

NYSSBA Sample Policy 5695

(X) Required

(x) Local

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STUDENTS AND PERSONAL ELECTRONIC DEVICES

*NOTE: Beginning August 1, 2025, Education Law §2803 requires each school district and BOCES to adopt a policy restricting the use of “internet-enabled devices” during the entire school day on school grounds. Such devices are defined as “any smartphone, tablet, smartwatch, or other device capable of connecting to the internet **and** enabling the user to access content on the internet, including social media applications.” However, two categories of devices are excluded: (1) those which are **not** capable of connecting to the internet or enabling the user to access content on the internet are excluded from this definition (e.g., voice and text-only cell phones), and (2) those which are supplied by the district/BOCES used for educational purposes.*

The district’s policy must address device storage, options for parents/persons in parental relations to contact students, and may also include allowable exceptions such as for healthcare, translation, family care, or educational purposes (however, use must be allowed under IEPs/Section 504 plans). Students may not be suspended solely for accessing internet-enabled devices in violation of this policy. Note that \$13.5 million will be allocated by the state Division of Budget for storage solutions.

While the law is limited to internet-enabled devices, your district may choose to expand this policy to address other personal electronic devices, or use of devices during other school activities, due to the capacity for distraction to the learning environment.

The district must also consult local stakeholders in the development of this policy prior to its adoption, including at least each employee bargaining unit organization, parents, and students.

Due to the number of changes made to our previous sample policy, we are providing this policy as a clean copy rather than showing all the changes. A version showing changes is available upon request to policy@nyssba.org.

The Board of Education recognizes that students may have personal electronic devices that can perform different functions. Such devices include “internet-enabled devices” defined as: any smartphone, tablet, smartwatch or other device capable of connecting to the internet and enabling the user to access content on the internet, including social media applications, but do not include any such device supplied by the district for educational purposes. [**Optional sentence:** Other personal electronic devices includes devices which are not capable of connecting to the internet and access content on the internet, fitness trackers, wired or wireless headphones and earbuds, e-readers, calculators, voice recorders, cameras and music devices.] These devices can create significant distraction to the school environment, negatively impact student mental health, contribute to disciplinary infractions, and reduce student engagement. Additionally, in an emergency, the use of personal electronic devices can distract students from following the directions of staff or emergency responders, contribute to the spread of misinformation, create

congestion in the emergency response system, and interfere with the district's emergency response protocols.

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Generally, the district is not responsible for stolen, lost or damaged personal electronic devices brought to school.

Communication with Parents/Persons in Parental Relation

NOTE: The district's policy must include one or more methods for parents/persons in parental relation to contact their children during the school day, and provide for written communication of these methods at the beginning of the school year and upon enrollment. While not required, your district may also include methods for students to contact their parents/persons in parental relation.

During the school day, to minimize distractions, parents (which, for purposes of this policy, includes persons in parental relation) may contact their children via the following methods: [***select or revise as appropriate***: calling the school office, the district-provided email address, the district's communication app, the district's web portal]. [***Optional***: Students may contact their parents by: [***select or revise as appropriate***: the same methods above]]. The district will notify parents in writing of the communication protocol at the beginning of each school year and upon enrollment.

Device Access and Storage

NOTE: Districts must include in the policy the methods for on-site storage of student devices during the school day. There are several options available, which may be tailored for the grade level. Some examples include: individual cubbies in classrooms, classroom-by-classroom caddies, all-day storage in homerooms, centralized device lockers, individual pouches. In this section, the district can determine whether students in different grade span levels have different storage methods. Districts should discuss with their attorney before banning possession entirely.

When determining the storage options for your district, keep in mind that the legislative intent is to restrict access by students to devices for non-permitted reasons. It is our understanding that only using backpacks/bags would not be sufficient for this law.

If the district allows use for specific educational purposes, the location of storage solutions may impact students' ability to travel to retrieve and stow their devices between classes.

As required by Education Law §2803, this policy prohibits student use of internet-enabled devices during the school day (including all classes, homeroom periods, lunch, recess, study halls, and passing time) on school grounds (any building, structure, athletic playing field, playground, or land contained within the boundary of a school or district or BOCES facility), unless under an exception (e.g., IEP/Section 504 or as permitted below).

NOTE: The district should discuss with its attorney its responsibility for device security and how that is impacted by storage options.

1. At the elementary school level, students are discouraged from bringing devices to school. Any device that is brought to school must be silenced and kept in [***select or revise as appropriate***: the classroom teacher's storage container; the student's personal cubby; the school office].

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2. At the middle school level, student devices must be silenced and stored in [***select or revise as appropriate***: student lockers; homeroom device caddies, classroom-by-classroom device caddies].
3. At the high school level, student devices must be silenced and stored in [***select or revise as appropriate***: student lockers; designated centralized device holders, homeroom device caddies, classroom-by-classroom device caddies; individual pouches].

NOTE: While not required by law, districts providing individual device pouches should consider including the expectations for loss or damage, e.g., “If students lose or damage their individual pouches, their parent is responsible for paying for a replacement.”

[***Optional language for other personal electronic devices***: Students are discouraged from bringing other personal electronic devices to school. If students do bring such devices to school, they must be stored for the entire school day in [***select or revise as appropriate***: backpacks; lockers], and they must be silenced and not used during the school day unless permission is granted by the school. However, students may wear fitness trackers as long as they do not interfere with instruction.]

[***Optional language for other school activities***: Administrators and staff may also restrict use of electronic devices during school events and activities held outside of the school day and/or off school grounds.]

Exceptions for Specific Purposes

NOTE: This section outlines the exceptions required (IEPs and Section 504 plans) and permitted (for emergencies and as listed in 1 through 3) by law.

Use of internet-enabled devices must be permitted where included in a student’s Individualized Education Program, Section 504 plan, or where required by law. Additionally, the district permits the use of internet-enabled devices in the event of an emergency, and under the following circumstances:

1. Where necessary to manage a student’s healthcare (e.g., diabetes, asthma, medication, etc.);
2. For translation services; and/or
3. For students who are routinely responsible for the care and wellbeing of a family member (on a case-by-case basis, upon review and determination by a school psychologist, school social worker, or school counselor).

Parents may request an exception for their children to use internet-enabled devices during the school day as listed above. Requests must be made to the Building Principal, and for healthcare exceptions, must include documentation from an appropriate healthcare professional.

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NOTE: The following paragraph allows districts to permit the use of internet-enabled devices for specific educational purposes. This option would generally be exercised by districts that do not provide electronic devices for students, either in a “one-to-one” or shared device capacity. The district can allow use of internet-enabled devices defined in the law, or all personal electronic devices (if these are also restricted in the district). The law does not set parameters for specific educational purposes; we have suggested some language below. Additionally, if choosing to allow this type of use, keep in mind that the storage method the district is utilizing may make device usage for specific classes less practicable (for example, if students must travel to and from the storage location).

If the district does not wish to permit such use, or provides one-to-one devices, the following text could be included instead:

“The district does not permit use of internet-enabled devices for specific educational purposes.”

OR “The district provides students with one-to-one devices; therefore, personal electronic devices are not permitted for educational purposes.”

OR “Where the district provides students with one-to-one devices, personal electronic devices are not permitted for educational purposes.”

Students may also be permitted to use their internet-enabled devices during the school day on school grounds for specific educational purposes, if the following criteria are met:

- The student has registered the device with the district, in accordance with district procedures.
- With administrative approval, the teacher has authorized the use of specific devices for a particular activity, after which the device must be stowed per this policy.
- The student uses the device to access the Internet or authorized applications through the district’s network, under the terms of policy 4526, Computer Use in Instruction.

Under any of these exceptions, devices may only be used for the purposes outlined in the exception, and the device must be silenced and put away when not in use, to the extent compatible with the reason for the exception.

Enforcement, Consequences and Reporting

NOTE: As other districts have seen, consistent administrative support and enforcement is key for students to comply with a “bell-to-bell” policy. It is not required to include disciplinary consequences in the policy, but doing so will help students and parents understand the consequences of non-compliance. The law prohibits suspension of students if the sole grounds is that the student accessed an internet-enabled device in violation of this policy. The district is free to include other consequences. For example, the district can choose to require confiscation for all instances of electronic device use in violation of this policy, or allow students the opportunity to put the device away. Giving warnings before confiscation increases the time spent on enforcement, and requires staff to keep track of who has and has not already been warned. Conversely, consistent immediate confiscation sends the message that the district is serious about enforcement. Daily reminders to all students about the policy can serve as a warning.

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NOTE (cont.):

Make sure that enforcement expectations are consistent with collective bargaining agreement provisions, but keep in mind that if enforcement is primarily the responsibility of classroom teachers, this takes up instructional time. The district should also discuss with its attorney its responsibility for device security and how that is impacted by enforcement options.

Enforcement of this policy is chiefly the responsibility of building administrative staff; however, all designated employees are expected to assist in enforcement. Students will be reminded of this policy regularly and consistently, especially at the start of the school year and after returning from breaks.

For students out of compliance with this policy, the device will be held in the school office until the end of the school day. The **[optional language:** first time this happens, the student may retrieve the device, and the parent will be notified. For subsequent instances, the] parent must retrieve the device. Further instances will result in the device being held in the school office daily for longer periods of time. The district will exercise reasonable care to maintain the security of devices that are held by the district, but cannot guarantee the devices will be secure. For students with exceptions under this policy, the district will examine alternative ways to achieve the purpose of the exception, including different storage or access provisions.

Administrators will also discuss the aims of this policy with students and their parents, the benefits of a distraction-free environment, the reasons the student had difficulty following this policy, and how the district can help the student contribute to a distraction-free environment.

The district may not impose suspension from school if the sole grounds for the suspension is that the student accessed an internet-enabled device as prohibited by this policy. **[Optional:** However, the district may utilize consequences under the district's Code of Conduct, including detention, in-school suspension, and exclusion from extracurricular activities. The district may also utilize assignments on the detrimental impact of social media on mental health, smartphones in school, or other relevant topics.]

Some uses of personal electronic devices may constitute a violation of the school district Code of Conduct or other district policies, and in some instances, the law. The district will cooperate with law enforcement officials as appropriate.

NOTE: The following paragraph reflects a requirement of the law. While it is not required to be included in the policy, doing so helps the district to be in compliance with the law.

Beginning September 1, 2026 and annually thereafter, the district will publish an annual report on its website detailing the enforcement of this policy over the past year, including non-identifiable demographic information of students who have faced disciplinary action for non-compliance with this policy, and an analysis of any demographic disparities in enforcement of this policy. If a statistically significant disparate enforcement impact is identified, the report will include a plan to mitigate such disparate enforcement.

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Electronic Devices and Testing

NOTE: Regardless of the options selected above, electronic devices are not permitted during the administration of state assessments pursuant to NYSED guidance.

To ensure the integrity of testing, in accordance with state guidelines, students may not bring cell phones or other electronic devices into classrooms or other exam locations during **[choose one: all testing *OR* state assessments]**. **[If “state assessments” is chosen, the following may be included:** Teachers may grant specific permission for electronic device usage during tests other than state assessments.]

Test proctors, monitors and school officials have the right to collect cell phones and other prohibited electronic devices prior to the start of the test and to hold them for the duration of the test taking time. Admission to the test will be prohibited to any student who has a cell phone or other electronic device in their possession and does not relinquish it.

Students with Individualized Education Plans, Section 504 Plans, or documentation from medical practitioners specifically requiring use of electronic devices may do so as specified.

Policy Distribution and Translation

NOTE: The following paragraph, while not required to be included in the policy, reflects §2803(6). The NY State Department of Labor lists the current 12 most common non-English languages at this website: <https://dol.ny.gov/faq-language-access-non-english-speaking-new-yorkers>. As of 2025, these languages are: Arabic, Bengali, Chinese, French, Haitian Creole, Italian, Korean, Polish, Russian, Spanish, Urdu, and Yiddish.

As required by law, the district will post this policy in a clearly visible and accessible location on its website. Upon request by a student or parent, the district will translate this policy into any of the twelve most common non-English languages spoken by limited-English proficient individuals in the state, as identified by the most recent American community survey published by the U.S. Census bureau.

NOTE: While not required by law, it is good practice to widely publicize this policy, so students and parents are aware of it.

The district will also include this information, or a plain language summary, in student/family handbooks.

Cross-ref: 4526, Computer Use in Instruction
4526.1, Internet Safety
5300, Code of Conduct

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Ref: Education Law §2803

Price v. New York City Board of Education, 51 A.D.3d 277, lv. to appeal denied, 11 N.Y.3d 702 (2008) (District may ban possession of cell phones on school property)

NYSED, *Prohibition of Cell Phones and Electronic Devices in New York State Assessments*,

www.nysed.gov/educator-integrity/prohibition-cell-phones-and-electronic-devices-new-york-state-assessments

Adoption date: