

Board Office Use: Legislative File Info.	
File ID Number	26-0845
Introduction Date	4/21/26
Enactment Number	26-1087
Enactment Date	6/24/2026 os



Board Cover Memorandum

To Board of Education

From Denise Saddler, Interim Superintendent
Sondra Aguilera, Chief Academic Officer
Nelson Alegria, Executive Director of Safety

Meeting Date 6/24/26

Subject Board Policy 5131 - Students - Conduct - Bell-to-Bell Student Cell Phone Policy

Ask of the Board Approve the proposed districtwide bell-to-bell cell phone policy to establish consistent expectations for student use of mobile communication devices during the instructional day.

Background In alignment with California's Phone-Free School Act (AB 3216), Oakland Unified School District is working to strengthen safe, focused, and engaging learning environments across all school sites. Over the past several years, school leaders and staff have reported increasing challenges associated with student use of smartphones during the school day, including instructional disruptions, escalation of student conflicts, and impacts on student engagement.

Historically, OUSD schools have used a range of approaches to managing student device use, resulting in varying expectations across classrooms and campuses. This has led to some inconsistency in implementation, as well as occasional confusion among staff, students, and families.

In response, the district has developed a proposed bell-to-bell cell phone policy that establishes clear, consistent expectations across all schools while maintaining required exceptions for safety, health, and individualized student needs.

As part of the development process, district leadership engaged school administrators, students, and parent groups to gather feedback on the policy's clarity, feasibility, and implementation considerations. This engagement is still ongoing. All input is being used to refine the policy prior to Board consideration.

Discussion The proposed policy prohibits student use of smartphones and other mobile communication devices during the instructional day, from the first bell to the final

dismissal bell, unless permitted under defined exceptions (e.g., emergencies, health needs, IEP/504 plans, or staff-directed instructional use).

A key consideration in the development of this policy was the distinction between a full (bell-to-bell) restriction and partial restrictions (e.g., classroom-based or time-limited use). Based on district experience and administrator feedback, partial restrictions have proven difficult to implement consistently and often result in increased conflict between staff and students. In contrast, a full ban provides a clear, predictable expectation that reduces ambiguity and supports the anticipated benefits listed below across classrooms and sites.

The anticipated benefits of a bell-to-bell policy include:

- Increased student engagement and instructional time
- Reduction in classroom disruptions and off-task behavior
- Decrease in student conflicts driven by social media during the school day
- Improved overall school climate and consistency across sites

At the same time, successful implementation will require careful planning and support. Key considerations include:

- Ensuring staff consistency in enforcement
- Addressing student and family concerns regarding communication
- Establishing practical systems for device storage
- Providing training and clear guidance for school staff

To support implementation, the district plans to provide communication tools, staff training, and site-level planning support. Additionally, the district will monitor key indicators such as discipline data, incident reports, and attendance trends to assess the impact of the policy over time.

Fiscal Impact

Implementation of this policy may result in costs associated with site-level storage solutions (e.g., phone pouches or other systems)

Estimated costs will vary by site depending on the selected implementation model and current inventory of these items. At this time, costs are projected to be \$500,000.00

Staff will continue to assess resource needs as implementation planning progresses.

Attachment(s)

- OUSD Cell Phone Policy – Redline and Clean version
- Presentation - OUSD Cell Phone Policy

OAKLAND UNIFIED SCHOOL DISTRICT

Board Policy

BP 5131.8

Students

Policy Mobile Communication Device Mobile Communication Devices

The Governing Board recognizes that student use of smartphones and other mobile communication devices on campus may be beneficial to student learning and well-being, but may also be disruptive to the instructional program and school environment. In alignment with California's Phone-Free School Act (AB 3216), the Board is committed to creating safe, focused, and engaging learning environments for all students.

Prohibited Use of Mobile Communication Devices

Students shall not use smartphones or other mobile communication devices while at a school site or under the supervision and control of a district employee only as permitted under this policy.

During this time, devices must be turned off or set to silent, kept out of sight, and stored in a backpack, designated pouch, or other secure location. This policy applies to all students in grades TK–12.

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.
 - a. When a student or parent/guardian identifies a safety concern, the school shall assess the concern using established safety protocols, which may include a threat assessment process, and may develop a safety and communication plan.
 - b. When a family identifies a safety concern related to a current or anticipated legal matter, school administration may establish a communication plan, including designated times or conditions for device access.
 - c. Students will be able to access their smartphones when staff deem it safe for emergency use.
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.
 - a. When a student requires access to a personal smartphone or electronic device during the school day to manage a medical condition, the parent/guardian must provide documentation from the student's licensed healthcare provider supporting the need for the device. Upon receipt and review of this documentation, the school will determine whether the request for an exemption is approved or denied.
4. When the possession or use is required by the student's Individualized Education Program (IEP).
 - a. When a student's Individualized Education Program or Section 504 Plan identifies a

documented need for the device to support the student's disability, such an exception must be explicitly stated within the student's IEP or 504 Plan.

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)

Smartwatches, non-school issued devices, and similar electronic devices shall be subject to the same restrictions during the instructional day.

Student Conduct and Discipline

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.

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.

Liability

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.

Policy Review

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:

State

5 CCR 300-307

Civ. Code 1714.1

Ed. Code 200-262.4

Ed. Code 32280-32289.5

Ed. Code 35181

Duties of students

Liability of parent/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

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	
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
Management Resources	
California Department of Education	Bullying at School, 2003 Publication
Court Decision	Safford Unified School District V. Redding (2009) 557 US 364
Court Decision	Mahanoy Area School District v. B.L. (2021) 594 U.S. 180
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 U.S. 503
CSBA Publication	Cyberbullying: Policy Considerations for Boards, Policy Brief, rev. July 2010
CSBA Publication	Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
U.S. Department of Education Publication	Planning Together: A Playbook for Student Personal Device Policies, December 2024
Website	CSBA District and County Office of Education Legal Services
Website	National School Safety Center
Website	Center for Safe and Responsible Internet Use
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