



12/03/2024

Ben

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Tēnā koe Ben

OIA: 1320870- Cellphone Ban

Thank you for your email of 8 January 2024 to the Ministry of Education (the Ministry), which was clarified on 09 February 2024, requesting the following information:

1. *Under what statutory or other authority has the Minister/Ministry directed schools to have a cell phone policy?*
2. *Other than having a cell phone policy, what other requirements has the Minister/Ministry imposed?*
3. *Has the Minister/Ministry imposed any requirements for the content of the policy? (ie things that must, must not, or may be in the policy)*
4. *Has the Minister/Ministry imposed any requirements for the process by which the policy is to be created? In particular, are schools required to consult on the [sic]*
5. *Is the cell phone policy required to restrict cell phone availability/use, or can it maintain existing levels of availability use? Can the policy apply different restrictions to different age groups (for example, allowing final years students at college greater access)?*
6. *Are the policy exemptions for health conditions and special learning circumstances determined by the Minister/Ministry or the school? Are other exemptions permitted? Who will determine whether an exemption applies to a particular case? What protections are there if schools do have a sufficient exemption, or apply the exemption appropriately?*

I request the following documents:

- A. *All advice (including any decision papers or cabinet papers) in relation to the "cell phone ban".*



B. Copies of all communications to schools about the cellphone ban (but, for the avoidance of doubt, where substantially the same communication has been sent to more than one school, only one copy is requested)

Your request has been considered under the Official Information Act 1982 (the Act).

In response to **part 1** of your request, some New Zealand schools already restrict cell phone use by setting rules under section 126 of the Education and Training Act 2020 (ETA). The Minister of Education (the Minister) has agreed to the creation of regulations under section 638 of the ETA which require all schools to set similar rules for the Government's Away for the Day policy, set to begin from the start of Term 2 2024 (29 April 2024). You can read more about the legislation at the following link:

<https://www.legislation.govt.nz/regulation/public/2020/0193/latest/whole.html#LMS935296>

I have interpreted **part 2** of your request as other initiatives the Minister/Ministry imposed for Education. I am refusing this part of your request under section 18(d) of the Act, as the information is publicly available. On 19 December 2023 the Minister of Education announced three Education portfolio actions as part of the Government's 100-day action plan. This can be found at the following link: <https://www.education.govt.nz/news/100-day-action-plan-education-policies-announced/>

In response to **part 3** of your request school Boards are required (other than Te Aho o Te Kura Pounamu) to prohibit students from using or accessing mobile phones while they are attending school.

The new regulations require Boards to ensure the prohibition does not apply if:

- A student needs to use or access a mobile phone for a purpose connected with the student's health or assisting the student in connection with any disability or learning support need.
- A registered teacher determines that the student needs to use or access a mobile phone for a specific educational task or purpose.
- The principal determines that there are special circumstances that make it necessary for the student to use.

In response to **part 4** of your request, the school board may do anything within its powers to implement the prohibition. Under section 126 of the ETA, school boards must consult with the school community when considering making a new school rule or making a significant change to an existing school rule. This includes implementing cell phone rules at the school or kura.

In response to **part 5** of your request, the policy requires school boards (other than Te Aho o Te Kura Pounamu) to prohibit all students from using or accessing mobile phones at all times while they are attending school, except where an exemption applies.

In response to **part 6** of your request, the new regulations specify that boards will ensure the prohibition does not apply if a student meets the criteria detailed in the bullet points above (addressed in **parts 2 and 3** of your request). School boards are responsible for establishing rules related to the implementation of the policy and practical arrangements within their respective schools, including exemption processes. Additionally, school boards must ensure that the

prohibition does not apply to a student in the exempted circumstances, which provides a level of protection for these students.

We have identified four documents in scope of **part A** of your request, as detailed in the below **document table**. We are refusing these documents under section 18(d) of the Act, on the basis that the information will soon be publicly available on our website at the following link: <https://www.education.govt.nz/our-work/information-releases/advice-seen-by-our-ministers/>

Some information may be withheld under section 9(2)(a) of the Act, to protect the privacy of natural persons. Further details regarding withholding grounds can be found on the webpage linked above.

Document table of briefings

#	Date	METIS #	Type	Title
1.	28 November 2023	1319218	Education Report	Banning cell phones in schools
2.	1 December 2023	1319666	Briefing Note	(Draft) Cabinet Paper: Policy approvals for regulating the use of cell phones in schools
3.	6 December 2023	1319980	Cabinet paper and Briefing Note	Policy approvals for regulating the use of cell phones in schools
4.	12 December 2023	1320201	Briefing Note	Policy Regulations under the Education and Training Act 2020

I am refusing **part B** of your request under section 18(d) of the Act, as the information is publicly available. The official guidance and support for schools implementing cell phone rules can be found on the Ministry of Education's website at the following link:

<https://www.education.govt.nz/school/digital-technology/cellphones/>

Please see also a School Bulletin that went out 01 February 2024 with updates on the 100 day and Priority Education Initiatives including Phones away for the day. The bulletin can be found at the following link: <https://bulletins.education.govt.nz/bulletin/he-pitopito-k%C5%8Drero/issue/issue-170/date/2024-02-01>

Nāku noa, nā



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Te Pou Kaupapahere | Policy