

MOBILE COMMUNICATION DEVICES

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 use cell phones, smart watches, pagers, or other mobile communication devices on campus during non-instructional time as long as the device is utilized in accordance with law and any rules that individual school sites may impose.

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:

- 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.

MOBILE COMMUNICATION DEVICES

Legal Reference:

EDUCATION CODE

200-262.4	Prohibition of discrimination
32280-32289	Comprehensive safety plan
35181	Governing board authority to set policy on responsibilities of students
35291-35291.5	Rules
44807	Duty concerning conduct of students
48900-48925	Suspension and expulsion, especially:
48901.5	Regulation of possession or use of electronic signaling devices
48901.7	Limitation or prohibition of student use of cell phones
51512	Prohibition against electronic listening or recording device in classroom without permission

CIVIL CODE

1714.1	Liability of parents and guardians for willful misconduct of minor
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PENAL CODE

288.2	Harmful matter with intent to seduce
313	Harmful matter
647	Use of camera or other instrument to invade person's privacy; misdemeanor
653.2	Electronic communication devices, threats to safety

VEHICLE CODE

23123-23124	Prohibitions against use of electronic devices while driving
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CODE OF REGULATIONS, TITLE 5

300-307	Duties of students
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UNITED STATES CODE, TITLE 20

1681-1688	Discrimination based on sex or blindness
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COURT DECISIONS

J.C. v. Beverly Hills Unified School District (2010) 711 F.Supp.2d 1094
New Jersey v. T.L.O. (1985) 469 U.S. 325
Tinker v. Des Moines Independent Community School District (1969) 393 U.S. 503

Management Resources:

CSBA PUBLICATIONS

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Bullying at School, 2003

WEB SITES

CSBA: http://www.csba.org
California Department of Education, Safe Schools Office: http://www.cde.ca.gov/lss
Center for Safe and Responsible Internet Use: http://www.ewa.org/organization/center-safe-and-responsible-internet-use
National School Safety Center: http://www.schoolsafety.us
U.S. Department of Education: http://www.ed.gov

Date

Adopted: _____

Silver Valley Unified School District