

TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION

SERIES 100
Personal Electronic Device Usage In Schools (4374)

§126-100-1. General.

1.1. Scope. -- This rule establishes minimum standards and requirements for county boards of education to limit the use of personal electronic devices by students in grades K-12 during instructional school days to ensure that personal electronic devices do not interfere with the educational process or infringe on the rights of other students

1.2. Authority. -- West Virginia Constitution, Article XII, §2, W. Va. Code §18-2-5.

1.3. Filing Date. -- May 15, 2025.

1.4. Effective Date. -- June 14, 2025.

§126-100-2. Purpose.

2.1. 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.

§126-100-3. Application.

3.1. 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.

§126-100-4. Definitions.

4.1. Personal Electronic Device. 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.

4.2. Instructional Day. Period of time from the start of the first instructional period to the end of the last instructional period, including transition times between classes.

4.3. Classroom Setting. 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.

§126-100-5. Prohibition of Personal Electronic Devices During Instructional Time.

5.1. Student possession of personal electronic devices at school is a privilege, not a right. Student use of these devices during classroom instruction routinely interferes with the academic and social development of students. Therefore, students are prohibited from possessing personal electronic devices during classroom instructional time unless one (or more) of the exceptions in 6.2 applies.

§126-100-6. Minimum Requirements for County Board of Education Policies.

6.1. County boards of education are required to adopt a policy that includes, but is not limited to, the following:

6.1.a. whether personal electronic devices will or will not be permitted on school property.

6.1.b. 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.

6.1.b.1. 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 the county board.

6.2. County boards of education policies shall include the following exemptions:

6.2.a. Students may have access to their personal electronic devices during instructional time if deemed necessary by a medical doctor or the student's IEP or 504 team, or other written accommodation plan, such as a school psychologist or other school official; parent requests or notes shall not be accepted as an approved accommodation. Barring emergency situations, a written order from the student's medical doctor and/or a written explanation from the student's IEP or 504 team regarding the student's need for device access during instructional time must be submitted to the school principal before any exemption will be permitted. Medical orders and written explanations from IEP or 504 teams must specify the electronic device(s) to which the student shall have access, how long that access is likely to be needed, and the anticipated use of the devices when accessed during instructional time. A school principal may demand additional information from the medical doctors and IEP or 504 teams if the need for devices access is not clear from the documentation submitted.

6.2.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.

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

6.3.a. penalties for a first offense, a second offense, and subsequent offenses;

6.3.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,

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6.3.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.

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

6.5. 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.

6.6. 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.

6.7. 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 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.

§126-100-7. Severability.

7.1. 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.

**Policy 4374, Personal Electronic Device Usage In Schools
Comment Log**

2-13-25 to 3-20-25

Action

- A/S Comment was accepted and supports the proposed policy.
- A/C Comment was accepted and resulted in changes to the proposed policy.
- N Comment was not accepted.

Date	Commenter	Comments	Action	Rationale
§126-100-1. General.				
2-19-25	Blake Mangold School Counselor Self Keyser WV	We have bigger in our schools to worry about than cell phones. We can start with PEIA, teacher salaries, school safety, disruptive students, etc. I could go on and on with so many more concerns than a cell phone in schools.	N	Comment was not germane to the policy.
3-7-25	Ashley Mullins National Legislative Director ExcelinEd in Action Mechanicsburg PA	Members of the West Virginia State Board of Education, My name is Ashley Mullins, National Legislative Director for ExcelinEd in Action. Our organization works with state lawmakers, state boards of education and partner organizations to pass and implement legislation that benefits students and improves their outcomes. I am writing to express ExcelinEd in Action’s support for Policy 4374 - Personal Electronic Device Usage in Schools, which would limit distractions in the classroom and help protect instructional time to ensure West Virginia students are learning. The rise of cell phone use has been linked to adverse outcomes for young people, particularly impacting their experiences inside the classroom.	A/S n	Generally accepted and supported the policy; however, the comment requesting to extending to the full school day was specifically addressed by external stakeholders who felt the county should define what students can do during class changes, lunch, etc.

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	<p>The constant inflow of notifications disrupts the classroom environment and, as a result, student learning. With both parents and educators expressing widespread concerns about the detrimental effects on student attention, emotional development and mental health, policymakers must address these issues to foster educational environments that are free from harmful distractions.</p>	
	<p>While limiting electronic devices during instructional time is a step in the right direction, we would like to encourage you to consider adopting a bell-to-bell approach to further strengthen this policy. States like Arkansas, Louisiana, South Carolina and Virginia have taken it a step further and prohibited cell phone usage from bell to bell, which further cuts down on distractions, cyberbullying and social media-related conflicts. A study has shown that on average it takes 23 minutes to regain complete focus following an interruption. Something so small as checking a quick text during class can lead to a student falling off track very quickly. Because of this, these states have decided to completely remove the distraction from the school building throughout the day.</p>	
	<p>We urge you to pass Policy 4374 – and improve upon it by extending it to the full school day – to strengthen the education of West Virginia’s students and improve their lifelong outcomes.</p>	
	<p>Thank you for your leadership and consideration of this important policy.</p>	

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3-9-25	Shaina Benefield Teacher RCBE Beckley WV	Cell phones should be locked away during the school day.	A/S	
3-12-25	Chris Michael Huntington WV	Overall, I am pleased to see this policy written. I hope that most county school districts will adopt a cell phone ban during the instructional day.	A/S	
3-14-25	Michael K. Foley Teacher Marion County Technical Center Farmington WV	This is a much needed policy that is long over due.	A/S	
3-14-25	Larry "Smoke" Conaway Teacher Marion County Schools Mannington WV	Cellular devices have both positive and Negative effects on students. Positive can use for some classroom projects when allowed by teacher. Filming projects or procedures that are shown to class as an examples for further educational use. Negative While teacher is teaching students want to play on social media sites, text and snapchat friends in other classes or arent even in school, and video things in school that invade the confidentiality of other students that shouldnt be shown or shared/posted on social media.	A/S	Generally supportive but no comment on requests for changes
3-9-25	Shaina Benefield Teacher RCBE Beckley WV	Cell phones are a distraction and detrimental to student learning.	A/S	
3-14-25	Michael K. Foley Teacher Marion County Technical Center Farmington WV	This is a much needed policy that is long over due.	A/S	
3-14-25	Larry "Smoke" Conaway	Cell phones should be allowed for emergency situations ONLY with family members! Teachers	N	Comment is not germane to the section or specific requests

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	Teacher Marion County Schools Mannington WV	also should only use phones for emergency situations with family or school emergency situations.		
3-14-25	Michael K. Foley Teacher Marion County Technical Center Farmington WV	This is a much needed policy that is long over due.	A/S	
3-14-25	Larry "Smoke" Conaway Teacher Marion County Schools Mannington WV	Phones are not needed in the classroom. I feel it is a disruption when students are working in a shop or work area. There is no need for a student to have a cellular device when using equipment in a shop setting. We are supposed to be teaching these students what it is like in the workforce and using a cell phone in most work/job site is prohibited.	A/S	
3-14-25	Michael K. Foley Teacher Marion County Technical Center Farmington WV	This is a much needed policy that is long over due.	A/S	
2-14-25	James Campbell Berkeley Springs Wv	We as parents had to personally intervene with our 8th graders school to eliminate inappropriate use of the school provided chrome book. She would google the question to get an answer and copy paste the answer into the work. This was not learning. These devices are not working with regard to increasing our students learning. I support removal of all devices.	A/S	
	Richard Boothby Partner Bowles Rice Parkersburg WV	Perhaps the clarity and readability of 5.1 would be improved by breaking up the longer sentences: 5.1. Student possession of personal electronic	A/C	

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			devices at school is a privilege, not a right. Student use of these devices during classroom instruction routinely interferes with the academic and social development of students. Therefore, students are prohibited from possessing personal electronic devices during classroom instructional time unless one (or more) of the exceptions in 6.2 applies.		
2-23-25	Laura Hoggard teacher Doddridge County West Union WV		I teach full time in a public middle school. I have seen nothing good from students having their cell phones on their persons during school. Bullying is out of control, messages are sent across the building within a millisecond and its not only damaging the mental health of our students, but also staff. Cellphones are detrimental to the learning environment of our schools in WV. Please prohibit them.	A/S	
2-24-25	Jackson Lee Hussell- Davis Special Educator Village of Barboursville Elementary School Huntington WV		Generally I think this is a great idea, and I am glad the Department of Education is taking this stance.	A/S	
3-7-25	Ashley Mullins National Legislative Director ExcelinEd in Action Mechanicsburg PA		Would recommend extending the limitations to full day instead of just instructional time.	N	External stakeholders expressed their interest in allowing county boards of education to set limits during non instructional times.
3-9-25	Shaina Benefield Teacher RCBE Beckley WV		Students should have devices locked away during school day and released at end of the day.	N	External stakeholders expressed interest in allowing county boards of education choice pertaining to the storage of devices. Further, a lock would come at a cost to districts and schools

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3-14-25	Michael K. Foley Teacher Marion County Technical Center Farmington WV	This is a much needed policy that is long over due. Personal Electronic Devices have been a major issue for many years. I do believe that this needs to be taken a step further and these devices prohibited from ALL school property, including usage on the school buses. Between classes and during lunch , before and after school starts is also a problem with pictures and videos being taken that are in violation of HIPAA.	N	External stakeholders expressed their interest in allowing county boards of education to set limits during non instructional times.
3-14-25	Larry "Smoke" Conaway Teacher Marion County Schools Mannington WV	When students are in a learning environment it is a big distraction that they are reminded that cell phones are not to be seen, but every time look up from lecturing and giving instructions about how to complete tasks in class, how to use tools and machines properly, or go over instructional power points a student is sneaking their phone out of their pocket and wants to look at a message sent from one of their friends.	A/S	
3-15-25	Nancy Riggs Instructor Marion County Schools Farmington WV	I am writing to express my strong opposition to policy 4373, which seeks to remove electronic devices from students in educational settings. While I understand the importance of maintaining focus and minimizing distractions in the classroom, an outright ban on electronics is both unrealistic and counterproductive. Technology is not going away; in fact, it is deeply embedded in nearly every career path and aspect of daily life. By restricting access to electronic devices, we are failing to equip students with the necessary skills to navigate a digital world responsibly. Instead of enforcing outdated, draconian policies, we should focus on teaching students how to use technology appropriately and	N	Technology will not be banned from schools, rather students will have access to county issued devices; devices in which they have control and ownership of. Student stakeholders who have experienced a cell phone ban expressed statements that this was the best year they have had since they did not have access to personal electronic devices.

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		<p>effectively.</p> <p>Many industries now require proficiency with digital tools, critical thinking in online environments, and the ability to communicate using modern platforms. If our goal is to prepare students for the workforce, we cannot ignore the very tools they will be expected to use. Banning electronics outright does not solve the problem - it simply ignores it.</p> <p>Rather than pretending these devices do not exist, educators should integrate them into lesson plans, establish guidelines for appropriate use, and emphasize digital literacy. Responsible technology use is a skill that must be taught, not suppressed.</p> <p>I urge you to reconsider Policy 4374 and instead advocate for policies that embrace 21st-century learning while promoting accountability, responsibility, and productivity in the classroom.</p> <p>Thank you for your time and consideration.</p> <p>Consider the following revisions:</p> <p>6.2.a. Students may have access to their personal electronic devices during instructional time if deemed necessary by a medical doctor or the student's IEP Team. Barring emergency situations, a written order from the student's medical doctor and/or a written explanation from the student's IEP Team regarding the student's need for device access during instructional time must be submitted to the school principal before any exemption will be permitted. Medical orders and written explanations from IEP Teams must specify the</p>	
2-17-25	Richard Boothby Partner Bowles Rice Parkersburg WV	A/C	

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	<p>electronic device(s) to which the student shall have access, how long that access is likely to be needed, and the anticipated use of the device when accessed during instructional time. A school principal may deny a requested exemption for failure to provide the documentation required by this section. A school principal may demand additional information from medical doctors and IEP Teams if the need for device access is not clear from the documentation submitted.</p>	
<p>3-14-25</p>	<p>Michael K. Foley Teacher Marion County Technical Center Farmington WV</p>	<p>This is a much needed policy that is long over due. I feel this should be expressly mandated by the state as to how the county will ensure this. I also believe this needs to include ALL county staff as well during instructional time and working hours. Personal electronic devices are just as much of a problem with employees as it is students.</p>
	<p>Gary Dougherty Director, State Government Affairs American Diabetes Association Arlington VA</p>	<p>Since this Rule is to establish minimum standards and requirements for county boards of education to follow while enforcing policies related to the use of personal electronic devices during classroom instructional time, it is imperative to include a definitive exemption for students who require smart devices to manage chronic health conditions such as diabetes.</p> <p>Therefore, the American Diabetes Association® (ADA) urges the following edits to the draft Rule.</p> <p>Amend 6.2.a. to read:</p> <p>Students with an approved documented need, as required by the student's health care provider or as a requirement of an Individualized Education Plan</p>

Language was changed to reflect 504 plans as well

A/S

A/C

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3-14-25	Larry "Smoke" Conaway Teacher Marion County Schools Mannington WV	<p>(IEP), a plan developed under Section 504 of the Federal Rehabilitation Act of 1973 (504 Plan), 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 plan shall include a timeline of the required exemption and specify what electronic device(s) shall be included in the exemption.</p> <p>This language is necessary because not all students with diabetes will have an IEP. Additionally, other licensed health care providers, not just medical doctors, can write medical orders for students with diabetes.</p> <p>The ADA has prepared resources regarding school cell phone restrictions and made them available on our website at https://diabetes.org/advocacy/safe-at-school-state-laws/legal-protections.</p> <p>Thank you again for the opportunity to submit comments. If you have any questions at all, you may reach me at gdougherty@diabetes.org.</p>	N	Not germane, as this policy addresses student usage, not employee.
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3-14-25	Michael K. Foley Teacher Marion County Technical Center Farmington WV	This is a much needed policy that is long over due.		
3-14-25	Larry "Smoke" Conaway Teacher Marion County Schools Mannington WV	Students who have cell phones out while in classroom setting that is not being used for educational purposes should be able to have phones taken by teacher or administrator and picked up at end of day. NO student is entitled to have a device that prohibits them from learning education information, Most worksites have a limited cell phone policy and if we are getting these students ready to be in the workforce they need to learn phones are not appropriate in all settings.	A/S	
4-23-25	Pursuant to language in HB 2003	6.2a- Language from HB 2003 references "other written accommodation plans" The legislative intent was clear to include school officials such as school psychologists and not parent notes- language was amended in Policy to reference this and reads . Students may have access to their personal electronic devices during instructional time if deemed necessary by a medical doctor or the student's IEP or 504 team, or other written accommodation plan, such as a school psychologist or other school official; parent requests or notes shall not be accepted as an approved accommodation.	A/C	