

Date of Hearing: June 26, 2024

ASSEMBLY COMMITTEE ON EDUCATION  
Al Muratsuchi, Chair  
SB 1283 (Stern) – As Amended May 20, 2024

**[This bill is double referred to the Assembly Committee on Privacy and Consumer Protection and will be heard by that Committee as it relates to issues under its jurisdiction.]**

**SENATE VOTE:** 35-0

**SUBJECT:** Pupils: use of smartphones and social media

**SUMMARY:** Authorizes the governing body of a school district, a county office of education (COE), or a charter school to adopt a policy to limit or prohibit the use by its pupils of social media while the pupils are at a schoolsite or while the pupils are under the supervision and control of a school employee, and requires a written disclosure of a student’s rights to be provided when the school is requesting access to electronic information. Specifically, **this bill:**

- 1) Authorizes the governing body of a school district, a COE, or a charter school to adopt a policy to limit or prohibit the use by its pupils of social media while the pupils are at a schoolsite or while the pupils are under the supervision and control of employees of that school district, COE, or charter school.
- 2) Requires the school district, COE, or charter school, when requesting voluntary disclosure of or access to electronic information, to provide a written disclosure of the student’s rights pursuant to the California Electronic Communications Privacy Act (CalECPA), in clear and conspicuous language that includes all of the following:
  - a) The school district, COE, or charter school is not entitled to the disclosure of or access to electronic information without complying with the Electronic Communications Privacy Act;
  - b) The student has the right to refuse to grant voluntary disclosure of or access to electronic information; and
  - c) The student has the right to consult with a parent or guardian, or attorney, or both, before voluntarily disclosing or giving access to electronic information.
- 3) Authorizes the following model language to be used to meet the requirements of (2):

“You have been asked by a government entity to voluntarily disclose information about electronic communications or an electronic device. You can say no. You can consult a parent or guardian, or attorney, or both, before you decide. If you do say yes, you give the government the right to look through your phone and possibly use what they find as evidence against you or others, consistent with state law.”

- 4) Specifies that these requirements do not modify any restrictions on a government entity as it relates to their ability to compel production of or access to electronic information, including any restrictions imposed by the California Electronic Communications Privacy Act.
- 5) Defines the following terms:
  - a) “Educational purposes” to mean for purposes that aid in instruction in the classroom, at home, or in classroom administration; and
  - b) “Social media” to mean “social media platform” is a public or semipublic internet-based service or application that has users in California and that meets both of the following criteria:
    - a) A substantial function of the service or application is to connect users in order to allow users to interact socially with each other within the service or application. A service or application that provides email or direct messaging services shall not be considered to meet this criterion on the basis of that function alone; and
    - b) The service or application allows users to do all of the following:
      - 1) Construct a public or semipublic profile for purposes of signing into and using the service or application;
      - 2) Populate a list of other users with whom an individual shares a social connection within the system; and
      - 3) Create or post content viewable by other users, including, but not limited to, on message boards, in chat rooms, or through a landing page or main feed that presents the user with content generated by other users.

**EXISTING LAW:**

- 1) Authorizes the governing body of a school district, a COE, or a charter school to adopt a policy to limit or prohibit the use by its students of smartphones while the students are at a schoolsite or while under the supervision and control of an employee or employees of that school district, COE, or charter school. Specifies that a student not be prohibited from possessing or using a smartphone under any of the following circumstances:
  - a) In the case of an emergency or in response to a perceived threat of danger;
  - b) When a teacher or administrator of the school district, COE, or charter school grants permission to a student to possess or use a smartphone, subject to any reasonable limitation imposed by that teacher or administrator;
  - c) 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 student; and
  - d) When the possession or use of a smartphone is required in a student’s individualized education program (IEP). (Education Code (EC) 48901.7)

- 2) Permits the governing board of each school district, or its designee, to regulate the possession or use of any electronic signaling device that operates through the transmission or receipt of radio waves, including, but not limited to, paging and signaling equipment, by students of the school district while on campus, while attending school-sponsored activities, or while under the supervision and control of school district employees. (EC 48901.5)
- 3) Requires that no student may be prohibited from possessing or using an electronic signaling device that is determined by a licensed physician and surgeon to be essential for the health of the student and whose use is limited to purposes related to the health of the student. (EC 48901.5)
- 4) Defines “social media platform” as a public or semipublic internet-based service or application that has users in California and that meets both of the following criteria:
  - a) A substantial function of the service or application is to connect users in order to allow users to interact socially with each other within the service or application. A service or application that provides email or direct messaging services shall not be considered to meet this criterion on the basis of that function alone; and
  - b) The service or application allows users to do all of the following:
    - i) Construct a public or semipublic profile for purposes of signing into and using the service or application;
    - ii) Populate a list of other users with whom an individual shares a social connection within the system; and
    - iii) Create or post content viewable by other users, including, but not limited to, on message boards, in chat rooms, or through a landing page or main feed that presents the user with content generated by other users. (Business and Professions Code (BPC) 22675)
- 5) Requires a social media platform to establish a mechanism within its internet-based service that allows any individual, whether or not that individual has a profile on the internet-based service, to report cyberbullying or any content that violates the existing terms of service. The reporting mechanism must allow, but not require, an individual to upload a screenshot of the content that contains cyberbullying or violates the terms of service. (BPC 22589.1.)
- 6) Establishes the Electronic Communications Privacy Act, which specifies how and when a government entity may access electronic device information by means of physical interaction or electronic communication with the device. (Penal Code (PEN) 1546.1)

**FISCAL EFFECT:** This bill has been keyed non-fiscal by the Office of Legislative Counsel.

**COMMENTS:**

***Need for the bill.*** According to the author, “As a concerned parent and legislator, I am deeply troubled by the increase in youth suicide attributed to bullying and social media usage in our

schools. Recent research shows the link between excessive social media exposure and heightened depression and anxiety amongst our students. Recognizing the urgent need to protect our children, I am committed to SB 1283 which helps school district's regulate the presence of social media and smartphones on school campuses statewide. It is life or death for our students and we must move quickly to mitigate the risks of smartphone addiction and online bullying during school hours, ensuring the protection of our most vulnerable Californians.”

***Use of technology by teens.*** Teenage use of technology, including smartphones, is high and rising. A 2024 Pew Research report, *How Teens and Parents Approach Screen Time*, included a national survey of teenagers from ages 13 to 17 and yielded the following results:

- 95% of teens have access to a smartphone;
- 72% of U.S. teens say they often or sometimes feel peaceful when they don't have their smartphone; 44% say it makes them feel anxious;
- 38% of teens say they spend too much time on their smartphones. About a quarter say the same regarding their social media use, but the largest shares say the amount of time they spend on their phone (51%) or on social media (64%) is about right. Relatively few teens say they don't spend enough time with these technologies. However, views on this differ by gender. Teen girls are more likely than boys to say they spend too much time on their smartphone (44% vs. 33%) or social media (32% vs. 22%);
- 69% of teens say smartphones make it easier for youth to pursue hobbies and interests; fewer (30%) say it helps people their age learn good social skills;
- Half of parents say they have looked through their teen's phone; and
- About four-in-ten parents *and* teens report regularly arguing with one another about time spent on their phones.

According to a 2023 Gallup survey of more than 1,500 adolescents, *Familial and Adolescent Health*, over half of U.S. teenagers (51%) report spending at least four hours per day using a variety of social media apps such as YouTube, TikTok, Instagram, Facebook, and X (formerly Twitter). Across age groups, the average time spent on social media ranges from as low as 4.1 hours per day for 13-year-olds to as high as 5.8 hours per day for 17-year-olds. Girls spend nearly an hour more on social media than boys (5.3 vs. 4.4 hours, respectively).

A Pew Research report, *U.S. Smartphone Use in 2018*, found that 45% said they were online “almost constantly.” A 2015 Common Sense Media report and study, *Common Sense Census: Media Use by Tweens and Teens*, found that teenagers (ages 13-18) use an average of nine hours of entertainment media per day and that tweens (ages 8-12) use an average of six hours a day, not including time spent using media for school or homework. Despite the significant amount of time teens and tweens spend with media, not all young people use media in the same way. The report identified a significant digital equity gap between low-income kids, who are far less likely to have access to computers, tablets, and smartphones than their wealthier peers. However, those low-income kids who do have access are more likely to spend more time on their devices than kids from more affluent families. The survey also found that half of teenagers felt addicted to

their devices, and 78% checked their devices at least hourly. Nearly three-quarters of teens felt pressured to respond immediately to texts, notifications, and social media messaging.

***A growing body of peer-reviewed research is examining the connection between technology use and teenage student mental health.*** The U.S. Surgeon General issued an advisory about the effects of social media use on youth mental health in 2023. The Surgeon General issued a call for urgent action by policymakers, technology companies, researchers, families, and young people alike to gain a better understanding of the full impact of social media use, maximize the benefits and minimize the harms of social media platforms, and create safer, healthier online environments to protect children. The advisory stated:

- While social media may offer some benefits, there are ample indicators that social media can also pose a risk of harm to the mental health and well-being of children and adolescents.
- Children are affected by social media in different ways, including based on cultural, historical, and socio-economic factors. Among the benefits, adolescents report that social media helps them feel more accepted (58%), like they have people who can support them through tough times (67%), like they have a place to show their creative side (71%), and more connected to what’s going on in their friends’ lives (80%).
- Studies have also shown a relationship between social media use and poor sleep quality, reduced sleep duration, sleep difficulties, and depression among youth.
- More research is needed to determine the full impact social media use has on nearly every teenager across the country.

According to a 2019 Pew Research study, *Most U.S. Teens See Anxiety and Depression as a Major Problem Among Their Peers*, “Anxiety and depression are on the rise among America’s youth and, whether they personally suffer from these conditions or not, seven-in-ten teens today see them as major problems among their peers. Concern about mental health cuts across gender, racial and socio-economic lines, with roughly equal shares of teens across demographic groups saying it is a significant issue in their community.”

According to a 2020 article in the *Journal of Affective Disorders*, *Is social media screen time really associated with poor adolescent mental health?*, a greater amount of time spent on social media was associated with an increased risk of self-harm, depression, and lower levels of self-esteem in 13–15-year-old girls. Findings were similar for weekday and weekend use.

Some have suggested that there is likely a correlation between the increased use of technology and smartphone use and the increased rates of teenage anxiety and depression. A widely cited book by Dr. Jean Twenge, a professor of psychology at San Diego State, *iGen*, 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.

***U.S. Surgeon General issues further warning.*** On June 17, 2024, the U.S. Surgeon General called for warning labels on social media platforms, noting that social media is associated with significant mental health harms for adolescents. He stated, “The mental health crisis among young people is an emergency, and social media has emerged as an important contributor.

Adolescents who spend more than three hours a day on social media face double the risk of anxiety and depression symptoms, and the average daily use in this age group, as of the summer of 2023, was 4.8 hours. Additionally, nearly half of adolescents say social media makes them feel worse about their bodies.”

He further stated, “A surgeon general’s warning label, which requires congressional action, would regularly remind parents and adolescents that social media has not been proven safe. Evidence from tobacco studies shows that warning labels can increase awareness and change behavior. When asked if a warning from the surgeon general would prompt them to limit or monitor their children’s social media use, 76% of Latino parents said yes.”

***Impact of smartphone use on student achievement, and the use of smartphones in schools.***

There is an increasing body of research on the impact of technology on adolescent student outcomes in grades K-12. A 2015 Discussion Paper from the London School of Economics and Political Science, Center for Economic Performance, *Ill Communication: Technology, Distraction and Student Performance*, studied four English city school systems that had banned cell phone use in schools in 2013. The authors found that student test scores improved by 6.41% of a standard deviation when schools banned cell phone use. The effect was driven by the most disadvantaged and underachieving pupils. Students in the lowest quartile of prior achievement gained 14.23% of a standard deviation, while students in the top quartile were neither positively nor negatively affected by a phone ban. The results suggest that low-achieving students are more likely to be distracted by the presence of mobile phones, while high achievers can focus in the classroom regardless of the mobile phone policy.

***Governing boards have the authority to limit smartphone use in schools.*** Current law permits school districts, COEs, and charter schools to adopt policies that may limit or prohibit the use of smartphones in schools and during school-related activities.

Current law states that no student shall be prohibited from possessing or using an electronic signaling device that is determined by a licensed physician and surgeon to be essential for the health of the student and whose use is limited to purposes related to the health of the student.

In 2019, the Legislature passed AB 272 (Muratsuschi), Chapter 42, Statutes of 2019, which authorized governing bodies to adopt a policy to limit or prohibit the use of smartphones by students while at school or under employee supervision without prohibiting a student from possessing or using a smartphone under specified circumstances.

This bill, in addition to the existing authority, allows, but does not require, school districts, COEs, and charter schools to adopt a policy to limit or prohibit the use of social media while at school or under the supervision of school staff.

***Governing board smartphone policies.*** Current law permits the governing body of a school district, COE or charter school to regulate the possession or use of any electronic signaling device that operates through the transmission of radio waves, which includes smartphones. Many LEAs have adopted policies in accordance with current law that restrict or prohibit students’ use of smartphones. The California School Boards Association’s (CSBA) sample board policy on student conduct includes information about smartphone use, which is intended to be reviewed, modified, and adopted to match the policies of each governing board. It includes the following suggested language, in pertinent part, “Use of a cellular/digital telephone, pager, or other mobile communications device during instructional time: Such devices shall be turned off

in class, except when being used for a valid instructional or other school-related purpose as determined by the teacher or other district employee, and at any other time directed by a district employee. Any device with a camera, video, or voice recording function shall not be used in any manner that infringes on the privacy rights of any other person.”

***Privacy concerns and minor consent.*** According to the Assembly Privacy and Consumer Protection Committee:

The CalECPA prohibits government entities from accessing electronic device information by means of physical interaction or electronic communication with the electronic device, unless it does so pursuant to a warrant, wiretap order, or tracking device search warrant. (PEN 1546.1(a), (c).) However, there is an exception to this requirement if the government obtains “the specific consent of the authorized possessor of the device.” (PEN 1546.1(c)(4).) Applied here, this provision suggests that the school district, COE, or charter school could access electronic information through their smartphone if the pupil—as the authorized possessor—consents to the access.

The bill in print provides that if school district, COE, or charter school requests the pupil’s voluntary disclosure of or access to electronic information, the request must be accompanied by a written disclosure of the pupil’s rights pursuant to CalECPA. While a written disclosure is certainly preferable to an unwritten disclosure, expressly granting a government entity the power to obtain consent to private information from a pupil—who could be a young child—is anomalous and inadvisable. This power is far less likely to be abused if the entity must seek the consent of the parent or guardian, as is standard with other laws governing a minor’s privacy and ability to consent.

This issue will be addressed more fully when the bill is heard by the Assembly Privacy and Consumer Protection Committee.

***Recommended Committee amendments.*** *Staff recommends that the bill be amended* as follows:

- 1) Move the contents of the bill into a new section immediately following Section 48901.7.
- 2) Remove the definition of “educational purposes” as that term is not referenced in the bill.
- 3) Remove the requirement for schools to provide a written disclosure of a pupil’s rights, as specified.

***Arguments in support.*** The Los Angeles County Office of Education (LACOE) writes, “LACOE recognizes the importance of providing a safe and conducive learning environment for all students. By explicitly prohibiting the use of social media while on school grounds or under school supervision, SB 1283 will help prevent distractions, cyberbullying, and other forms of inappropriate behavior that can negatively impact students’ academic performance and well-being.

Moreover, the proposed language in SB 1283 will provide much-needed clarity for LEAs in addressing instances of harassment, threats, or other misconduct occurring through social media channels during school hours or while students are under school supervision. This clarity will

enable LEAs to take prompt and appropriate action to address such incidents and ensure the safety and security of all students and staff.”

**Related legislation.** AB 3216 (Hoover) of the 2023-24 Session would require the governing body of a school district, a COE, or a charter school to adopt a policy to limit or prohibit the use by its pupils of smartphones, except in specified circumstances.

SB 1504 (Stern) of the 2023-24 Session would require social media platforms to respond to reports of cyberbullying and disclose final determinations; would also authorize the parents or legal guardians of minors who report violations to bring civil actions for those violations and increase the applicable penalty tenfold.

SB 976 (Skinner) of the 2023-24 would prohibit operators of internet-based services or applications from providing addictive feeds, as those terms are defined, to minors without parental consent and from sending notifications to minors at night and during school hours without parental consent. Would require operators to make available to parents a series of protective measures for controlling access to and features of the platform for their children and would require reporting on data regarding children on their platforms.

AB 272 (Muratsuchi), Chapter 42, Statutes of 2019, provides that a student shall not be prohibited from possessing or using a smartphone under specified circumstances, and authorizes governing bodies to adopt a policy to limit or prohibit the use of smartphones by students while at school.

SB 1253 (Figueroa), Chapter 253, Statutes of 2002, authorizes school district governing boards to regulate the possession and use of electronic signaling devices (cell phones, pagers, etc.) by pupils while on campus or attending school functions.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

California Federation of Teachers  
California State PTA  
California Teachers Association  
Los Angeles County Office of Education  
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### **Opposition**

None on file

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