

Students

MOBILE COMMUNICATION DEVICES/PHONE-FREE SCHOOL DAY

Introduction

In accordance with California's Phone-Free School Act (AB 3216), all public school districts must adopt policies by July 1, 2026, that limit or prohibit phone use during school hours and contain guidelines for the following exceptions:

- Emergency situations;
- Health-related purposes or as required by an Individualized Education Plan/Section 504 Plan; or
- Instructional use explicitly authorized by educators.

Chula Vista Elementary School District is committed to creating learning environments that minimize distractions, elevate academic performance, and prioritize students' mental health and well-being. By limiting the use of phones during the school day, the District aims to reduce interruptions to learning, foster in-person connection among peers, and support healthy boundaries with technology.

Phone-Free Policy

The use of phones shall be prohibited Districtwide, in all grades TK-6, during the regular school day as indicated by each school's adopted bell schedule. Phones must be turned off during the instructional program and kept out of sight, such as in a student's backpack.

Exceptions to this policy may apply based on the following circumstances:

1. In the case of an emergency, or in response to a perceived threat of danger.
2. When possession or use of a phone is required in a student's Individualized Education Program (IEP) or Section 504 Plan.
3. When an educator authorizes the use of a phone for the purpose of participating in or completing an instructional activity.

Phone use shall be allowed outside of regular school hours, which may include but is not limited to the following circumstances:

Students

MOBILE COMMUNICATION DEVICES/PHONE-FREE SCHOOL DAY (continued)

1. When riding a District school bus to or from school, provided that phone use does not interfere with the normal operation of the bus.
2. When arriving at school prior to the initial school bell, indicating the start of regular school hours.
3. After the last dismissal bell, when regular school hours have ended.
4. When participating in extracurricular activities, provided that phone use does not interfere with extracurricular participation.

Enforcement

Enforcement of this policy will utilize Positive Behavior Interventions and Supports such as:

- Verbal reminders;
- Referral to a Principal/designee; or
- Contacting the parent/guardian to review the Phone-Free School Day policy with their student.

Additional enforcement actions may include, but are not limited to:

- The classroom educator retains the phone until the end of the school day.
- The classroom educator delivers the phone to a Site Administrator or administrator designee for retention until the end of the school day for a listed caregiver to retrieve.
- Inability to participate in school events and/or extracurricular activities when violations are ongoing and/or habitual.

Staff Responsibility When Taking Possession of a Student's Phone

A staff member who is acting within the scope of their work duties, in this case, enforcing the school's Phone-Free School Day Policy, is not responsible for replacement if phones are lost, stolen, or damaged. Should the parent/guardian or the student wish to file a claim related to a lost, stolen, or damaged phone, they would be advised to contact Risk Management to file a claim.

Additional Expectation

While this policy addresses when and where phone use is allowed, there may be questions about other common devices. Earbuds, headphones, listening devices, and/or smartwatches are not allowed, unless under a teacher's discretion based on the needs of the instructional activity.

Students

MOBILE COMMUNICATION DEVICES/PHONE-FREE SCHOOL DAY (continued)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
5 CCR 300-307	Duties of students
Civ. Code 1714.1	Liability of parent/guardian for act of willful misconduct by a minor
Ed. Code 200-262.4	Prohibition of discrimination
Ed. Code 32280-32289.5	School safety plans
Ed. Code 35181	Governing board authority to set policy on responsibilities of students
Ed. Code 35291-35291.5	Rules
Ed. Code 44807	Teachers' duty concerning conduct of students
Ed. Code 48900-48925	Suspension and expulsion
Ed. Code 48901.5	Prohibition of electronic signaling devices
Ed. Code 48901.7	Limitation or prohibition of student use of smartphones
Ed. Code 48901.8	Limitation or prohibition of student use of social media
Ed. Code 51512	Prohibited use of electronic listening or recording device
Pen. Code 1546.1	Electronic Communications Privacy Act
Pen. Code 288.2	Harmful matter with intent to seduce
Pen. Code 313	Harmful matter
Pen. Code 647	Use of camera or other instrument to invade person's privacy; misdemeanor
Pen. Code 653.2	Electronic communication devices; threats to safety
Veh. Code 23123-23124	Prohibitions against use of electronic devices while driving
Federal	Description
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex

Students

MOBILE COMMUNICATION DEVICES/PHONE-FREE SCHOOL DAY (continued)

Management Resources	Description
California Dept of Education	Bullying at School, 2003
Court Decision	Safford Unified School District V. Redding (2009) 557 US 364
Court Decision	Mahanoy Area School District v. B.L. (2021) 141 S.Ct. 2038
Court Decision	J.C. v. Beverly Hills Unified School District (2010) 711 F.Supp.2d 1094
Court Decision	New Jersey v. T.L.O. (1985) 469 U.S. 325
Court Decision	Tinker v. Des Moines Independent Community School District (1969) 393
CSBA Publication	Cyberbullying: Policy Considerations for Boards, Policy Brief, rev. July 2010
CSBA Publication	Safe Schools: Strategies for Governing Boards to Ensure Student Success,
U.S. Dept of Education	Planning Together: A Playbook for Student Personal Device Policies,
Website	CSBA District and County Office of Education Legal Services
Website	National School Safety Center
Website	Center for Safe and Responsible Internet Use
Website	California Department of Education, Safe Schools
Website	CSBA
Website	U.S. Department of Education