

# Ontario's rules on cellphone use and vaping in schools

April 30, 2024

On April 28, 2024, as part of its “back-to-basics” plan, the province revised [Policy/Program Memorandum 128](#) (PPM 128), which strengthens the Provincial Code of Conduct's restrictions on the use of personal mobile devices in schools. Further, it prohibits possession and use of vaping and smoking products. These changes are intended to take effect **September 1, 2024**.

## ***The Education Act***

Pursuant to subsection 301(1) of the [Education Act](#), “the Minister may establish a Code of Conduct governing the behaviour of all persons in schools” to promote responsible citizenship, safety, well-being, and a positive school environment.

Consequently, school boards **must** develop and revise their own local codes of conduct to be, at minimum, consistent with the updated Provincial Code of Conduct.

## **Personal mobile device use restricted**

According to PPM 128, “personal mobile device” refers to “any personal electronic device that can be used to communicate or to access the Internet, such as a cellphone, tablet, laptop or smartwatch.”

For students in kindergarten to grade 6, mobile devices must be stored out of view and powered off or set to silent mode during the *full school day*. The same prohibition applies to students in grades 7 to 12, except it is limited to *instructional time*. This appears to permit access to mobile devices between classes and during lunch.

However, as is the case with most rules, there are a limited set of exceptions. Use of mobile devices may be permitted 1) for educational purposes, as explicitly authorized by an educator, and/or 2) for health, medical, or special education needs.

## **Consequences for student non-compliance**

PPM 28 outlines that if an educator notices a mobile device that is not stored out of view, the student must immediately surrender the device. If the student fails to hand over their mobile device at the relevant time, they must be sent to the Principal's office. Principals may exercise discretion to address the non-compliance, including suspension, pursuant to PPM No. 145, *Progressive discipline and promoting positive student behaviour*.

Accordingly, to facilitate implementation of the above, PPM 128 advises that a school board's local policy **must** include:

- Clear expectations of responsibility for students, educators, principals and superintendents;
- Best practices for educators on classroom management and responsible use of technology;
- A requirement that an annual notification be sent to parents and students reminding them of the policy, its requirements, and consequences for non-compliance; and
- That the above be shared with all educators and principals.

## **Social media and vaping banned**

PPM 128 also touches on social media use and issues regarding vaping. It confirms that access to all social media platforms on school networks and school devices will be restricted, unless for educational purposes as directed by an educator.

Students caught in possession of vaping, tobacco, and/or related products must surrender the item(s) to the educator or administrator, and their parent(s) must be notified. Anyone smoking or vaping on school property is guilty of an offence pursuant to the [Smoke-Free Ontario Act, 2017](#). Likewise, selling and/or supplying related products to anyone under 19 years old constitutes an offence. In either case, a conviction may result in a fine.

## **School board's next steps: Develop local policy**

As noted previously, school boards must develop a local policy establishing how they will implement restrictions on student use of mobile devices and vaping. According to PPM 128, local codes of conduct should be reviewed *at least* once every three years. In developing and revising such policies, school boards should consult a variety of stakeholders.

BLG will continue to carefully monitor PPM 128 and other policies aimed at removing distractions from the classroom. John-Paul Alexandrowicz and Melissa Eldridge would be pleased to assist in developing compliant policies and/or in answering questions related to these new developments.

By

[John-Paul Alexandrowicz](#), [Melissa L. Eldridge](#), [Zoe Aranha](#), [Katrina Martin](#)

Expertise

## School Boards and Independent Schools

---

### **BLG | Canada's Law Firm**

As the largest, truly full-service Canadian law firm, Borden Ladner Gervais LLP (BLG) delivers practical legal advice for domestic and international clients across more practices and industries than any Canadian firm. With over 800 lawyers, intellectual property agents and other professionals, BLG serves the legal needs of businesses and institutions across Canada and beyond – from M&A and capital markets, to disputes, financing, and trademark & patent registration.

[blg.com](http://blg.com)

### **BLG Offices**

#### **Calgary**

Centennial Place, East Tower  
520 3rd Avenue S.W.  
Calgary, AB, Canada  
T2P 0R3

T 403.232.9500  
F 403.266.1395

#### **Ottawa**

World Exchange Plaza  
100 Queen Street  
Ottawa, ON, Canada  
K1P 1J9

T 613.237.5160  
F 613.230.8842

#### **Vancouver**

1200 Waterfront Centre  
200 Burrard Street  
Vancouver, BC, Canada  
V7X 1T2

T 604.687.5744  
F 604.687.1415

#### **Montréal**

1000 De La Gauchetière Street West  
Suite 900  
Montréal, QC, Canada  
H3B 5H4

T 514.954.2555  
F 514.879.9015

#### **Toronto**

Bay Adelaide Centre, East Tower  
22 Adelaide Street West  
Toronto, ON, Canada  
M5H 4E3

T 416.367.6000  
F 416.367.6749

The information contained herein is of a general nature and is not intended to constitute legal advice, a complete statement of the law, or an opinion on any subject. No one should act upon it or refrain from acting without a thorough examination of the law after the facts of a specific situation are considered. You are urged to consult your legal adviser in cases of specific questions or concerns. BLG does not warrant or guarantee the accuracy, currency or completeness of this publication. No part of this publication may be reproduced without prior written permission of Borden Ladner Gervais LLP. If this publication was sent to you by BLG and you do not wish to receive further publications from BLG, you may ask to remove your contact information from our mailing lists by emailing [unsubscribe@blg.com](mailto:unsubscribe@blg.com) or manage your subscription preferences at [blg.com/MyPreferences](http://blg.com/MyPreferences). If you feel you have received this message in error please contact [communications@blg.com](mailto:communications@blg.com). BLG's privacy policy for publications may be found at [blg.com/en/privacy](http://blg.com/en/privacy).

© 2026 Borden Ladner Gervais LLP. Borden Ladner Gervais LLP is an Ontario Limited Liability Partnership.