



An Bille Oideachais (Feistí Digiteacha i Scoileanna), 2018
Education (Digital Devices in Schools) Bill 2018

Mar a tionscnaíodh

As initiated



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CONTENTS

PART 1

PRELIMINARY MATTERS

SECTION

1. Short title and commencement
2. Interpretation
3. Commencement
4. Establishment Day

PART 2

CREATION OF CODE OF BEHAVIOUR ON DIGITAL DEVICES IN SCHOOLS

5. Creation of code of behaviour on digital devices in schools
6. Code of behaviour on digital devices in primary schools
7. Code of behaviour on digital devices in post-primary schools
8. Confiscation Powers
9. Discretionary powers of board of management
10. Prohibition on cyber bullying
11. Provision of educational information
12. Reporting requirements on implementation of code of behaviour

ACTS REFERRED TO

Adoption Acts 1952 to 1998

Children Acts 1964 to 1997

Education (Welfare) Act 2000 (No. 22)

Education Act 1998 (No. 51)



**AN BILLE OIDEACHAIS (FEISTÍ DIGITEACHA I SCOILEANNA), 2018
EDUCATION (DIGITAL DEVICES IN SCHOOLS) BILL 2018**

Bill

entitled

An Act to regulate the use of digital devices in primary and secondary schools subject to the discretionary educational uses provided for in the Act and to put in place a code of behaviour on digital device usage implemented by the board of management and teachers by which student possession of digital devices will be prohibited during school hours for the purposes of reducing the harmful impact on academic performance and the social and emotional well-being of children. 5
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Be it enacted by the Oireachtas as follows:

PART 1

PRELIMINARY MATTERS

Short title and commencement

1. (1) This Act may be cited as the Education (Digital Devices in Schools) Act 2018. 15
(2) This Act shall come into operation on such day or days as, by order or orders made by the Minister under this section, may be fixed therefor either generally or with reference to any particular purpose or provision, and different days may be so fixed for different purposes and different provisions.

Interpretation

2. In this Act— 20
“Act of 1998” means the Education Act 1998;
“Act of 2000” means the Education (Welfare) Act 2000;
“board” means the board of management as defined under section 2(1) of the Act of 1998; 25
“child” means a person who has not reached the age of 16 years;
“code of behaviour” means code of behaviour on the use of digital devices;
“cyber bullying” refers to any harassment that occurs via a digital device;

“digital device” means a portable communication device including a smartphone, a mobile phone, tablet computer, smart watch and includes any other portable digital device with which a person is capable of making or receiving a call and/or performing an interactive communication function and/or is designed or adapted to be carried by a person and includes an internet enabled device;	5
“functions” includes powers and duties and references to the performance of functions and includes references to the exercise of the powers and the carrying out of the duties;	
“National Educational Welfare Board” has the same meaning as it has in Part II of the Act of 2000;	
“Minister” means Minister for Education and Skills;	10
“parent” includes father, mother, foster parent, a guardian appointed under the Guardianship of Children Acts 1964 to 1997, or other person acting <i>in loco parentis</i> who has a child in its care subject to any statutory power or order of a court and, in the case of a child who has been adopted under the Adoption Acts 1952 to 1998, or, where the child has been adopted outside the State, means the adopter or adopters or the surviving adopter;	15
“principal” means Principal as defined under section 23 of the Act of 1998, and includes any person (other than a person to whom that section applies), for the time being, performing the functions of principal, in relation to a recognised school, under that Act;	
“post primary school” provides post-primary or secondary education to its students and is a recognised school under section 10 of the Act of 1998;	20
“primary school” means an establishment which provides primary education to its students and which may also provide early childhood education and is a recognised school under section 10 of the Act of 1998;	
“school hours” means the hours of instruction during a school day and includes small breaks and lunch breaks;	25
“school premises” means any building in which instruction takes place and surrounding grounds including sports fields and recreational yards;	
“school term” means the period of school attendance that ceases at the commencement of standardised breaks provided for by the Department of Education and Skills, during mid-term breaks, Christmas holidays, Easter holidays and summer holidays;	30
“school week” means the period of time during a week when a school is open for the reception of students being Monday to Friday;	
“student”, in relation to a school, means a person enrolled at the school and in relation to a centre for education, means a person registered as a student in that centre;	35
“teacher” includes a Principal;	

Commencement

3. This Act comes into operation on such day or days as the Minister may appoint by order.

Establishment Day

4. The Minister shall, by order, appoint a day to be the establishment day for the purposes of this Act.

PART 2

CREATION OF CODE OF BEHAVIOUR ON DIGITAL DEVICES IN SCHOOLS

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Creation of code of behaviour on digital devices in schools

5. (1) The Minister in conjunction with the National Educational Welfare Board shall create a standardised code of behaviour on digital devices in schools (hereinafter “the code of behaviour”) which shall be advanced to the board.
- (2) The board after consultation with the principal of, the teachers teaching at, the parents of students registered at, and the educational welfare officer assigned functions in relation to, that school, shall implement the code of behaviour. 10
- (3) The principal of a school shall, before registering a child as a student at the school, provide the parents of such child with a copy of the code of behaviour in respect of the school. 15
- (4) The school shall, as a condition of so registering such child, require its parents to confirm in writing that the code of behaviour so provided is acceptable to them and that they shall make all reasonable efforts to ensure compliance with such code by the child.
- (5) The code of behaviour shall be in accordance with subsection (2) and subsection (3) of section 23 of the Act of 2000. 20

Code of behaviour on digital devices in primary schools

6. The code of behaviour in primary schools shall, in addition to any other protective standards identified and approved by the board regulating the use of digital devices in schools or ordered by the Minister, specify— 25
 - (a) digital devices in the possession of students while in the care of the school or on the school premises must be labelled with the student’s name, and
 - (b) surrendered at the commencement of each school day and returned at the conclusion of each school day,and a student will be deemed to have breached these standards where identified in possession of digital devices during school hours. 30

Code of behaviour on digital devices in post-primary schools

7. The code of behaviour in post-primary schools, in addition to any other protective standards identified and approved by the board regulating the use of digital devices in schools or ordered by the Minister, shall specify— 35
 - (a) digital devices in the possession of students while in the care of the school or on the school premises must remain switched off while on the school premises, and

- (b) students are prohibited from displaying and using digital devices during school hours,

and a student will be deemed to have breached these standards where identified in possession of a digital device during school hours.

Confiscation Powers 5

8. (1) Students who are found to have contravened *section 6* or *7* will have their digital device confiscated for the following periods:

- (a) a first offence will attract the confiscation of the device for the duration of the school day;

- (b) a second offence will attract the confiscation of the device for the duration of the school week and the device shall be retrieved by a parent from the school office; 10

- (c) a third offence will involve the confiscation of the device for the duration of the school term and the device shall then be retrieved by a parent from the school office.

(2) In situations outlined in *subsection (1)(b)* and *(c)* correspondence will issue from the school notifying the parent that the phone has been confiscated and that it can be collected by a parent at the school office. 15

Discretionary powers of board of management

9. Primary and post-primary students shall not be prevented from accessing digital devices in the following instances at the discretion of the Board where— 20

- (a) the use of the digital device serves an educational purpose sanctioned by the teacher and identified in the code of behaviour;

- (b) a parent has made a representation accepted by the Board that the digital device is necessary owing to either the health, safety or well-being of the child.

Prohibition on cyber bullying 25

10. The code of behaviour shall prohibit cyber bullying, harassment or intimidation and shall contain an internal discipline process for any behaviour fitting this criteria which shall be in accordance with subsections (2) and (3) of section 23 of the Act of 2000.

Provision of educational information

11. The code of behaviour shall require that the Board provide educational information from experts to pupils, parents and staff to endeavour to keep pupils and parents educated on the safe usage of internet enabled devices. 30

Reporting requirements on implementation of code of behaviour

- 12.** As soon as practicable after the end of the first and second year following the date of commencement of this Act, the Minister shall prepare a report on the implementation of this Act and shall cause copies of the report to be laid before each House of the Oireachtas.

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An Bille Oideachais (Feistí Digiteacha i
Scoileanna), 2018

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do rialáil úsáid feistí digiteacha i mbunscoileanna agus i meánscoileanna faoi réir na n-úsáidí lánroghnacha oideachais dá bhforáiltear san Acht agus do chur cód iompair ar bun maidir le feistí digiteacha a úsáid a bheidh le cur i ngníomh ag an mbord bainistíochta agus ag múinteoirí lena dtoirmiscfeadh feistí digiteacha a bheith i seilbh mac léinn le linn uaireanta scoile chun an tionchar dochrach ar fheidhmíocht acadúil agus ar dhea-bhail shóisialta agus mhothúcháinach leanaí a laghdú.

*Na Seanadóirí Gearóid Ó Creachmhaoil, Victor
Boyhan agus Billy Lawless a thíolaic,*

21 Meitheamh, 2018

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*Presented by Senators Gerard P. Craughwell, Victor
Boyhan and Billy Lawless,*

21st June, 2018

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2.
(Tel: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)
nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
52 ST. STEPHEN'S GREEN, DUBLIN 2.
(Tel: 01 - 6476834 or 1890 213434; Fax: 01 - 6476843)
or through any bookseller.

€1.27

ISBN 978-1-4468-6261-2



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