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AB-3216 Pupils: use of smartphones. (2023-2024)

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Assembly Bill No. 3216

CHAPTER 500

An act to amend Section 48901.7 of the Education Code, relating to pupils.

[Approved by Governor September 23, 2024. Filed with Secretary of State September 23, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 3216, Hoover. Pupils: use of smartphones.

Existing law authorizes the governing body of a school district, a county office of education, or a charter school to 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. Existing law, however, specifies circumstances in which a pupil may not be prohibited from possessing or using a smartphone.

This bill would instead require the governing body of a school district, a county office of education, or a charter school to, by July 1, 2026, develop and adopt, and to update every 5 years, 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, as provided. By imposing additional duties on local educational agencies, the bill would constitute a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. This act shall be known, and may be cited, as the Phone-Free Schools Act.

SEC. 2. The Legislature finds and declares all of the following:

(a) There is growing evidence that unrestricted use of smartphones by pupils at elementary and secondary schools during the schoolday interferes with the educational mission of the schools, lowers pupil performance, particularly among low-achieving pupils, promotes cyberbullying, and contributes to an increase in teenage anxiety, depression, and suicide.

(b) In September 2018, France adopted a nationwide smartphone ban in all primary and middle schools in order to promote pupil achievement and healthy social development.

(c) The London School of Economics and Political Science published a May 2015 study that found that test scores improved significantly at schools that banned mobile phone use, and that the most significant gains in pupil performance were made by the most disadvantaged and underachieving pupils. The study concluded that “schools could significantly reduce the education achievement gap by prohibiting mobile phone use in schools.”

(d) Dr. Jean Twenge, who is a professor of psychology at San Diego State University, published a book in 2017 entitled “iGen,” which presents evidence of an increase in depression and suicide among American teenagers that may be caused by increased mobile device screen time and social media use. According to Dr. Twenge, grade 8 pupils who spend 10 or more hours per week on social media are 56 percent more likely to describe themselves as unhappy than those who devote less time to social media. Moreover, teenagers who spend three hours per day or more on electronic devices are 35 percent more likely to demonstrate risk factors for suicide, such as suicidal ideation, and teenagers who spend five or more hours per day on their devices are 71 percent more likely to demonstrate a risk factor for suicide.

(e) Research demonstrates that the use of cell phones by pupils during school operating hours can create significant distractions resulting in negative effects on their academic performance and mental health. Additionally, the presence of cell phones and related technologies in classrooms may not only detract from pupils’ academic performance, but also contribute to higher rates of academic dishonesty and cyberbullying.

(f) In 2015, Spain enacted a ban on mobile phones in school settings, showing an increase of pupils’ test scores as well as a documented decrease in incidences of bullying.

(g) A study completed by Louis-Philippe Beland and Richard Murphy in 2016 on the impact of cell phones on pupils’ academic performance reported that when cell phones were banned from classrooms, standardized test scores went up approximately 6 percent on average and more than 14 percent for low-achieving pupils.

(h) Using pupil data from England, the results from a 2015 research paper published in the Labour Economics journal suggest that after schools banned mobile phones, test scores of pupils 16 years of age increased by 6.4 percent of a standard deviation, or the equivalent to adding five days to the school year or an additional hour per week.

SEC. 3. Section 48901.7 of the Education Code is amended to read:

48901.7. (a) The governing body of a school district, a county office of education, or a charter school shall, no later than July 1, 2026, develop and adopt, and shall update every five years, 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. The goal of the policy shall be to promote evidence-based use of smartphone practices to support pupil learning and well-being. The development of the policy shall involve significant stakeholder participation in order to ensure that the policies are responsive to the unique needs and desires of pupils, parents, and educators in each community. The policy may also include enforcement mechanisms that limit access to smartphones.

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

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

(c) This section does not authorize monitoring, collecting, or otherwise accessing any information related to a pupil’s online activities.

SEC. 4. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.