

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION****Students****MOBILE COMMUNICATION DEVICES**

The County Superintendent and County Board recognize that student use of smartphones and other mobile communication devices on campus may be beneficial to student learning and wellbeing, but could also be harmful and disruptive of the instructional program in some circumstances. When on campus or when under the supervision of County Superintendent employees, students may use smartphones and other mobile communication devices only as permitted under this policy.

Students may use smartphones or other mobile communication devices on campus during noninstructional time as long as the device is utilized in accordance with law and any applicable school rules.

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

The County Superintendent or designee may undertake measures or strategies in accordance with law, to limit student access to smartphones and other mobile communication devices on campus. (Education Code 48901.7)

Smartphones and other mobile communication devices shall not be used in any manner which infringes on the privacy rights of any other person.

A student's personal electronic device shall not be searched by a County Superintendent employee without the express and specific authorization of County Superintendent Legal Services, following a consultation regarding the facts and circumstances giving rise to the search.

When a student uses a mobile communication device in an unauthorized manner while at a schoolsite or under the supervision and control of a County Superintendent employee, the student may be disciplined, and the County Superintendent employee may temporarily confiscate the device. The employee shall store the device securely until it is returned to the student or turned over to the site administrator or designee, as appropriate.

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A student may also be subject to discipline, in accordance with law, 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 County Superintendent and County Board property, substantially disrupts school activities, or otherwise violates law or policy.

The County Superintendent and County Board will not be responsible or liable for a student's mobile communication device which is brought on campus or to a school activity and is lost, stolen, or damaged.

The County Superintendent and County Board shall review and, as necessary, update this policy at least once every five years. Any such review or update shall include significant stakeholder participation to ensure that the policy is responsive to the unique needs and desires of the school community.

Adopted: 11/20/2025

**Legal References**Civil Code

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

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 Teachers' duty concerning conduct of students

48900-48925 Suspension and expulsion

48901.5 Prohibition of electronic signaling devices

48901.7 Limitation or prohibition of student use of smartphones

48901.8 Limitation or prohibition of student use of social media

51512 Prohibited use of electronic listening or recording device

Penal Code

1546.1 Electronic Communications Privacy Act

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

United States Code, Title 20

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

California Code of Regulations, Title 5

300-307 Duties of students

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Court Decisions

Safford Unified School District V. Redding (2009) 557 US 364

Mahanoy Area School District v. B.L. (2021) 141 S.Ct. 2038

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**

CDE Publications

Bullying at School, 2003

CSBA Publications

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

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

U.S. Department of Education Publications

Planning Together: A Playbook for Student Personal Device Policies, December 2024

Websites

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

Center for Safe and Responsible Internet Use: <https://www.ewa.org/organization/center-safe-and-responsible-internet-use>

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