

# **Mt. Diablo USD**

## **Board Policy**

### **Possession Of Cellular Phones And Other Personal Electronic Signaling Devices**

#### BP 5131.3

#### **Students**

The Governing Board believes that the personal use of electronic signaling devices during the school day creates a distraction which interferes with the educational process. Students in kindergarten through grade twelve may possess but not use cellular phones and other electronic signaling devices during the instructional day. The electronic signaling device must remain turned off during the instructional school day. Students are prohibited from using an electronic signaling device(s) including, but not limited to: cellular or digital phones, including those with the capability to capture/transmit digital images and/or photographs; pagers; beepers; and personal digital assistants, e.g., palm pilots, sidekicks, and blackberrys, during the instructional day or at a school activity without written permission from the school administration. Students are prohibited from using an electronic signaling device to forward school documents, or unauthorized data, or to sell or purchase assignments, test/exams, book reports or other forms of student work.

Electronic signaling devices are considered to create substantial disorder and interfere with the orderly operation of the school. A student who violates this policy may be prohibited from possessing a personal electronic signaling device at school or school related events and subject to disciplinary action including, but not limited to confiscation of the device, suspension, or transfer to alternative programs in accordance with Board policy and administrative rules.

Students are permitted to use an electronic signaling device in the following circumstances:

1. Before school,
2. After school, and/or
3. Non-instructional extracurricular activities.

However, the use must not create a disruption or a distraction to the orderly operation of the school or interfere with the activity.

No student shall be prohibited from possessing or using an electronic signaling device that is determined by a licensed physician or surgeon to be essential for the student's health and the use of which are limited to health-related purposes. (Education Code 48901.5)

(cf. 5144 - Discipline)  
(cf. 5144.1 Suspension and Expulsion/Due Process)  
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities)  
(Education Code 48901.5 - Electronic signaling device; possession or use prohibited; exception)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

32261 Bullying

35181 Governing board policy on responsibilities of students

35291-35291.5 Rules

44807 Duty concerning conduct of students

48900-48925 Suspension or expulsion, especially:

48908 Duties of students

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

417.25-417.27 Laser scope

647 Use of camera or other instrument to invade person's privacy; misdemeanor

647.7 Use of camera or other instrument to invade person's privacy; punishment

653.2 Electronic communication devices, threats to safety

VEHICLE CODE

23124 Use of cellular phones provisional license holders

CODE OF REGULATIONS, TITLE 5

300-307 Duties of pupils

UNITED STATES CODE, TITLE 42

2000h-2000h6 Title IX, 1972 Education Act Amendments

UNITED STATES CODE, TITLE 47

254 Universal service discounts (e-rate)

COURT DECISIONS

J.C. v. Beverly Hills Unified School District, (2010) 711 F.Supp.2d 1094

LaVine v. Blaine School District, (2000, 9th Cir.) 257 F.3d 981

Emmett v. Kent School District No. 415, (2000) 92 F.Supp. 1088

Bethel School District No. 403 v. Fraser, (1986) 478 U.S. 675

Tinker v. Des Moines Independent Community School District, (1969) 393 U.S. 503

Management Resources:

CSBA PUBLICATIONS

Cyberbullying: Policy Considerations for Boards, Policy Brief, July 2007

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Bullying at School, 2003

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Digital Discipline: Off-Campus Student Conduct, the First Amendment and Web Sites,  
School Law in Review, 2001

NATIONAL SCHOOL SAFETY CENTER PUBLICATIONS

Bullying in School: Fighting the Bullying Battle, 2006

WEB SITES

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

California Cybersafety for Children: <http://www.cybersafety.ca.gov>

California Department of Education, Safe Schools Office: <http://www.cde.ca.gov/lr/ss>

Center for Safe and Responsible Internet Use: <http://cyberbully.org>

National School Boards Association: <http://www.nsba.org>

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

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

Policy MT. DIABLO UNIFIED SCHOOL DISTRICT

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