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SCHOOLS CANNOT BLOCK STUDENT WI-FI CONNECTIONS

On January 27, 2015, the FCC issued an enforcement advisory about blocking Wi-Fi hotspots that individual wireless users may generate from his or her mobile devices. The FCC made note of its \$600,000 fine that was recently levied against Marriott Hotels for its blocking of Wi-Fi hotspots at a single hotel and convention center in Tennessee. The FCC advisory indicates that the FCC will aggressively investigate and act against any unlawful interference with personal Wi-Fi hotspots.

The FCC is enforcing Section 333 of the Communications Act, which says “No person shall willfully or maliciously interfere with or cause interference to any radio communications of any station licensed or authorized by or under this chapter or operated by the United States Government.” While the FCC makes repeated references to “commercial entities,” in its warning, the law prohibits anyone from interfering with Wi-Fi hotspots, including public entities such as school districts and IUs.

While the Children’s Internet Protection Act (CIPA) requires school districts to filter the school district’s e-rate internet connections, there is no corresponding obligation in the law to prevent students from accessing unfiltered internet through a student’s own phone or mobile device. Nonetheless, school districts and IUs may still limit or restrict entirely the use of Wi-Fi hotspots on campus through mobile device policies. However, schools districts and IUs may not take the next step of interfering with Wi-Fi hot-spots used in contravention of that policy. Rather, steps should be taken to identify those hotspots and discipline those users pursuant to the policy instead of using jamming or interfering technology to disable the hotspot. Otherwise, school districts and IUs face steep monetary fines from the FCC.

Clients who have questions regarding issues discussed in this article, or any education law matter, should feel free to call us at 215-345-9111.

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