

MODEL POLICY #43

WIRELESS COMMUNICATION DEVICES (CELLPHONES) IN THE CLASSROOM (WISCONSIN)

Why adopt this policy?

2025 Wisconsin Act 42 requires all public school districts to adopt a policy by July 1, 2026, prohibiting the use of a wireless communication device during instructional time.

Eliminating personal devices from the classroom fosters more meaningful face-to-face interactions among students and creates an environment that prioritizes academic engagement and supports overall student well-being. Schools and classrooms that have implemented phone bans have seen results of higher math and reading achievement on standards tests, more knowledge gained as measured by end-of-course exams, and even other benefits such as increased play and exercise at recess.* A 14-county study cited by UNESCO, found that the mere presence of a mobile phone nearby was enough to distract students from learning. It can take up to 20 minutes for students to refocus.†

This policy provides channels for parents to maintain communication with their child during the day, and it is not designed to override any measures in place to ensure adequate communication in the case of safety incidents or emergencies.

Policy

Definitions

Emergency means a situation that poses an immediate threat to the safety, health, or well-being of individuals on school grounds or during school-sponsored activities, and where the use of a wireless communication device is necessary to seek assistance, report an emergency, or communicate urgent information to authorities or designated personnel.

Instructional time means the specific periods allocated for instructional sessions or courses throughout the school day. It represents the duration during which students are engaged in learning activities under the guidance of a

* Pawlowski, Charlotte Skau, Jonas Vestergaard Nielsen, and Tanja Schmidt. "A Ban on Smartphone Usage during Recess Increased Children's Physical Activity." *International Journal of Environmental Research and Public Health*, vol. 18, no. 4, 2021, article 1907. Published online 2021 Feb 16. DOI: 10.3390/ijerph18041907.

† Most, Doug. "Why Schools Should Ban Cell Phones in the Classroom." BU Today, Boston University, 8 Dec. 2023, <https://www.bu.edu/articles/2023/why-schools-should-ban-cell-phones-in-the-classroom/>; Froese, Arnold D., et al. "Effects of Classroom Cell Phone Use on Expected and Actual Learning." *College Student Journal*, vol. 46, no. 2, June 2012, pp. 323-332.

teacher or instructor with a designated classroom or instructional setting. Class time is a component of the overall school hours.

Parent includes a legal guardian or person who is legally responsible for the welfare of the child (such as a grandparent or stepparent with whom the child lives). Rights under this policy transfer from the parents to a student who is 18 years old or emancipated under state law.

School hours means the designated time periods during the school day when formal teaching and learning activities take place, including classroom instruction, lectures, discussions, and educational activities supervised by teachers or staff.

Wireless communication device means a personal device that has the capability to provide voice, messaging, or other data communication between two or more parties and includes all of the following:

- A cellular telephone;
- A tablet computer;
- A laptop computer;
- A gaming device.

School district-issued technology or devices that would otherwise fall under this definition are not considered “wireless communication devices” for purposes of this policy.

Smartwatches, GPS watches, and similar wearable devices may be worn only if all wireless communication capabilities (including voice, messaging, and data transmission between two or more parties) are disabled during instructional time.

Wireless communication device does not include smart tags for purposes of this policy, i.e. a small tracking device that uses Bluetooth, GPS, or similar technology to transmit location information to a paired device, but does not independently enable direct communication between two or more parties.

Scope

The use of wireless communication devices during instructional time is strictly prohibited. Students will be required to stow devices in a designated location upon their entry into the classroom immediately before instructional time.

Designated locations may include:

- Secure pouches;
- A cellphone cabinet;
- Hanging pocket holder;
- A container, like a bucket or basket.

Students are individually accountable for the safekeeping and protection of their wireless communication devices while on school premises. The District does not assume responsibility or liability for instances of theft, loss, damage,

misuse, or unauthorized use of wireless communication devices brought onto school property by students. However, exceptions may apply in cases where negligence by school district personnel contributes to such instances.

Exceptions

Exceptions to this policy may be granted in cases of emergencies, instructional purposes if requested by the teacher and approved by the building principal, or as authorized by an IEP team.

Enforcement

Teachers and staff are responsible for enforcing this policy and may confiscate all wireless communication devices found in violation of this policy. Violations of this policy will result in disciplinary action in accordance with the school handbook or code of conduct. Disciplinary action shall be progressive depending on the number of violations and may involve one or more of the following:

- Confiscation of the device until the end of class;
- Confiscation of the device until the end of the school day;
- Holding the device to be picked up by a parent;
- Loss of student privileges;
- Detention; or
- Suspension.

If a device is confiscated, it will be released and returned to the student after class time, at the end of the day, or released to a parent, unless the violation involves potentially illegal activity. In that case, the device may be turned over to law enforcement.

School officials will not search or otherwise manipulate devices that are confiscated unless:

1. They reasonably suspect that the device contains evidence of a violation of law or school policies involving student safety, threats of harm, bullying or harassment, or the security of students, staff, or school property;
2. There is an immediate threat to the safety and security of students, staff, or school property, such as threats or acts of violence;
3. The student voluntarily consents to the search of their device, either verbally or in writing, without coercion; or
4. If there is a valid search warrant issued by a court of law authorizing search of the device based on probable cause.

School administration shall ensure that parents are promptly informed of any important updates or incidents involving their child, encouraging a collaborative approach to student safety and well-being.

Parent Communication Annual Notice

Annually, before the commencement of school, parents will be given an update on this policy, and parents will be advised that they may maintain communication with their child during the school day through established channels provided by the school. These may include contacting the school office directly via telephone or email.

Device Agreement

For parents and students to know the expectations and consequences related to wireless communication device use at school, they will be expected to sign an agreement which includes the information contained in this policy as well as an explanation about the detrimental impact of excessive cell phone use. Parents and/or students refusal or failure to sign the agreement does not affect the enforceability of the Policy.

Legal Analysis – National

A wireless communication device policy must be adopted by July 1, 2026, and submitted to the Wisconsin Department of Public Instruction (DPI) by October 1, 2026. Wis. Stat. § 120.12(29)(d). Then, beginning October 1, 2027, each public school district must notify the DPI of whether changes were made to the policy. Wis. Stat. § 120.12(29)(d). If changes were made, the updated policy must also be submitted. *Id.*

Public schools in Wisconsin are required to adopt a wireless communication device, other than a school district-issued wireless communication device, during instructional time. Wis. Stat. § 120.12(29)(a). The definition for a wireless communication device is found under Wis. Stat. § 120.12(29)(b)1. Exceptions to the prohibition are provided in Wis. Stat. § 120.12(29)(b)2.

While students have a legitimate expectation of privacy, schools have an equally legitimate need to maintain an environment in which learning can take place. Therefore, school officials do not need to obtain a warrant before searching a student who is under their authority if the search is reasonable. *New Jersey v. T.L.O.*, 469 U.S. 325 (1985). When it comes to searching cell phones, a two-part test has become common in United States Courts of Appeals. (1) the search must be reasonable at its inception, meaning there is reasonable suspicion that a search will uncover evidence of further wrongdoing or of injury to the student or another, and (2) the search must be reasonably related in scope to the circumstances which justified it in the first place. See *O.W. v. Carr*, No. 24-1288, 2026 WL 958852 (4th Cir. Apr. 9, 2026); *Jackson v. McCurry*, 762 F. App'x 919 (11th Cir. 2019); *G.C. v. Owensboro Pub. Schs.*, 711 F.3d 623 (6th Cir. 2013).

Teachers cannot be held liable for harm caused by any act or omission if the actions were carried out in conformity with Federal, State, and local laws in furtherance of efforts to maintain order or control in the classroom. 20 U.S.C. § 7946.



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