

Policy 5131.8: Mobile Communication Devices

Status:
ADOPTED

Original Adopted Date: 10/01/2019 | **Last Revised Date:** 03/01/2025 | **Last Reviewed Date:** 03/01/2025

The Governing Board recognizes that student use of smartphones and other mobile communication devices on campus may be beneficial to student learning and well-being, and could be harmful and disruptive of the instructional program in some circumstances. When on campus or when under the supervision of district employees, students may use smartphones and other mobile communication devices only as permitted under this policy.

Option 1: (Limited use of smartphones and other mobile communication devices)

Students may use smartphones or other mobile communication devices on campus during noninstructional time as long as the device is utilized in accordance with law and any applicable school rules.

Mobile communication devices shall be turned off during instructional time.

End Option 1

Option 2: (Prohibited use of smartphones and other mobile communication devices)

Students shall not use smartphones or other mobile communication devices while at a school site or under the supervision and control of a district employee.

End Option 2

However, a student shall not be prohibited from possessing or using a mobile communication device under any of the following circumstances: (Education Code 48901.5, 48901.7)

1. In the case of an emergency, or in response to a perceived threat of danger
2. When a teacher or administrator grants permission to the student to possess or use a mobile communication device, subject to any reasonable limitation imposed by that teacher or administrator
3. When a licensed physician or surgeon determines that the possession or use is necessary for the student's health and well-being
4. When the possession or use is required by the student's individualized education program

The Superintendent or designee may undertake measures or strategies in accordance with law, to limit student access to smartphones and other mobile communication devices on campus.
(Education Code 48901.7)

Smartphones and other mobile communication devices shall not be used in any manner which infringes on the privacy rights of any other person.

A student's personal electronic device shall not be searched without the consent of the student's parent/guardian, except pursuant to a lawfully issued warrant, when a school official, in good faith, believes that an emergency involving danger of death or serious physical injury to the student or others requires access to the electronic device information, or when the search is otherwise permitted pursuant to Penal Code 1546.1.

When a student uses a mobile communication device in an unauthorized manner while at a school site or under the supervision and control of a district employee, the student may be disciplined and the district employee may temporarily confiscate the device. The employee shall store the device securely until it is returned to the student or turned over to the principal or designee, as appropriate.

A student may also be subject to discipline, in accordance with law, Board policy, or administrative regulation, for off-campus use of a mobile communication device which poses a threat or danger to the safety of students, staff, or district property or substantially disrupts school activities.

The district will not be responsible or liable for a student's mobile communication device which is brought on campus or to a school activity and is lost, stolen, or damaged.

The Board shall review and, as necessary, update this policy at least once every five years. Any

such review or update shall include significant stakeholder participation to ensure that the policy is responsive to the unique needs and desires of the school community.

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
5 CCR 300-307	<u>Duties of students</u>
Civ. Code 1714.1	<u>Liability of parent/guardian for act of willful misconduct by a minor</u>
Ed. Code 200-262.4	<u>Prohibition of discrimination</u>
Ed. Code 32280-32289.5	<u>School safety plans</u>
Ed. Code 35181	<u>Governing board authority to set policy on responsibilities of students</u>
Ed. Code 35291-35291.5	<u>Rules</u>
Ed. Code 44807	<u>Teachers' duty concerning conduct of students</u>
Ed. Code 48900-48925	<u>Suspension and expulsion</u>
Ed. Code 48901.5	<u>Prohibition of electronic signaling devices</u>
Ed. Code 48901.7	<u>Limitation or prohibition of student use of smartphones</u>

Ed. Code 48901.8	Limitation or prohibition of student use of social media
Ed. Code 51512	Prohibited use of electronic listening or recording device
Pen. Code 1546.1	Electronic Communications Privacy Act
Pen. Code 288.2	Harmful matter with intent to seduce
Pen. Code 313	Harmful matter
Pen. Code 647	Use of camera or other instrument to invade person's privacy; misdemeanor
Pen. Code 653.2	Electronic communication devices; threats to safety
Veh. Code 23123-23124	Prohibitions against use of electronic devices while driving

Federal

Description

20 USC 1681-1688 Title IX of the Education Amendments of 1972; discrimination based on sex

Management Resources

Description

California Department of Education Publication	Bullying at School, 2003
Court Decision	Safford Unified School District V. Redding (2009) 557 US 364
Court Decision	Mahanoy Area School District v. B.L. (2021) 141 S.Ct. 2038

Court Decision	<u>J.C. v. Beverly Hills Unified School District (2010) 711 F.Supp.2d 1094</u>
Court Decision	<u>New Jersey v. T.L.O. (1985) 469 U.S. 325</u>
Court Decision	<u>Tinker v. Des Moines Independent Community School District (1969) 393 U.S. 503</u>
CSBA Publication	<u>Cyberbullying: Policy Considerations for Boards, Policy Brief, rev. July 2010</u>
CSBA Publication	<u>Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011</u>
U.S. Department of Education Publication	<u>Planning Together: A Playbook for Student Personal Device Policies, December 2024</u>
Website	<u>CSBA District and County Office of Education Legal Services</u>
Website	<u>National School Safety Center</u>
Website	<u>Center for Safe and Responsible Internet Use</u>
Website	<u>California Department of Education, Safe Schools</u>
Website	<u>CSBA</u>
Website	<u>U.S. Department of Education</u>

Cross References

Code	Description
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0450	<u>Comprehensive Safety Plan</u>
0450	<u>Comprehensive Safety Plan</u>
5131	<u>Conduct</u>
5131.2	<u>Bullying</u>
5131.2	<u>Bullying</u>
5131.4	<u>Student Disturbances</u>
5131.4	<u>Student Disturbances</u>
5131.9	<u>Academic Honesty</u>
5137	<u>Positive School Climate</u>
5141.52	<u>Suicide Prevention</u>
5141.52	<u>Suicide Prevention</u>
5145.12	<u>Search And Seizure</u>
5145.12	<u>Search And Seizure</u>
5145.2	<u>Freedom Of Speech/Expression</u>
5145.2	<u>Freedom Of Speech/Expression</u>
6159	<u>Individualized Education Program</u>

6159

[Individualized Education Program](#)

6163.4

[Student Use Of Technology](#)

6163.4-E(1)

[Student Use Of Technology](#)