



---

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

---

*Meabhrán Mínitheach*  
*Explanatory Memorandum*

---





---

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

---

**FINANCIAL AND EXPLANATORY MEMORANDUM**

---

**Purpose of Bill**

The overall objective of the Bill is to provide a regulatory framework for the use of digital devices in schools, which is designed to ensure that digital devices are limited to use for educational purposes. The approach taken by the Bill is to strike a balance between respecting the learning benefits provided by digital devices and the negative effects of unsupervised use of digital technology in the classroom.

The requirement for a standardised approach to phone usage in classrooms arises in Ireland owing to the growing number of students owning and operating smartphones in a classroom setting. By the age of 12, nine out of ten Irish pupils will already have a smartphone, according to research carried out by the Education Research Centre (ERC) in 2014<sup>1</sup>. The increase in possession has also coincided with class disruption on an unprecedented scale in Irish classrooms. The ERC assessed 8,000 Irish primary pupils in 150 schools across Ireland. Among the findings made, it was concluded that pupils who did not have smart phones had higher reading and maths scores compared to their classmates who did.

Despite the growing habit of phone usage, there is no existing State regulation of mobile phone usage by pupils in primary and post-primary education. Consequently, phone regulation is left to the decision-making of the board of management. The lack of a consistent approach to phone usage is demonstrated by some second level schools in Ireland encouraging the use of mobile phones as a learning device, while others having policies containing outright bans on phones. The reality is that both approaches fall short on effectiveness and students tend to be quite capable of flouting these standards. A recent teachers' survey carried out Studyclix on 1000 secondary school teachers found that 60 per cent favoured a ban on mobile phones in schools<sup>2</sup>. A further 43 per cent of secondary school teachers also said that classroom discipline is worse than it was five years ago.

The conversation on the impact of phone usage on academic performance was further informed by the findings made by the Centre for Economic Performance at the London School of Economics, "Ill Communication: Technology, Distraction & Performance" by Louis-Philippe Beland and Richard Murphy in May 2015<sup>3</sup>. Their paper investigated the impact

---

1 O'Neill, B. & Dinh, T. (2014). Net Children Go Mobile: initial findings from Ireland. Dublin: Dublin Institute of Technology.

2 2018 Annual Teacher Survey, Studyclix. Accessed at: <https://www.studyclix.ie/Blog/Show/2018-annual-teacher-survey-heres-what-you-said>

3 Beland, L-P., Murphy, R. CEP Discussion Paper No 1350 "Ill Communication: Technology, Distraction and Student Performance", Centre for Economic Performance, the London School of Economics and Political Science ISSN 2042 2695

of schools banning mobile phones on student test scores. By surveying schools in four English cities regarding their mobile phone policies and combining it with administrative data, the investigation concluded that student performance in high stakes exams significantly increases post ban. Moreover, there are a number of studies, which suggest that the distraction of phones not only impacts academic performance but also social well-being.

As against this background, the Bill seeks to prohibit phone usage except in an educational context with a view of preserving the educational quality of digital education where sanctioned by the school and harnessing the attention of school children in a learning environment. There are a number of consequential effects attached to the Bill, not least better academic performance but a reduction in the likelihood of ancillary problems associated with smartphones, including cyber bullying and intimidation.

## **Provisions of the Bill**

### **PART 1**

#### **Preliminary and General**

##### ***Section 1: Definition***

*Section 1* sets out the title of the Bill which is Education (Digital Devices in Schools) Act 2018.

##### ***Section 2: Interpretation***

This section is a standard interpretation section which defines the primary terms used in the Bill. The definitions used for a number of terms are used interchangeably with the Education (Welfare) 2000 or as defined in the Education (Digital Devices in Schools) Act 2018. New definitions included are “cyber bullying” which 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 device with which a person is capable of making or receiving a call, or performing an interactive communication function, and is designed or adapted to be carried by a person and includes an internet enabled device.

##### ***Section 3: Commencement***

This is a standard provision which reflects that the Act comes into operation on such day or days as the Minister may appoint by order.

##### ***Section 4: Establishment Day***

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

### **PART II**

#### **Creation of Code of Behaviour on Digital Devices in Schools**

***Summary:*** Sections 5 to 12 set out the rule for the use of digital devices in primary and post primary schools.

##### ***Section 5: Creation of code of behaviour on digital devices in schools***

This section alters the existing position by which the board of management determines the code of behaviour for the school under the Education (Welfare) Act 2000. Instead, this section requires the Minister to issue a standardised code of behaviour on student use of digital devices

in primary and post-primary schools which contains the standards of behaviour proposed at section 6, 7 and 8 of the Act. This is a unique change in that normally the board of management decide on school rules and policies. Section 5 requires that the board of management implement the code of behaviour, in addition to any other protective standards the school deems necessary to reduce unauthorised access to digital devices, which allows an element of discretion on subsidiary considerations that may arise in a unique school setting, independent of the principle prohibiting phone usage.

*Section 5(3), (4) and (5)* also require that the school outline the policy on the use of digital devices so that both parents and students are on notice of the behavioural standards operating in the school. Subsection (6) acknowledges that the code of conduct will have to be compliant with subsection (2)(a), (b) and subsection (3) of section 23 of the Education (Welfare) Act 2000, which sets out the procedural requirements for codes of conduct introduced by the board of education.

#### ***Section 6: Code of behaviour on digital devices in primary schools***

This provision sets out the manner in which the code of conduct on digital devices will operate in primary schools. The proposed law requires digital devices in the possession of students to be labelled and handed in at the commencement of each school day and returned at the conclusion of each school day. This section further provides that students will be deemed to have breached the standards when identified in possession of a digital device during school hours. The “deeming” provision reduces the necessity for teachers to engage in an investigative exercise as to whether or not the student has in fact breached the provision which would result in less class time. The provisions are purposefully simplistic so as to avoid confusion or a lack of effectiveness.

#### ***Section 7: Code of behaviour on digital devices in post-primary schools***

This provision sets out the manner in which the code of conduct on digital devices will operate in post-primary schools. It acknowledges that prohibiting phones among second-level students who move from class to class is not possible by requiring students to surrender their phones. Rather, it places the onus on the student to conceal their phones and switch them off while on the school premises. As with section 6, the “deeming” provision reduces the necessity for teachers to engage in an investigative exercise as to whether or not the student has in fact breached the provision which would result in less class time. The provisions are purposefully simplistic so as to avoid confusion or a lack of effectiveness.

#### ***Section 8: Confiscation Powers***

This section sets out a three strikes approach to breaches of the prohibition on phone usage and is drawn from an evaluation of a number of secondary school policies in existence at present in Irish schools. It is accepted that section 8 is likely to see more application in a post-primary school context. A first offence will attract the confiscation of the device for the duration of the school day. The second offence will attract the confiscation of the device for the duration of the school week and will require a parent to retrieve the device from the school office. The third offence will involve the confiscation of the device for the duration of the school term and the device shall in that situation be retrieved by a parent from the school office. 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 them at the school office.

**Section 9: Discretionary powers of board of management**

This section reflects the accepted view that a digital education is a necessary tool in a learning environment. It provides a discretion to the board of management by which students will not be prevented from accessing digital devices where such use serves an educational purpose sanctioned by the teacher as defined in the code of behaviour or where a parent has made a representation accepted by the Board that the digital device is necessary owing to either the health, safety or wellbeing of the child. The latter exception reflects the view that certain children may for health reasons require the use of a mobile device or for other reasons related to their safety and/or wellbeing.

**Section 10: Prohibition on cyber bullying**

This section is self-explanatory and requires that schools have in place within the code of behaviour on digital devices in schools a prohibition on cyber bullying, harassment or intimidation and the code shall reflect an internal discipline process which is akin to the existing protocols in place for bullying and harassment within the school and as they apply to a non-virtual setting. This section acknowledges that the code of conduct will have to be compliant with subsection (2)(a), (b) and subsection (3) of section 23 of the Education (Welfare) Act 2000, which sets out the procedural requirements for codes of conduct introduced by the board of education.

**Section 11: Provision of educational information**

The code of behaviour will require the board of education to provide educational information from experts to pupils, parents and staff, to endeavour to keep pupils and parents educated on any risks associated with digital devices, tablets or internet enabled devices such as cyber bullying, social media security and content. This reflects the widely accepted view that in addition to the regulation of phone usage are the equally beneficial and positive effects of educating parents and children as to the risks connected with inappropriate phone usage.

**Section 12: Reporting requirements on implementation of code of behaviour**

This is a standard provision requiring the Minister shall prepare a report on the implementation of the Act and shall cause copies of the report to be laid before each House of the Oireachtas.

**Financial Implications**

It is envisaged that this Bill will not incur any significant costs to the exchequer.

*Senators Gerard Craughwell, Victor Boyhan, Billy Lawless  
Meitheamh, 2018.*