are encouraged to reinforce responsible student technology use expectations and remind their child to focus on learning.

#### 10. **Student Tracking Safety Devices**

- a. Student tracking safety devices without audio or video recording capabilities are permitted. However, these devices or locators may not always be accurate as they rely on cellular network(s) outside of FCPS' control. Therefore:
  - i. FCPS is not liable for any damage to or loss of student safety tracking devices.
  - ii. FCPS cannot guarantee the reliable, consistent, and accurate functionality of student safety tracking devices on school grounds or within FCPS' facilities.
- b. Under Maryland wiretap and privacy laws, individuals are not permitted to listen or record others without consent. Therefore, except as may be required pursuant to an IEP or Section 504 Plan, student tracking safety devices with audio or video recording capabilities are prohibited on school grounds.
- c. Student safety tracking devices must be managed by the parent and the parent recognizes and accepts that FCPS is not liable for any damage or loss of the device.

#### 11. **Home/Hospital Teaching Services.** Students who are accessing home/hospital instruction may access the classroom using remote classroom technology only under the following

conditions:

- a. Appropriate training on the use of remote technology has occurred.
- b. Permission to record is obtained by both the teacher and parent of all students in the classroom.
- c. The device does not disrupt instruction.

## 12. Disciplinary Investigations

- a. Students are required to give temporary possession of their FCPS-issued technology or acceptable PMD to a school administrator when they are involved in a student disciplinary investigation.
- b. The school administrator will provide a receipt to the student when taking temporary possession of the student's FCPS-issued technology or acceptable PMD and shall notify the student's parent(s) that the device(s) has been taken into school custody.
- c. The school administrator will ensure that the student's FCPS-issued technology or acceptable PMD is held in a secure location until it is returned to the student.
- d. Upon the return of the device(s) to the student, the student and/or their parent(s) will acknowledge in writing that the device(s) has been returned.
- e. When student disciplinary investigations lead to searches and seizures on school property that involve FCPS-issued technology, these searches and seizures will take place in accordance with Section 7-308 of the Maryland Annotated Code and [FCPS Regulation 400-59](#), *Search and Seizure, Arrests, and Questioning of Students*.

## 13. Consequences of Violations

- a. FCPS staff will utilize the [Student Code of Conduct](#) to address student misconduct related to technology use including the use of acceptable PMDs. Discipline may include loss of access to resources covered under this regulation.
- b. In addition, FCPS reserves the right to report any suspected illegal activities to the appropriate authorities.

## 14. Liability

- a. FCPS will assume no responsibility for liability of loss, theft, or damage to any acceptable PMD, or for the unauthorized use of any such device. Students are encouraged to record acceptable PMD serial numbers to have available in case of theft, which is a helpful tool when reporting the information to law enforcement.
- b. FCPS will not guarantee accuracy, quality, confidentiality, or availability of technology and will not be responsible for any technology that may be lost, damaged, or unavailable.
- c. Although FCPS filters internet content to comply with CIPA, FCPS cannot completely control or censor illegal, defamatory, inaccurate, or potentially offensive materials, which may be available to users of technology.
- d. FCPS and its employees are not responsible for any use of FCPS-issued technology or acceptable PMDs that violate this regulation.

## E. Related Information

### 1. Board Policy

- a. [Policy 115](#), *Responsible Use of Social Media*
- b. [Policy 116](#), *Title IX Sexual Harassment*
- c. [Policy 117](#), *Anti-Racism*
- d. [Policy 403](#), *Student Discipline*
- e. [Policy 404](#), *Student Rights and Responsibilities*
- f. [Policy 434](#), *Technology Acquisition*
- g. [Policy 437](#), *Bullying/Harassment/Intimidation*
- h. [Policy 442](#), *Student Data Privacy*

2. **Code of Maryland Regulations (COMAR)**

- a. [COMAR 13A.05.01](#), *Provision of a Free Appropriate Public Education*
- b. [COMAR 13A.05.02.13](#), *Local Public Agency Administration*

3. **FCPS Regulations**

- a. [Regulation 100-08](#), *Responsible Use of Social Media*
- b. [Regulation 400-49](#), *Home-Hospital Teaching Services*
- c. [Regulation 400-59](#), *Search and Seizure, Arrests and Questioning of Students*
- d. [Regulation 400-66](#), *Section 504 of the Rehabilitation Act of 1973-Implementation Guidelines*
- e. [Regulation 400-75](#), *Restitution for Damage to School Property*
- f. [Regulation 403-01](#), *Student Discipline*
- g. [Regulation 500-29](#), *Copyright*
- h. [Regulation 508-01](#), *Special Education and Related Services for Students Enrolled by Their Parents in Private Schools or Home Schooled/Instruction*

4. **FCPS Resources**

- a. [Parent/Student Handbook and Student Code of Conduct](#)

5. **Federal Law**

- a. Children’s Online Privacy Protection Act (COPPA), 15 USC § 6501, *et seq.*
- b. Electronic Communications Privacy Act
- c. Family Educational Rights and Privacy Act (FERPA), 20 USC § 1232(g)
- d. Individuals with Disabilities Education Act (IDEA), 20 USC § 1400, *et seq.*
- e. Section 508 of the Rehabilitation Act (1998), 29 USC § 794d
- f. Title XVII, Children’s Internet Protection Act (CIPA) 47 USC §§ 254(h), (l)

6. **Maryland Statutes**

- a. [Md. Code Ann., Crim. Law § 3-805](#)
- b. [Md. Code Ann., Cts. & Jud. Pro. § 10-402](#)
- c. [Md. Code Ann., Educ. § 4-131](#)
- d. [Md. Code Ann., Educ. § 7-308](#)

**F. Regulation History** (Maintained by Legal Services)

<i>Responsible Office</i>	Department of System Accountability and School Administration; Student Services
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Adoption Dates	08/15/24
Review Dates	
Revision Dates	