§ 2803. Use of internet-enabled devices during the school day. 1. For purposes of this section:

(a) "Internet-enabled devices" shall mean and include 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; provided, however, that "internet-enabled devices" shall not include:

(i) non-internet-enabled devices such as cellular phones or other communication devices not capable of connecting to the internet or enabling the user to access content on the internet; or

(ii) internet-enabled devices supplied by the school district, charter school, or board of cooperative educational services that are used for an educational purpose.

(b) "School day" shall mean the entirety of every instructional day as required by subdivision seven of section thirty-six hundred four of this chapter during all instructional time and non-instructional time, including but not limited to homeroom periods, lunch, recess, study halls, and passing time.

(c) "School grounds" shall mean in or on or within any building, structure, athletic playing field, playground, or land contained within the real property boundary line of a district elementary, intermediate, junior high, vocational, or high school, a charter school, or a board of cooperative educational services facility.

2. Notwithstanding paragraph b of subdivision one of section twenty-eight hundred fifty-four of this chapter, each school district, charter school, and board of cooperative educational services shall adopt a written policy prohibiting the use of internet-enabled devices by students during the school day anywhere on school grounds. Each school district, charter school, and board of cooperative educational services shall consult local stakeholders, including but not limited to the employee organization representing each bargaining unit within the school building, parents, and students, in the development of such policy prior to its adoption.

3. The policy adopted and implemented pursuant to subdivision two of this section shall include one or more methods for persons in parental

relation to a student to contact the student during the school day and provide for written notification to such persons in parental relation to a student of these methods at the beginning of each school year and upon enrollment.

4. The policy adopted and implemented pursuant to subdivision two of this section shall include one or more methods for on-site storage where students may store their internet-enabled devices during the school day, which may include student lockers.

5. (a) The policy adopted and implemented pursuant to subdivision two of this section may authorize student use of an internet-enabled device during the school day on school grounds:

(i) if authorized by a teacher, principal, or the school district, charter school, or board of cooperative educational services for a specific educational purpose;

(ii) where necessary for the management of a student's healthcare;

(iii) in the event of an emergency;

(iv) for translation services;

(v) on a case-by-case basis, upon review and determination by a school psychologist, school social worker, or school counselor, for a student caregiver who is routinely responsible for the care and wellbeing of a family member; or

(vi) where required by law.

(b) The policy may not prohibit a student's use of an internet-enabled device where such use is included in the student's:

(i) individualized education program; or

(ii) plan developed pursuant to section five hundred four of the federal rehabilitation act of 1973, 29 U.S.C. 794.

6. No later than August first, two thousand twenty-five, each school district, charter school, and board of cooperative educational services shall adopt and publish in a clearly visible and accessible location on its website the internet-enabled device policy established pursuant to subdivision two of this section. Translation of such policy into any of the twelve most common non-English languages spoken by limited-English proficient individuals in the state, based on the data in the most

recent American community survey published by the United States census bureau, shall be provided upon request by a student or persons in parental relation to a student.

7. (a) No later than September first, two thousand twenty-six, and each September first thereafter, each school district, charter school, and board of cooperative educational services shall publish an annual report on its website detailing enforcement of the policy within the district, charter school, or board of cooperative educational services in the prior school year, including non-identifiable demographic data of students who have faced disciplinary action for non-compliance and analysis of any demographic disparities in enforcement of the policy. If a statistically significant disparate enforcement impact is identified, such report shall include a mitigation action plan.

(b) Each school district, charter school, and board of cooperative educational services shall not permit the suspension of a student if the sole grounds for the suspension is that the student accessed an internet-enabled device in violation of the policy adopted and implemented pursuant to subdivision two of this section.