

Santa Barbara Unified School District

Board Policy

BP 5131.8

Mobile Communication Devices

Students

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.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 5131.2 - Bullying)

(cf. 5131.4 - Student Disturbances)

(cf. 5131.9 - Academic Honesty)

(cf. 5137 - Positive School Climate)

(cf. 5141.52 - Suicide Prevention)

(cf. 6163.4 - Student Use of Technology)

Students may use cell phones, smart watches, pagers, or other mobile communication devices on campus during noninstructional 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: (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

(cf. 6159 - 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.

(cf. 5145.12 - Search and Seizure)

(cf. 5145.2 - Freedom of Speech/Expression)

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.

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

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

CODE OF REGULATIONS, TITLE 5

- 300-307 Duties of students

UNITED STATES CODE, TITLE 20

- 1681-1688 Discrimination based on sex or blindness

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>

SANTA BARBARA UNIFIED SCHOOL DISTRICT
Santa Barbara, California March 17, 2020