

Policy 5131.8: Mobile Communication Devices

Status: ADOPTED

Original Adopted Date: 10/01/2019 | **Last Revised Date:** 01/08/2024 | **Last Reviewed Date:** 01/08/2024

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

Students in grades TK – 8 may not use cell phones, smartphones, smartwatches, or other mobile communication devices once they have entered a TK-3 campus for the instructional day and bell to bell at 4-8 grade campuses. Devices must be turned off and placed out of sight during the school day. Students who need to call parents may use phones located in the administrative office. Students in grades 7-8 may resume the use of their mobile communication devices after the last period of the day, and during after-school extracurricular and sporting activities.

Use of a cell phone, smartphone, smartwatches, or other mobile communication devices by students in grades TK-8 while on any district provided transportation, including buses, school vans, and district-sponsored transportation is limited. Voice calls, voice-activated or required activities and any other use that may cause a disruption or distraction to the safe operation of the vehicle is prohibited.

Site administration may use discretion to allow or restrict the use of mobile devices when deemed necessary or for the use of academic supports or other school related activities.

Students in grades 7-8 may use cell phones, smartphones, smartwatches or other mobile communication devices on campus during extracurricular activities as long as the device is utilized in accordance with law and in accordance with BP/E 6163.4 Student Use of Technology.

Mobile communication devices shall be turned off during instructional 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, administrator, or other district employee grants permission to the student to possess or use a mobile communication device, subject to any reasonable limitation imposed by that teacher, administrator or other district employee.
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 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 that infringes on the privacy rights of any other person.

The use of any electronic device, including cell phones, may NOT be used at any time in the gym locker rooms and restrooms.

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. If turned over to the principal, a parent/guardian may be notified and may be required to pick up the device from school. A student who violates this policy may be restricted from possessing a mobile communication device at school or school-related events.

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 that 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 that is brought on campus or to a school activity and is lost, stolen, or damaged.

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 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	Duties of students
Civ. Code 1714.1	<u>Liability of parent or 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 cell phones</u>
Ed. Code 51512	<u>Prohibited use of electronic listening or recording device</u>

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	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
5131	Conduct
5131.2	Bullying
5131.2	Bullying

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	<u>Individualized Education Program</u>
6163.4	<u>Student Use Of Technology</u>
6163.4	<u>Student Use Of Technology</u>
6163.4-E PDF(1)	<u>Student Use Of Technology</u>