

Public Comment Analysis

Date: February 24, 2015

Topic: Chancellor's Regulation A-413

Date of Panel Vote: February 25, 2015

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**Summary of Proposed Chancellor's Regulation A-413**

This is a new regulation. It establishes the Department of Education's ("DOE") policy regarding possession and use of: 1) cell phones; 2) laptops, tablets, iPads and other similar computing devices ("computing devices"); and 3) portable music and entertainment systems in schools. Possession of cell phones, computing devices, and portable music and entertainment systems is permitted in schools. Each school must establish a school-based policy regarding the use of such items on school property that is consistent with this Regulation. This Regulation supersedes and replaces Sections V(D), V(E), V(F) and Attachment A of Chancellor's Regulation A-412 dated 11/8/06.

**Summary of Issues Raised in Written and Oral Comments and Significant Alternatives  
Suggested**

1. A question was asked about whether a school is limited to storing cell phones only or whether a school may store all electronic items during the school day.
2. Questions were raised about whether schools will be held liable for lost, stolen or damaged electronic items.
3. A question was asked about whether the Regulation applies to all schools.
4. A question was about whether schools have to change their policies now to comply with the Regulation.
5. A question was asked about whether a school must change its Consolidated School and Youth Development Plan to incorporate the school's policy on cell phones and other electronic devices.
6. A question was asked about whether teachers can use electronic devices to record others.
7. A question was asked about how the Regulation applies to special needs students.
8. A question was asked about whether schools will be responsible for charging electronic devices.

9. Comments received were: a) principals have too much autonomy in deciding confiscation rules; b) the SLT should make the decision about a school's policy; c) portable music and entertainment systems should not be covered by the Regulation.

**Analysis of Issues Raised, Significant Alternatives Proposed, and Changes Made to the Proposal**

1. Schools are not limited to storing cell phones only. A school's policy may require that all electronic items be stored by the school during the school day.
2. Students are responsible for their own electronic devices when they are not stored by the school. Schools will investigate claims of theft or damage.
3. The Regulation applies to all schools.
4. The Regulation requires all schools to adopt a policy that is consistent with the Regulation by March 2, 2015.
5. The provisions of the Regulation regarding the Consolidated School and Youth Development Plan are effective in the 2015-2016 school year. Accordingly, schools do not need to revise their Consolidated School and Youth Development Plans for the current school year.
6. The Regulation does not cover the use of electronic items by staff.
7. The Regulation applies to all students, except where provisions of IEPs or Section 504 plans authorize the use of an electronic device that is otherwise prohibited by the Regulation.
8. The Regulation does not require schools to charge electronic devices.
- 9a. and 9b. The Regulation recognizes that each principal should be establishing a policy that works best for his/her school, and that there is no 'one size fits all' policy. For that reason, the Regulation, while requiring certain elements in all school policies, allows flexibility in establishing rules for a particular school. It is intended that principals will work with SLTs in determining the best policy for the school.
- 9c. Schools may prohibit the use of portable music and entertainments systems (and other electronic devices) at school if they do not want them to be used. Schools cannot, however, prohibit students from bringing such items to school.

For the reasons explained above, no changes are being incorporated, and the Chancellor will present the proposed Regulation to the Panel for Educational Policy as posted.

**Information Regarding Where the Full Text of the Proposed Item May Be Obtained**

The full text of the Regulation, can be found on the main page of the website of the Panel for Educational Policy: <http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2014-2015/February2015Regulations>