

Disciplinary Responses for Cell Phone Use in Violation of DOE/School Policy

- State law prohibits schools from suspending a student on the sole grounds that the student accessed an internet-enabled electronic device. Notwithstanding this limitation, when a cell phone or other electronic device is used for purposes in violation of other provisions of the discipline code, suspension may continue to be an option.
 - For example, if students use their electronic devices in school to engage in bullying behavior directly or through social media, this behavior can be addressed under codes including A23, A31, A36, B23, B34, B39, B40.
 - If students use their electronic devices in school to instigate a fight or to videotape a fight that is underway, or plan other dangerous activity, this behavior can be addressed under codes including e.g., A34, B37, B43, B47
- The Discipline Code ([Grades K-5](#); [Grades 6-12](#)) sets forth infraction codes, together with progressive levels of disciplinary responses that can apply to a student who uses their cell (smart) phone or other internet-enabled device in violation of DOE or school policy, as described below.

If a student improperly accesses or uses their phone in school, the following codes and responses may be applicable:

Level 1: A04 & B05: bringing items to or using items in violation of DOE or school policy. A-E

Level 1: A06 & B07: behaving in a manner which disrupts the educational process A-E

Level 2: A21 & B19: inappropriate use of electronic technology A-E (K-2), A-F (3-12)

Level 3: A22 & B21: defying or disobeying the lawful authority or directive of school personnel or school safety agents in a way that substantially disrupts the educational process A-F (K-3), A-F, G with authorization

Disciplinary Responses (per Citywide Behavioral Expectations [Grades K-5](#); [Grades 6-12](#)):

- A. School staff meeting with student
- B. Student/teacher conference
- C. Formal meeting with student by appropriate supervisor (e.g. principal)
- D. Parent conference
- E. Other in-school disciplinary response (e.g. exclusion from extracurricular activities)
- F. Removal from classroom by teacher
 - Five or more teacher removals per semester or four or more teacher removals per trimester results in an automatic principal's suspension of at least one day
- G. Principal's suspension of one to five school days

Note: Schools may also include other possible responses to impermissible accessing of cell phones, as long as students are informed of these possible consequences, such as

- Removing privilege of going out of school for lunch – any such limit should be short term, e.g., no out to lunch on the same or next day (if behavior is after lunch)

Student misbehavior must be handled on a case-by-case basis. Interventions and disciplinary responses must consider the nature and severity of the behavior.

The following are examples about how the interventions described in A-E can be used to guide student behavior:

Possible Incidents:

- **Student turns on and talks on cell phone in school when not permitted**
- **Cell phone is in student's bag and rings repeatedly during single or multiple classes; student doesn't turn off phone**
- **Student defies teacher direction to put their phone away and insists on continuing a phone conversation**
- **Student who has an exemption permitting them to keep cell phone turned on uses cell phone for use not covered by the exception.**

Progressive Responses:

- 1st time: teacher meets with student
- 2nd time: student meets with administrator (principal, AP, dean)
- 3rd time: principal/designee contact parent. (could hold phone until parent comes to pick it up)
- If behavior is persistently disruptive (e.g., student lets his phone ring repeatedly in class), teacher could impose a removal from class due to the disruptive nature
- For grades 4-12, can request a suspension under A22 or B21 if student's behavior is substantially and repeatedly disruptive, e.g., student repeatedly uses cell phone and refuses to turn it over or put it away. Charge would be for insubordination behavior, not for merely accessing the phone.

As part of intervention process, engage in discussion with student about

1. *What led the student to violate the policy.*
2. *Impact of such behavior on themselves and others*
3. *Impact of device distraction on learning*

NOTE: Ed Law § 2803 requires each school district, starting September 2026, to publish an annual report on its website detailing enforcement of the internet-enabled device policy within the district in the prior school year. Accordingly,

- All incidents, interventions, and supports must be documented in the Online Occurrence Reporting System (OORS) for all parties involved, regardless of whether a disciplinary response is imposed.
- All disciplinary responses must be reported in the Suspensions and Office of Hearings Online (SOHO) system.