

MODESTO CITY SCHOOLS

Board Policy

BP 5131.8

STUDENTS

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 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

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

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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.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

32280-32289.5 School safety plans

35181 governing board authority to set policy on responsibilities of students

35291-35291.5 Rules

44807 Teacher's duty concerning conduct of students

48900-48925 Suspension and expulsion

48901.5 Prohibited use of electronic listening or recording device

CIVIL CODE

1714.1 Liability of parent or guardian for act of willful misconduct by a 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

1714.1 Liability of parent or guardian for act of willful misconduct by a minor

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Legal Reference (cont.):

UNITED STATES CODE, TITLE 20

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

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATION

Bullying at School, 2003

CSBA PUBLICATION

Cyberbullying: Policy Considerations for Boards, Policy Brief, rev. July 2010

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

WEBSITES

CSBA District and County Office of Education Legal Services: <https://legalservices.csba.org/>

National School Safety Center: <http://www.schoolsafety.us/>

Center for Safe and Responsible Internet Use: <https://www.ntia.doc.gov/>

California Department of Education, Safe Schools: <https://www.cde.ca.gov/>

CSBA: <https://www.csba.org/>

U.S. Department of Education: <https://www.ed.gov/>

Cross References (cf.):

0450 – Comprehensive Safety Plan

5131 – Conduct

5131.2 – Bullying

5131.4 – Student Disturbances

5131.9 – Academic Honesty

5137 – Positive School Climate

5141.52 – Suicide Prevention

5145.12 – Search And Seizure

5145.2 – Freedom Of Speech/Expression/Student Free Speech

6159 – Individualized Education Program

6163.4 – Student Use Of Technology

ADOPTED: March 24, 2003

REVISED: April 11, 2011

June 16, 2014

October 23, 2023 (formerly Electronic Signaling or Communication
Devices)