

## Will the Cells Be Ringing? It's Up To You

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August 21, 2003

School officials—and their students—have only had to pick up a newspaper or listen to broadcast news during the past few weeks, to know that Michigan's statutory ban on cell phones and pagers in public schools has been lifted. But the "operational" details of the new law, that will be crucial for both students and school administrators to grasp, are much less widespread.

Approved by Gov. Granholm to be effective Aug. 1 of this year, the new statute responds to pressures on the legislature to "get with the times." It substantially modifies the prior ban, at MCLA 380.1303, which prohibited a school board from allowing "any pupil to carry a pocket pager, electronic communication device, or other personal communication device in school except for health or other unusual reasons approved by the board . . . ."

Regardless what the newspapers say, however, the ban is *not* lifted for the new school year, *unless a school board takes specific steps to do so*. In other words, it will take specific action by a local school board for the 2003-2004 school year, in order to relax the prohibition. Not until the 2004-2005 school year will the legislature take itself entirely out of the cell phone and pager regulation business. Starting then, it has determined, "the board of a school district or board of directors of a public school academy may adopt and implement its own local policy concerning whether or not a pupil may carry a pocket pager, electronic communication device, or other personal communication device in school."

In view of the significant publicity about this change in the law, and the possibility of misunderstanding by students, parents and school personnel alike, we recommend that school districts review their current policies carefully and communicate rules and district expectations clearly to students and administrators. Most importantly, all should understand that, absent a clear new board policy to the contrary, the prior ban on phones and pagers *will remain in effect* for the 2003-2004 school year.

If you need assistance with revision of this or any other school policy, or with other questions related to school law, please contact our Labor Group, Beverly Hall Burns at (313) 496-7508, email: [burns@millercanfield.com](mailto:burns@millercanfield.com).