

Policy 5131.8: Mobile Communication Devices

Status: ADOPTED

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

The Governing Board recognizes that the use of smartphones and other mobile communication devices on campus may be beneficial to student learning and well-being, but could be disruptive of the instructional program in some circumstances. The Board permits limited use of mobile communication devices on campus in accordance with law and the following policy.

Students may not use cell phones, smart watches, pagers, or other mobile communication devices on campus during noninstructional time. 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

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

When a school official reasonably suspects that a search of a student's mobile communication device will turn up evidence of the student's violation of the law or school rules, such a search shall be conducted in accordance with BP/AR 5145.12 - Search and Seizure.

When a student uses a mobile communication device in an unauthorized manner, the student may be disciplined and a district employee may 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 Superintendent or designee shall inform students that the district will not be responsible for a student's mobile communication device which is brought on campus or to a school activity and is lost, stolen, or damaged.

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

State

5 CCR 300-307

Description

[Duties of students](#)

Civ. Code 1714.1

[Liability of parent or guardian for act of willful misconduct by a minor](#)

Ed. Code 200-270

[Prohibition of discrimination](#)

Ed. Code 32280-32289.5

[School safety plans](#)

Ed. Code 35181

[Governing board authority to set policy on responsibilities of students](#)

Ed. Code 35291-35291.5

[Rules](#)

Ed. Code 44807

[Teachers' duty concerning conduct of students](#)

Ed. Code 48900-48925

[Suspension and expulsion](#)

Ed. Code 48901.5

[Prohibition of electronic signaling devices](#)

Ed. Code 48901.7

[Limitation or prohibition of student use of cell phones](#)

Ed. Code 51512

[Prohibited use of electronic listening or recording device](#)

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

20 USC 1681-1688

Description

Title IX of the Education Amendments of 1972; discrimination based on sex

Management Resources

California Department of Education
Publication

Description

[Bullying at School, 2003](#)

Court Decision

J.C. v. Beverly Hills Unified School District (2010) 711 F.Supp.2d 1094

Court Decision

New Jersey v. T.L.O. (1985) 469 U.S. 325

Court Decision

Tinker v. Des Moines Independent Community School

	District (1969) 393 U.S. 503
CSBA Publication	Cyberbullying: Policy Considerations for Boards, Policy Brief, rev. July 2010
CSBA Publication	Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
Website	CSBA District and County Office of Education Legal Services
Website	National School Safety Center
Website	Center for Safe and Responsible Internet Use
Website	California Department of Education, Safe Schools
Website	CSBA
Website	U.S. Department of Education

Cross References

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

6159

Individualized Education Program

6163.4

Student Use Of Technology

6163.4-E(1)

Student Use Of Technology