STATE OF NEW YORK

140

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sen. HOYLMAN-SIGAL -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law, in relation to restricting the use of wireless communication devices by students on school property

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The education law is amended by adding a new section 2801-c to read as follows:

§ 2801-c. Wireless communication device use restricted. 1. For purposes of this section:

(a) "Wireless communication device" or "device" means any portable wireless device that has the capability to provide voice, messaging, or other data communication between two or more parties, including but not limited to a (i) cellular phone, (ii) computer, (iii) gaming device, or (iv) smart watch. "Device" does not include any technology provided by the school district for purposes of class instruction.

(b) "School day" shall mean every instructional day as required by subdivision seven of section thirty-six hundred four of this chapter.

(c) "Access" means the viewing, holding, wearing, or otherwise use of a device for the purpose of communication, internet access, gaming, or any other function commonly associated with devices.

2. During the school day, students are prohibited from accessing their device on school property, unless authorized for classroom use. Devices shall be powered off and stored in a manner prescribed by the department, including but not limited to storage in a student's locker or specified phone pouches.

3. If a student violates this section, the student will be subject to progressive consequences as prescribed by section twenty-eight hundred one of this article and any applicable local student code of conduct.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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4. Students are prohibited from accessing social media platforms through the use of internet access provided by the school district, except when expressly directed to for class instruction.

5. Nothing in this section shall prohibit a student from using a device if:

(a) the use of the device is included in the student's individual education program, or plan developed under Section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C. 794; or

(b) a licensed physician determines that the access of a device by the student is necessary for the health and well-being of the student.

§ 2. This act shall take effect on the first of July next succeeding the date on which it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.