

Fresno Unified Board Policy (BP) 5131.8

Mobile Communication Devices

The Governing Board recognizes that student use of smartphones and other mobile communication devices, including but not limited to digital texting devices, air pods, or headphones, on campus may be beneficial to student learning and well-being and could be harmful and disruptive of the instructional program in some circumstances. When on campus or when under the supervision of district employees, students may use smartphones and other mobile communication devices only as permitted under this policy.

In an effort to reduce distractions while still allowing social connections, mobile communication devices shall be turned off during instructional time. Students may use smartphones or other mobile communication devices on campus during non-instructional time as long as the device is utilized in accordance with law and any applicable school rules.

(cf. 5131.9 Academic Honesty)
(cf. 6163.4 Student Use of Technology)

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

(cf. 6159 Individualized Education Program)

The Board encourages all individuals to assist in maintaining a safe and secure school environment by behaving in an orderly manner while on school grounds and by utilizing the district's complaint processes if they have concerns with any district program or employee. In accordance with Penal Code 626.7, the principal or designee may request that any individual who is causing a disruption, including exhibiting volatile, hostile, aggressive, or offensive behavior, immediately leave school grounds.

(cf. 0450 Comprehensive Safety Plan)
(cf. 5131.2 Bullying)
(cf. 5131.4 Student Disturbances)

The 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 without the consent of the student's parent/guardian, except pursuant to a lawfully issued warrant, when a school official, in good faith, believes that an emergency involving danger of death or serious physical injury to the student or others requires access to the electronic device information, or when the search is otherwise permitted pursuant to Penal Code 1546.1.

(cf. 5145.12 Search and Seizure)

When a student uses a mobile communication device in an unauthorized manner while at a school site or under the supervision and control of a district employee, the student may be disciplined and the district 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 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.

(cf. 5131 Conduct)
(cf. 5137 Positive School Climate)

The district 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.

Any staff member or student having knowledge or reasonable suspicion of unauthorized use of a portable communication device by a student on district property should promptly report this information to the principal or designee in alignment with the procedures outlined in AR 5131.8 Mobile Communication Devices.

School sites may establish procedures more restrictive than this policy, provided that no restrictions upon ability to possess or use portable communication devices so long as they do not violate exceptions reference in Education Codes 48901.5, 48901.7, as outlined above.

The 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

Legal Reference:
Education Code
200-270 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
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
1546.1 Electronic Communications Privacy Act
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
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

Policy FRESNO UNIFIED SCHOOL DISTRICT
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Policy Section: 5000 Students