



# SCHOOL & COLLEGE LEGAL SERVICES OF CALIFORNIA

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## LEGAL UPDATE

September 5, 2019

**To: Superintendents, Member School Districts (K-12)**  
**From: Carl D. Corbin, General Counsel** *CDC*  
**Subject: AB 272 – Student Use of Smartphone**  
**Memo No. 21-2019**

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On July 1, 2019, the Governor approved Assembly Bill (“AB”) 272, which effective January 1, 2020, provides school districts, county offices of education, and charter schools with explicit authority to limit or prohibit the use of smartphones by students (with some exceptions) while the students are at a schoolsite or under the supervision and control of an employee.

AB 272 adds Education Code § 48901.7:

48901.7. (a) The governing body of a school district, a county office of education, or a charter school may adopt a policy to limit or prohibit the use by its pupils of smartphones while the pupils are at a schoolsite or while the pupils are under the supervision and control of an employee or employees of that school district, county office of education, or charter school.

(b) Notwithstanding subdivision (a), **a pupil shall not be prohibited from possessing or using a smartphone under any of the following circumstances:**<sup>1</sup>

- (1) In the case of an emergency, or in response to a perceived threat of danger.
- (2) When a teacher or administrator of the school district, county office of education, or charter school grants permission to a pupil to possess or use a smartphone, subject to any reasonable limitation imposed by that teacher or administrator.
- (3) When a licensed physician and surgeon determines that the possession or use of a smartphone is necessary for the health or well-being of the pupil.

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<sup>1</sup> This means LEAs should review their “zero-tolerance” smartphone policies to ensure compliance with the law.



(4) When the possession or use of a smartphone is required in a pupil’s individualized education program.

(Emphasis added).

We encourage our clients to review and update their student discipline policies to explicitly address use of smartphones by students.<sup>2</sup>

Please contact our office with questions regarding this Legal Update or any other matter.

*The information in this Legal Update is provided as a summary of law and is not intended as legal advice. Application of the law may vary depending on the particular facts and circumstances at issue. We, therefore, recommend that you consult legal counsel to advise you on how the law applies to your specific situation.*

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<sup>2</sup> The California School Boards Association (“CSBA”) has a model policy regarding student conduct in Board Policy (“BP”) 5131, which is an ideal policy to update to address use of smartphones by students. Please note that as of the writing of this Legal Update CSBA had not yet updated model BP 5131 to incorporate AB 272.