

## POLICY/PROGRAM MEMORANDUM 128<sup>1</sup>

Date of Issue: April 28, 2024

Effective: September 1, 2024

“This memorandum is to be understood in the context of other policies, particularly Policy/Program Memorandum (PPM) No. 119, Developing and implementing equity and inclusive education policies in Ontario schools, PPM No. 120, Reporting violent incidents to the Ministry of Education, PPM No. 144, Bullying prevention and intervention, and PPM No. 145, Progressive discipline and promoting positive student behaviour.”<sup>2</sup>

Standards of Acceptable Behaviour regarding respect, civility, and responsible citizenship

“[N]ot use personal mobile devices<sup>3</sup> during instructional time except under the following circumstances:<sup>4</sup> for educational purposes, as directed by an educator;<sup>5</sup> for health and medical purposes; and to support special education needs.”<sup>6</sup>

### Safety

All members of the school community must not:

- engage in bullying behaviours, including cyberbullying;<sup>7</sup>
- be in possession of alcohol, cannabis,<sup>8</sup> and illegal drugs
  - for students, this would also include being in possession of electronic cigarette,<sup>9</sup> tobacco and nicotine products;
- use, or be under the influence of alcohol, cannabis, tobacco, electronic cigarettes, illegal drugs or related products.<sup>10 11</sup>

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<sup>1</sup> Available at <https://www.ontario.ca/document/education-ontario-policy-and-program-direction/policyprogram-memorandum-128>.

<sup>2</sup> Policy/Program Memorandum No. 128, p.2.

<sup>3</sup> In this memorandum, *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.

<sup>4</sup> School boards have a duty under the Ontario *Human Rights Code* to provide appropriate accommodations to students and employees of the board, including educators. If a student or other person employed by the board requires the use of a personal mobile device as an accommodation under the *Human Rights Code*, school boards are obligated to allow such accommodation.

<sup>5</sup> In this memorandum, *educator* refers to teachers regulated under the *Ontario College of Teachers Act, 1996*, and early childhood educators regulated under the *Early Childhood Educators Act, 2007*.

<sup>6</sup> Policy/Program Memorandum No. 128, p.4.

<sup>7</sup> In this memorandum, *cyberbullying* refers to bullying by electronic means as defined in subsection 1(1.0.0.2) of the *Education Act*.

<sup>8</sup> Individuals may possess, use and be under the influence of cannabis if they have been authorized for medical purposes.

<sup>9</sup> <https://www.ontario.ca/laws/statute/17s26>

<sup>10</sup> <https://www.ontario.ca/laws/statute/17s26>

<sup>11</sup> Policy/Program Memorandum No. 128, p.4.

## Procedures for School Board Codes of Conduct and Related Policies

- ensure these procedures [Standards of the Provincial Code of Conduct] distinguish between staff, students and other members of the school community:
  - PPM 145 addresses how unacceptable student behaviour is to be addressed by boards;
- ensure that each step in addressing identified unacceptable behaviour be noted in a documentary record.
  - Boards must follow direction in the Provincial Model for a Local Police/School Board Protocol, 2015 and PPM 145 Progressive Discipline and promoting positive student behaviour when reporting and documenting a violent incident involving a student, as defined in PPM 120.<sup>12</sup>

## Enforcement Relating to Alcohol, Tobacco, Electronic Cigarettes, Recreational Cannabis and Related Products and Illegal Drugs

Boards must also follow the direction in Provincial Model for a Local Police/School Board Protocol<sup>13</sup> regarding mandatory and discretionary notification of incidents to the police. School board codes of conduct must also remind the school community that:

- The [Smoke-Free Ontario Act, 2017](#) prohibits smoking (tobacco and cannabis) and the use of electronic cigarettes (vaping) at schools, on school grounds, and all public areas within 20 metres of these grounds. Anyone smoking or vaping on school property is guilty of an offence and if convicted may result in a fine under the Smoke-Free Ontario Act, 2017.
  - The Smoke-Free Ontario Act, 2017 also prohibits the sale and supply of tobacco or e-cigarettes to anyone under 19 years of age. Anyone who sells or supplies tobacco or an e-cigarette to a student under 19 years of age is guilty of an offence and if convicted may result in a fine under the Smoke-Free Ontario Act, 2017.<sup>14</sup>

## School Board Policy on Enforcement of Restrictions to Student Personal Mobile Device Use

School boards must develop a local policy setting out how they will enforce the restrictions on student use of personal mobile devices at school. The policy must comply with the board's obligations under the Education Act and other relevant provincial policy and legislation. The policy must, at minimum, align with the following direction provided in this memorandum:

- All members of the school community must not use personal mobile devices<sup>15</sup> during instructional time except under the following circumstances:
  - for educational purposes, as directed by an educator,<sup>16</sup>

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<sup>12</sup> Policy/Program Memorandum No. 128, p.6.

<sup>13</sup> Provincial Model for a Local Police/School Board Protocol, 2015, p. 12-13.

<sup>14</sup> Policy/Program Memorandum No. 128, p.7-8.

<sup>15</sup> In this memorandum, *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.

<sup>16</sup> School boards have a duty under the Ontario *Human Rights Code* to provide appropriate accommodations to students and employees of the board, including educators. If a student or other person employed by the board requires the use of a personal mobile device as an accommodation under the *Human Rights Code*, school boards are obligated to allow such accommodation.

- for health and medical purposes, and
- to support special education needs.<sup>17</sup>

At minimum the local policy must require that for grades 7 to 12 students' personal mobile devices are stored out of view and powered off or set to silent mode during instructional time, except when their use is explicitly permitted by the educator under the circumstances outlined above.

- If the educator sees a personal mobile device that is not stored out of view, they must require the device be handed in for the instructional period and the device must be placed, by the student, in a storage area in a location in the classroom designated by the educator.

For students in grade 6 and below, at minimum the local policy must require that students' personal mobile devices are stored out of view and powered off or set to silent mode through out the full instructional day, except when their use is explicitly permitted by the educator under the circumstances outlined above.

- If an educator sees a personal mobile device that is not stored out of view, they must require the device be handed in for the instructional day and the device must be placed, by the student, in a storage area in a location designated by the principal.

The student is responsible for their personal mobile device, how they use it and the consequences of not following the school board's policy on personal mobile device use.

If the student does not hand in their personal mobile device when required, they must be sent to the Principal's office. Principals have discretion under PPM No. 145, Progressive discipline and promoting positive student behaviour, to consider a range of responses to address this behaviour including suspension.<sup>18 19</sup>

## Development and Revision of School Board Code of Conduct and Related Policies and Procedures

In developing and reviewing these policies, boards must seek input from: students, teachers, principals, other staff of the board, volunteers working in the schools, parents of the students, school councils, and the public.<sup>20</sup>

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<sup>17</sup> Policy/Program Memorandum No. 128, p.8.

<sup>18</sup> "The purpose of responding to incidents that can have a negative impact on school climate (i.e., inappropriate and disrespectful behaviour) is to stop and correct it immediately so that the students involved can learn that it is unacceptable. "Behaviour that is not addressed becomes accepted behaviour." <https://www.ontario.ca/document/education-ontario-policy-and-program-direction/policyprogram-memorandum-145>.

<sup>19</sup> Policy/Program Memorandum No. 128, p.9.

<sup>20</sup> Policy/Program Memorandum No. 128, p.10.