

AMENDED IN SENATE AUGUST 15, 2024

AMENDED IN ASSEMBLY MAY 16, 2024

AMENDED IN ASSEMBLY MARCH 21, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

**ASSEMBLY BILL**

**No. 3216**

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**Introduced by Assembly Members Hoover, Lowenthal, and  
Muratsuchi**

*(Coauthors: Senators Allen, Stern, and Wilk)*

February 16, 2024

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

LEGISLATIVE COUNSEL'S DIGEST

AB 3216, as amended, 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 ~~could~~ *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.  
 State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
 2 following:  
 3 (a) There is growing evidence that unrestricted use of  
 4 smartphones by pupils at elementary and secondary schools during  
 5 the schoolday interferes with the educational mission of the  
 6 schools, lowers pupil performance, particularly among  
 7 low-achieving pupils, promotes cyberbullying, and contributes to  
 8 an increase in teenage anxiety, depression, and suicide.  
 9 (b) In September 2018, France adopted a nationwide smartphone  
 10 ban in all primary and middle schools in order to promote pupil  
 11 achievement and healthy social development.  
 12 (c) The London School of Economics and Political Science  
 13 published a May 2015 study that found that test scores improved  
 14 significantly at schools that banned mobile phone use, and that the  
 15 most significant gains in pupil performance were made by the most  
 16 disadvantaged and underachieving pupils. The study concluded  
 17 that “schools could significantly reduce the education achievement  
 18 gap by prohibiting mobile phone use in schools.”  
 19 (d) Dr. Jean Twenge, who is a professor of psychology at San  
 20 Diego State University, published a book in 2017 entitled “iGen,”  
 21 which presents evidence of an increase in depression and suicide  
 22 among American teenagers that may be caused by increased mobile  
 23 device screen time and social media use. According to Dr. Twenge,  
 24 grade 8 pupils who spend 10 or more hours per week on social  
 25 media are 56 percent more likely to describe themselves as unhappy

1 than those who devote less time to social media. Moreover,  
2 teenagers who spend three hours per day or more on electronic  
3 devices are 35 percent more likely to demonstrate risk factors for  
4 suicide, such as suicidal ideation, and teenagers who spend five  
5 or more hours per day on their devices are 71 percent more likely  
6 to demonstrate a risk factor for suicide.

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

14 (f) In 2015, Spain enacted a ban on mobile phones in school  
15 settings, showing an increase of ~~students'~~ *pupils'* test scores as  
16 well as a documented decrease in incidences of bullying.

17 (g) A study completed by Louis-Philippe Beland and Richard  
18 Murphy in 2016 on the impact of cell phones on ~~students'~~ *pupils'*  
19 academic performance reported that when cell phones were banned  
20 from classrooms, standardized test scores went up approximately  
21 6 percent on average and more than 14 percent for low-achieving  
22 ~~students.~~ *pupils.*

23 (h) Using ~~student~~ *pupil* data from England, the results from a  
24 2015 research paper published in the Labour Economics journal  
25 suggest that after schools banned mobile phones, test scores of  
26 ~~students~~ *pupils* 16 years of age increased by 6.4 percent of a  
27 standard deviation, or the equivalent to adding five days to the  
28 school year or an additional hour per week.

29 SEC. 2. Section 48901.7 of the Education Code is amended to  
30 read:

31 48901.7. (a) The governing body of a school district, a county  
32 office of education, or a charter school shall, no later than July 1,  
33 2026, develop and adopt, and shall update every five years, a policy  
34 to limit or prohibit the use by its pupils of smartphones while the  
35 pupils are at a schoolsite or while the pupils are under the  
36 supervision and control of an employee or employees of that school  
37 district, county office of education, or charter school. The goal of  
38 the policy shall be to promote evidence-based use of smartphone  
39 practices to support pupil learning and well-being. The  
40 development of the policy shall involve significant stakeholder

1 participation in order to ensure that the policies are responsive to  
2 the unique needs and desires of pupils, parents, and educators in  
3 each community.

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

7 (1) In the case of an emergency, or in response to a perceived  
8 threat of danger.

9 (2) When a teacher or administrator of the school district, county  
10 office of education, or charter school grants permission to a pupil  
11 to possess or use a smartphone, subject to any reasonable limitation  
12 imposed by that teacher or administrator.

13 (3) When a licensed physician and surgeon determines that the  
14 possession or use of a smartphone is necessary for the health or  
15 well-being of the pupil.

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

18 SEC. 3. If the Commission on State Mandates determines that  
19 this act contains costs mandated by the state, reimbursement to  
20 local agencies and school districts for those costs shall be made  
21 pursuant to Part 7 (commencing with Section 17500) of Division  
22 4 of Title 2 of the Government Code.