

# Fullerton School District

## Board Policy

### Personal Mobile Communication Devices

BP 5131.8

#### Students

**Board Adopted: July 30, 2024**

**Board Revised:**

The Governing Board recognizes that the use of personal smartphones and other mobile communication devices during school hours may be disruptive of the instructional program and negatively impact school culture and climate in some circumstances. The Board permits limited use of personal mobile communication devices on campus in accordance with law and the following policy.

Mobile communication devices such as smartphones, smart glasses, gaming devices, wired and/or wireless headphones or other mobile communication devices shall be turned off and put away during school hours. Smart watches may be worn on campus only in airplane mode and must be put away out of sight if they become a distraction to learning. 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 an administrator grants permission to the student to possess or use a mobile communication device (including in designated areas), subject to any reasonable limitation imposed by that 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 (IEP) or 504 plan

Smartphones and other mobile communication devices shall not be used in any manner which infringes on the privacy rights of any other person including the recording of audio, video, or taking photographs of anyone on devices without written permission, consent or staff assignment. Site administration may add additional rules and will create disciplinary procedures for infractions.

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 parent/guardian or turned over to the principal or designee law enforcement, 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 or violates the law. The district may involve law enforcement at any time a student is suspected of breaking a law.

FSD assumes no responsibility for smartphones and mobile communication devices brought by students to school or District activities. FSD will not reimburse for any lost, stolen, or damaged smartphones or mobile communication devices even if they are confiscated by staff.

### **Legal References**

#### **State**

5 CCR 300-307  
Civ. Code 1714.1

Ed. Code 200-262.4  
Ed. Code 32280-32289.5  
Ed. Code 35181

Ed. Code 35291-35291.5  
Ed. Code 44807  
Ed. Code 48900-48925  
Ed. Code 48901.5  
Ed. Code 48901.7  
Ed. Code 51512  
Pen. Code 288.2  
Pen. Code 313  
Pen. Code 647

Pen. Code 653.2  
Veh. Code 23123-23124

#### **Federal**

20 USC 1681-1688

#### **Description**

Duties of students  
[Liability of parent or guardian for act of willful misconduct by a minor](#)  
[Prohibition of discrimination](#)  
[School safety plans](#)  
[Governing board authority to set policy on responsibilities of students](#)  
[Rules](#)  
[Teachers' duty concerning conduct of students](#)  
[Suspension and expulsion](#)  
[Prohibition of electronic signaling devices](#)  
[Limitation or prohibition of student use of cell phones](#)  
[Prohibited use of electronic listening or recording device](#)  
[Harmful matter with intent to seduce](#)  
[Harmful matter](#)  
[Use of camera or other instrument to invade person's privacy; misdemeanor](#)  
[Electronic communication devices; threats to safety](#)  
[Prohibitions against use of electronic devices while driving](#)

#### **Description**

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