

# Draft Guidance

## for Cell Phone-Free Education Pursuant to Executive Order 33

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August 15, 2024



# Introduction

On July 9, 2024, Governor Glenn Youngkin issued [Executive Order 33](#) (“EO33”) establishing cell phone-free education in public schools to promote the health and safety of Virginia’s K-12 students. EO33 states the following:

- The necessity of implementing cell phone-free education in Virginia’s K-12 public schools is increasingly evident. Parents, public health professionals, educators, and other stakeholders across the Commonwealth are expressing concern over the alarming mental health crisis and chronic health conditions affecting adolescents, such as depression and anxiety, driven in part by extensive social media usage and widespread cell phone possession among children. Cell phone-free education will significantly reduce the amount of time students can be on phones without parental supervision.
- Therefore, creating a cell phone-free education environment in public schools is not only a prudent measure, but an essential one to promote a healthier and more focused educational environment where every child is free to learn.

To address these concerns, EO33 outlined a series of actions to be taken by the Secretary of Education, the Secretary of Health and Human Resources, the Superintendent of Public Instruction, the Virginia Department of Education, and the State Health Commissioner, including the development of draft guidance for public school divisions to adopt policies and procedures establishing cell phone-free education. The draft guidance below reflects the voices of Virginians that took part in nine public listening sessions (one in-person listening session in each of eight Superintendent Regions and one virtual listening session) with over 600 attendees, 11 additional stakeholder group conversations with community and faith leaders, parent organizations, school board, superintendent, principals, and school nurse associations, as well as nearly 1,500 submitted online comments in July and August of 2024 with 77% strongly in favor of the cell phone-free instructional time.

This draft guidance is now available for review and feedback through September 15, 2024. Once this guidance is finalized on September 16, 2024, every school division and local school board should review existing policies and/or work to create or revise policies that adhere with the following minimum guidance no later than January 1, 2025. Communities are invited and encouraged to have community conversations and consider broadening their policies and protocols.

## Definitions

“*Bell-to-Bell*” means from when the first bell rings at the start of the school day to begin instructional time until the dismissal bell rings at the end of the academic school day. “Bell-to-bell” includes lunch and time in between class periods.

“*Cell Phone-Free Education*” means the age-appropriate elimination or restriction of cell phones and other personal electronic communication devices in public schools.

“*Cell Phone*” means a personal device capable of making calls, transmitting pictures or video, or sending or receiving messages through electronic means. The definition of cell phone is inclusive of a non-smart phone that is limited to making phone calls or text messages, a smart phone that encompasses the above features, and other future personal electronic communication devices with the abovementioned characteristics.

“*Instructional time*” means any structured or unstructured learning experiences that occur from when the first bell rings at the start of the school day until the dismissal bell rings at the end of the academic school day.

“*Personal Electronic Communication Device*” means any personal device capable of connecting to a smart phone, the internet, a cellular or Wi-Fi network, or directly connects to another similar device. Personal electronic communication devices may include some wearable devices such as smart watches, as well as personal headphones, laptops, tablets, and other future personal electronic communication devices with the abovementioned characteristics.

“*Stored*” means a cell phone or personal electronic communication device not being carried on the student’s person, including not in the student’s pocket. Options school divisions could choose to define as storage options include, but are not limited to, in the student’s backpack, in the student’s locker, in a locked pouch, or in a designated place in the classroom.

## What is “cell phone-free” education?

The Commonwealth has put in place best-in-class computer science standards and has revised its math standards to include data analysis practices throughout a student’s academic career. Virginia is also one of the first states in the nation to work to equip our students for the coming opportunities and challenges of Artificial Intelligence. The EO33 guidance is specific to students’ use of cell phones and personal electronic communication devices and should not discourage the appropriate use of school-issued technologies aligned with the Commonwealth’s education standards.

Executive Order 33 requires that the Department provide detailed age-appropriate restrictions or elimination of cell phones during “instructional time” in Virginia public schools. During listening sessions, stakeholders determined the definition of K-12 instructional time as “bell-to-bell” was age appropriate for all grade bands. Therefore, instructional time is consistent throughout the guidance, and cell phone access and use time varies outside of bell-to-bell by age-appropriate measures.

Cell phone-free education requires different expectations at elementary (K-5), middle (6-8) and high school.

### **In Elementary Schools (K-5), cell phone-free education is:**

1. Cell phones and personal electronic communication devices will **not be used by elementary students** within the school building or on school grounds.
2. If a parent decides that an elementary student should bring a cell phone or personal electronic communication device to school, the device **must** be turned off and stored away from the student during the school day.

3. School divisions **must** make policies that determine cell phone and personal electronic communication device use on school buses where elementary students are present.
4. Students **must** use school-based communication tools and platforms (whether in the office, classroom, or other centralized location) to communicate non-emergency needs with parents.
5. Parents and educators **should** use school-based communication tools and channels to communicate emergencies and non-emergencies during bell-to-bell instructional time. It is encouraged to have a school official available to support the student in the event of communication involving a family emergency.

**Note:** If an elementary school houses students in grades other than K-5, the elementary definition of cell phone-free education is applicable for all grade levels within the elementary school.

Each public school system **must** establish clear procedures for off-site events or activities, including all school-sponsored events and/or field trips, transportation- including daily bus transit, multiple instructional settings, and other non-building specific instructional opportunities that do not occur on the elementary school campus.

**In Middle Schools (Grade 6-8), cell phone-free education is:**

1. Middle school students shall not have a cell phone or personal electronic communication device **during the bell-to-bell school day.**
2. If cell phones or personal electronic communication devices are brought to school, they **must** be stored and turned off **during bell-to-bell school day.**
3. Specifically for time periods outside of the bell-to-bell school day, school divisions **must** make local policies that determine appropriate cell phone and personal electronic communication device use by middle school students, including before and after school, on school buses, within the school building, and on school grounds.
4. Students **must** use school-based communication tools and platforms (whether in the office, classroom, or other centralized location) to communicate non-emergency needs with parents.
5. Parents **should** use school-based communication tools and channels to communicate emergencies and non-emergencies. It is encouraged to have a school official available to support the student in the event of communication involving a family emergency.
6. Educators and all co-curricular and extra-curricular sponsors **must** use non-social media-based app for communications with students regarding activity and athletic scheduling information during school hours.
7. Schools **should** give middle school students developmentally appropriate guidance and support on the appropriate use of school-issued technology devices, educational apps, and educational tools for academic (both classroom and homework assignments) and for educational research purposes.

**Note:** Some Virginia middle schools house grades other than 6-8, and the middle school definition of cell phone-free education is applicable for those middle schools. If a middle school student travels to a different campus during the school day, they must adhere to that school building's policy and procedures for cell phones and personal electronic communication devices.

Each school system must establish procedures for off-site events and activities, including all school-sponsored events and/or field trips, transportation- including daily bus transport, athletic participants, multiple instructional settings, and other non-building specific instructional opportunities that do not occur on the middle school campus.

**In High Schools (Grade 9-12), cell phone-free education is:**

1. High school students shall not have a cell phone or personal electronic communication device **during the bell-to-bell school day**.
2. If cell phones or personal electronic communication devices are brought to school, they **must** also be stored and off **during the bell-to-bell school day**.
3. Outside of the bell-to-bell instructional time, cell phones and personal electronic communication devices **may** be used on a high school campus **before or after school**.
4. During bell-to-bell instructional time, students **must** use school-based communication tools and platforms (whether in the office, classroom, or other centralized location) to communicate non-emergency needs with parents.
5. Parents **should** use school-based communication tools and channels to communicate emergencies during bell-to-bell instructional time.
6. Educators and all co-curricular and extra-curricular sponsors **must** use non-social media-based apps to communicate activity and athletic scheduling information with students during school hours.
7. Schools **should** give high school students developmentally appropriate guidance and support on the appropriate use of school-issued technology devices, educational apps and educational tools for academic (both classroom and homework assignments) and for educational research purposes.

**Note:** If a high school student travels to a different campus or facility during the school day, they must adhere to that building’s policy and procedures for cell phones and personal electronic communication devices.

Each school system must establish procedures for off-site events including all school-sponsored events and/or field trips, transportation- including daily bus transport, athletic participants, multiple instructional settings, and other non-building specific instructional opportunities that do not occur on the high school campus.

## Exemptions to “Cell Phone-Free Education”

Policies developed by school divisions should include allowable exemptions to the minimum standards for cell phone-free education when such exemptions are necessary to comply with an Individualized Education Plan (IEP) or 504 plan (Section 504 of the Rehabilitation Act). Viable alternatives to using a cell phone or personal electronic communication device should be explored and implemented in collaboration with the student’s family.

Allowable exemptions for cell phones and personal electronic communication device must be written into 504, IEP and/or individualized health care plans. All individualized health care plans that include cell phone or personal electronic communication device usage must be approved by the School Nurse Coordinator, Director of Student Services, or Superintendent’s designee.

If a student with a disability or an EL student with a documented language barrier is determined to require access to technology to ensure the provision of a free and appropriate public education, IEP, Limited English Proficiency plan, or 504 teams should collaborate to consider [appropriate identification and use of assistive technology](#) to support a student's unique needs. Public schools must consider students' IEPs and 504 plans when creating policies regarding cell phone and personal electronic communication device access, usage, and storage protocols, and should provide school-based devices for assistive technology where appropriate. When making these decisions, [consideration](#) should be given to the [Health Insurance Portability and Accountability Act \(HIPPA\)](#) and any potential implications that would bring unnecessary attention to impacted students.

## Emergency Communications

As required by [8VAC20-671-380](#), each school must have crisis and contingency plans for school-based emergencies that include written procedures and training for employees, students, and other staff during crisis and emergency situations. These localized emergency plans ensure that training occurs for staff and that students participate in practice drills. Moreover, [Section 22.1-279.8](#) of the Code of Virginia outlines the responsibilities for local school boards regarding school safety, training, and crisis planning. These locally developed plans are annually reviewed by local emergency management officials and certified by local school boards; and then, the training and safety drills are executed for all staff.

These ***school-based emergency plans*** outline required safety planning in a crisis or emergency situations and must be reviewed, revised, and adopted annually. School divisions should use the best practices outlined by the current [DCJS Division Guide for Crisis Management Planning](#) which is available on the VDOE website. In addition, the VDOE website provides multiple best practice resources that school divisions should use when designing their yearly crisis and contingency plans. These best practices include staff training, student drills, and parent re-unification and communication plans, as well as also ensuring that parents of students who are directly impacted or critically injured are contacted directly versus through a mass communication or recording.

School divisions must publicly share (1) how school-based personnel are trained to manage crisis and emergency situations, (2) re-unification plans, and (3) family notification processes during crisis situations. Public schools should notify parents at the start of the school year about any updates to the annual crisis emergency plan and clearly outline the communications plan for parent notification should a school-based emergency or crisis occur, including any relevant or timely follow-up information regarding a school-based emergency event.

Adults in the school should lead by example and have clear boundaries around their own use of cell phones for emergency or crisis communication purposes only. In the event of an emergency, it is important for adults to have access to a cell phone or classroom phone to coordinate crisis notification and emergency safety plans. School divisions need to establish clear protocols and publish these protocols for the means and methods that will be utilized to communicate with students, staff, and families during a school-based crisis or emergency event.

**Family-based emergencies** should be communicated directly with the front office of their child's school. Based on criteria developed by the local school division, schools should clearly define a family-based emergency in all documents and communicate this definition and family-based emergency protocol with parents. Such options could include, but are not limited to, a direct live-family line that operates during school hours for family-based emergencies to ensure a family can reach an adult quickly and talk through how their child will be notified and supported.

Schools should treat family emergencies with urgency and ensure that students have the information and the support needed to manage a family-based emergency. Each school should share their family-based emergency school plan procedures at opening school meetings, new student orientation and posted on the website. These plans should also include **non-emergency family protocols** for changes in schedules, pick up/drop off, or forgotten items that need to be delivered to the school. For example, schools may set up a dedicated monitored email to which families could correspond with the school where all non-emergency, but timely, updates are shared that are monitored by staff throughout the day.

## Local School Division Policy Considerations

A local school division's governing board must review the EO33 guidance and determine if revisions to existing cell phone and personal electronic communication device policies are needed. If a school division does not have a plan or needs to make revisions, the local school division should involve stakeholders, especially parents and teachers, in developing new local school division policy and procedures or revising current policies and procedures to at minimum meet this guidance. Surveys and public comment forums may be effective means of engaging stakeholders, as well as public meetings.

School leaders must put in practices and procedures that allow teachers to focus on classroom instruction and not manage cell phone usage class to class.

School divisions are encouraged to use this guidance as the floor for their work and to utilize resources and research on mental and physical health effects to our youth and their academic learning to inform community conversations. Culture change on youth cell phone and social media use can begin at the school but requires a broader community discussion and shift in use, including at home. Parents matter and have a responsibility in this discussion to help share in the efforts to keep their kids safe from the mental health issues that come from their child's overuse of cell phones and social media.

A comprehensive policy development process should also include educational programs for students, parents, and educators about the need for and benefits of cell phone-free education and strategies for managing the use of cell phones and personal electronic communication devices outside of school hours. A list of family, community and school-based resources including specific protocols for exclusionary needs, safety and implementation will continue [to be available on the VDOE Website](#)