

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

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