Regulatory Impact Statement: Policy Approval for Regulating the use of Cellphones in School (100-Day Proposal)

Coversheet

Purpose of Document	
Decision sought:	Final Cabinet Decisions
Advising agencies:	Ministry of Education
Proposing Ministers:	Hon Erica Stanford, Minister for Education
Date finalised:	6 December 2023

Problem Definition

There is some evidence that cellphone use in schools is a distraction and can negatively affect learning outcomes and student wellbeing. Schools are currently able to implement rules about student cellphone use, however, not all schools do this under the status quo. Requiring schools to have a policy that cellphones are Away for the Day could improve learner outcomes for all students.

Executive Summary

Cellphone use in schools is growing and can contribute to distraction and negatively affect student achievement and wellbeing. Some schools have already restricted cellphone use, to varying degrees, and have reported positive impacts to learner outcomes. However, because not all schools have cellphone policies, only certain students are accessing the benefits.

We considered four options in implementing this policy:

1. Maintaining the status-quo and leaving it up to school Boards to make policy related to cellphones.
2. Issuing guidelines recommending that schools have a policy for cellphone use but still leave it up to the school boards.
3. Setting out a requirement that schools have a cellphone policy in regulations under s638, leaving school boards to implement and enforce the policy.
4. Amending the Education and Training Act 2020 to set out a generalised policy on cellphones in schools.

Our preferred option is Option Three, this option best meets the governments' objective of instituting a cellphone policy in schools, within the scope and timeframe provided. It would be a clear policy that guides consistency in school practice, with potential positive impacts for student engagement and achievement. The flexibility in this approach still allows schools to make practical arrangements to best suit their communities.

There may be a burden for some schools who will need to implement this policy within their current resources. There is a risk of sector push-back as schools may struggle or be reluctant to enforce the policy. We only have anecdotal evidence about what the key stakeholders think about the proposal. Overall, it seems that schools are supportive about

the principle of the Away for the Day policy and are more concerned about the practical arrangements, which they will make in consultation with their communities.

Limitations and Constraints on Analysis

There were numerous constraints on our analysis for this policy:

- There has been limited opportunity for engagement with the sector to inform advice.
- The tight timeframe for preparing advice means there may be areas of our analysis which may have been strengthened through the quality assurance process.
- The evidence we are relying upon to inform our advice regarding the current state of cellphone use in schools is largely anecdotal and so may not capture the experiences of the sector as a whole, or that of different population groups.
- We have anecdotal information about how many schools have a cellphone policy in place already, and the subset of schools which we do have data from may not be representative of all schools.
- Options analysis was conducted in line with the direction of the Minister and government.
- The benefits experienced overseas may not reflect the experience within the New Zealand context, and the evidence on a whole has been marginal in its strength.

Responsible Manager(s) (completed by relevant manager)

Clare Old

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Te Pou Kaupapahere

Ministry of Education

6 December 2023

Quality Assurance

Reviewing Agency:	Ministry of Education
Panel Assessment & Comment:	The requirement for quality assurance of RISs has been suspended for 100 Day Action Plan proposals. However, the Ministry of Education notes that, while the statement has not been formally quality assured, it has been peer reviewed. That review considered the statement to have, within the time available, clearly identified the costs and benefits of each option, including the preferred option, possible stakeholder views, and implementation issues. The limitations of the evidence and constraints on analysis are also clearly identified.

Section 1: Diagnosing the policy problem

What is the context behind the policy problem and how is the status quo expected to develop?

1. The use and ownership of smartphones by school aged children and young people has expanded rapidly since the first smartphone was released in 2007. Students are owning cellphones at an increasingly young age. A New Zealand study indicated that 25% of Year 4 students have their own mobile phones, while the rate increases to 68% for Year 7 children, and 98% for Year 13 students. These students are able to and do bring and use their cellphones during school time unless there is a cellphone use policy in place.

School boards can already restrict cell phone use

2. Each school operates as a largely self-managing Crown entity with its own school Board being responsible for governance functions.

3. To date, school boards have been left to draft their own policies (or rules) on issues such as the student use of cell phones so long as they are within the regulatory settings as outlined below. Section 126 of the Act allows a board to make bylaws that the board thinks are "necessary or desirable for the control and management of the school" – this can include restricting cellphone use.

4. Before making a bylaw, the board must consult with its staff, its students and the school community.

Many schools currently have restrictions on cellphone use, and have reported positive outcomes

5. We do not know for sure how many schools have policies on cellphone use. From public information available on school websites and initial enquiries to the regions, we know that the schools that have restrictions include:
    a. 52 schools in the Te Tai Runga (Southern) area
    b. 12 schools in the Te Tai Whenua (Central) area
    c. 17 schools in the Te Tai Raro (Northern) area

    We note that these figures only represent a small proportion of total schools (2,500).

6. Schools that have a policy report it has positive impacts including better engagement for learning, better social engagement, and fewer instances of bullying during break times. There are logistical challenges for schools that have implemented a policy (i.e., how to store the cell phones).

Schools can also make rules around the enforcement of restrictions

7. Schools may require students to surrender property including cell phones if a teacher or authorised staff member has reasonable grounds to believe a student has an item that will "detrimentally affect the learning environment" (section 106(1)(b)). Rules can be made on the surrender and retention of property under section 113. If a student refuses to comply with the rules, a school can undertake usual disciplinary actions which could range from detention or contacting parents up to stand-down or suspension at the more extreme end.

What is the policy problem or opportunity?

Cellphone use can contribute to distraction and affect academic performance and student wellbeing

1. In New Zealand there is anecdotal evidence that cellphone use by students while at school causes distraction during class time. This has led to several schools restricting cellphone use to varying degrees, with some reporting better student engagement.

2. There is also anecdotal evidence in New Zealand that cyberbullying is increasing in schools, as reported by leaders and teachers. It is possible that some students experience cyber-bullying through their phones during school hours.

3. A UNESCO report[1] found that cellphones were contributing to negative outcomes for students:
    a. The use of social media in the classroom is disruptive and has negative impacts on learning outcomes.
    b. The mere presence of a mobile device was found to distract students and have a negative impact on learning across 14 countries.
    c. The use of technology is associated with negative impacts on physical and mental well-being and increased susceptibility to online risks and harms, which affect academic performance in the long term.

4. Other studies also show cellphone use by students has a direct link to poor achievement. A longitudinal study involving students in 91 UK high schools in 2015 found that there was an improvement in student performance in schools that banned mobile phones[2]. A Spanish study also found the ban of mobile phones showed positive and significant effects on academic test scores and noticeable reductions of bullying incidence[3].

But we expect that many students are still able to use their cellphones during school

5. While we know that many students do go to schools where cellphone use is restricted, this is not consistent across the country. We know that not all schools have cellphone policies and the nature of these vary from school to school. This means that some students will be experiencing the negative outcomes associated with cellphones.

6. We have no evidence to suggest whether cellphone use disproportionately impacts different population groups under the status quo.

7. There is an opportunity to extend the benefits for learning outcomes from not being distracted by cellphones to more students, by limiting their use in schools.

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[1] World Economic Forum UNESCO "Technology in education: a tool on whose terms" (2023) p 4, available at unesdoc.unesco.org/ark:/48223/pf0000385723/PDF/385723eng.pdf.multi

[2] Beland, L & Murphy, R 2015, Ill communication: Technology, distraction and student performance, CEP discussion paper no. 1350, Centre for Economic Performance, London, Microsoft Word - Mobile Phones May2015v6 (lse.ac.uk).

[3] Pilar Beneito & Óscar Vicente-Chirivella, 2022. "Banning mobile phones in schools: evidence from regional-level policies in Spain," Applied Economic Analysis, Emerald Group Publishing Limited, vol. 30(90), pages 153-175, January.

What objectives are sought in relation to the policy problem?

8. The ultimate objective sought is improved student engagement and achievement. To achieve this, our objectives are to:
    a. ensure that students are not using their cellphones during school hours; and
    b. ensure that cell phones are still able to be used when there is a genuine need; and
    c. ensure greater consistency in the approach between schools regarding students' access to cellphones.

Section 2: Deciding upon an option to address the policy problem

What criteria will be used to compare options to the status quo?

9. The options will be assessed against the following criteria

Improves teaching and learning through restricting student use of cell phones	The option enhances teaching and learning, and effectively addresses the impacts of cell phone use on student engagement and achievement
Equity	The option has equitable impacts on learners and schools, or any differences in treatment are justified. Equity considerations will also consider how options align with the Government's obligations to Māori under Te Tiriti o Waitangi.
Ease of implementation	The option can be implemented practicably and effectively by schools, with low administration and compliance burdens. The implementation process of the option for the Ministry is also considered.

What scope will options be considered within?

10. The Minister of Education has directed that work on a policy for cell phone use be carried out as part of implementing the Government's 100 Day Action Plan. On this basis, we assess the proposed options against the status quo position of full school discretion on the regulation of cell phones in schools.

11. Additionally, we analyse the option of issuing non-binding guidance on cell phone use to schools, rather than a mandatory requirement that schools have a policy that cellphones are Away for the Day. This option does not meet Government expectations, which was to require schools to have a policy. It is considered in this RIA to assess the differences between regulatory and non-regulatory options.

What options are being considered?

12. We analyse three potential options for instituting a policy on cell phone use in schools against the status quo. These options are mutually exclusive approaches.

Option One – *Status Quo*

8. School Boards of Trustees hold discretion to make policy related to the use of cell phones. Boards make decisions based on their assessment of their local context and the pros and cons of restrictions. Boards have no clear guidance around the Ministry or Government position related to this issue and may have a lack of access to evidence about the effects of cell phone use. There is variability of approaches across schools and inconsistency in impact on student engagement and achievement.

Option Two – Issue guidelines, with schools able to make rules

9. The Ministry releases guidelines for schools on the use of cell phones in school. This guidance does not place any regulatory obligation on schools but could recommend that they have a policy on cell phone use. As such, it would in effect be operating as a (voluntary) guide to best practice, which could be backed with training and professional development.

Effect

10. This option uses the Ministry's influencing role over schools, rather than a regulatory mechanism to require schools to change policy. It lacks the enforceability of other options, so will be less effective at driving change in school and student behaviour and will likely have less impact on teaching and learning, and consequently student achievement and engagement. It does not meet the Government's expectations to institute a policy on cell phone use. The effects of the guidance will be variable, and concentrated on students and teachers in schools which are already interested in implementing a policy for cell phones.

11. Issuing guidelines would have the effect of setting out a clear Ministry/ Government position on student use of cell phones. This would be better than the status quo, where schools operate without a clear Ministry position.

Option Three – a policy on cell phone use in schools is set out in regulations under s638 (preferred)

12. Under this option, regulations would be made under the Education and Training Act to require schools to have a policy that cellphones are Away for the Day. School boards retain the responsibility for overseeing the implementation of the policy and its enforcement. Boards would have to make rules to fit the policy to their school context, in keeping with their current responsibilities for the control and management of the school under s126 of the Education and Training Act 2020.

Effect

13. This option would require schools to institute a policy on student cell phone use, which meets the Government expectation, and may support improved student engagement and achievement. We would expect high levels of school compliance with the regulation, given its legal standing and monitoring measures, however there would likely be some variance in application which would need to be assessed.

14. This option provides flexibility to allow school boards to implement the policy in ways that are most appropriate for their particular context. This will allow schools to cater to the needs of different groups of students, such as disabled students.

15. There is anecdotal evidence that parents and whānau may be opposed to a mandatory Away for the Day policy for cellphones. We understand there is concern from some parents who want their children to have access to their phone if there is an emergency. Some schools have indicated that they will need support in implementing it because students and their families and whānau may not be supportive.

Option Four – A mandated policy on cell phones set out in the Education and Training Act 2020

16. The Government amends the Education and Training Act 2020 to set out a generalised policy on the use of cell phones in schools. School boards hold limited discretion on the practical implementation of the policy, depending on the level of prescription placed within the legislation.

Effect

17. This option would require schools to institute a policy on student cell phone use, which meets the Government expectation, and will bring about the desired ongoing change to improve student engagement and achievement. This option has the strongest impact on school practices. Schools are required to implement the policy on cell phone use as set out in the Act.

18. This option lacks the flexibility of Option 3, with less scope for school boards to contextualise their rules for the needs of different students and groups. This is likely to be most important for specific populations of students, e.g., disabled students and teen parents. The lack of autonomy for schools also has implications for the Crown's relationship with Māori, including kura kaupapa Māori and Māori medium education.

19. This option may face even stronger student, whānau and community opposition than other less prescriptive options.

How do the options compare to the status quo/counterfactual?

	Option One – *Status Quo*	Option Two – Guidelines, but no regulation	Option 3 – Regulations under s638, with schools given responsibility for practical application rules	Option 4 – Policy legislated through amendment to Education and Training Act 2020
Improves teaching and learning through restricting student use of cell phones	0 High variability in current practice means that some schools put in place more restrictive policies with good teaching and learning outcomes, while others do not	+ Provides steer on Ministry/ Government position on restrictions on student use of cell phones in school, which can be used by schools to justify and shape conversations and policy. This is likely to lead to better informed policies around cell phone use, which will support improvements in teaching and learning, student engagement and achievement However, guidelines hold no regulatory impact, and will only impact on schools to the extent that they are already prepared to consider rules around cell phone use	++ Schools are held to a set Ministry/ Government position around restricting student use of cell phones in schools. Cell phone use policy is more consistent across schools, can be driven by best practice evidence about the impacts of cell phone use on teaching and learning and can be monitored by ERO.	++ Schools are held to a set Ministry/ Government position around restricting student use of cell phones in schools. Cell phone use policy is consistent across schools, can be driven by best practice evidence about the impacts of cell phone use on teaching and learning and can be monitored by ERO.
Equity	0 High variability in practice between schools creates inequities in learner experiences	+ Provides steer on Ministry/ Government position on the use of cell phones in school, which is likely to decrease variability in practice between schools, as schools adapt to guidance. However, there is no guarantee that change will occur equitably. Some learners and schools will likely be slower to change, or unwilling to do so, without a clear obligation. No major impacts on Crown obligations to Māori under te Tiriti o Waitangi. Decentralised approach allows kura kaupapa Māori and Māori medium kura to have autonomy on decisions about cell phone use in kura	++ Setting an Away for the Day policy for cell phone use within regulations will decrease the variability of school approaches to cell phone use. Allowing school boards of trustees continued flexibility to determine appropriate internal policies related to the implementation of the policy, including exemptions, acknowledges that schools have best understanding of the needs of learners within their communities, and can be trusted to make decisions that will ensure it affects students equitably. Allowing schools and kura flexibility to determine how best to implement the policy also accords with supporting Māori autonomy in the education sector, supporting a partnership approach to meet the Crown's obligations under te Tiriti o Waitangi.	- This option is the strongest for decreasing the variability of school approaches to cell phone use. However, this has the potential to fail to account for equity needs, as discretion related to exemptions from an Away for the Day policy for cellphones for specific circumstances would need to be carefully considered as part of the legislative design. Lack of consideration of equity needs through e.g., exemptions would be most likely to disproportionately affect particular groups e.g., disabled students, teen parents. Consultation on the equity needs of ākonga Māori, kura kaupapa Māori and Māori medium education is necessary to ensure that a legislative policy meets Crown obligations to equitable treatment under Article 3 of te Tiriti o Waitangi. A legislative policy, unless agreed to by the kura kaupapa Māori and Māori medium sector also does not accord with the Crown's partnership obligations under te Tiriti o Waitangi
Implementation	0 The status quo requires nothing from schools	- Very low implementation cost to developing and publishing non-binding guidelines.	- - Would place significant implementation burden on schools. Schools would need to make and implement rules related to the operation of the policy, including when and where the policy	- - Most resource intensive option for Ministry to implement. Legislative process would be slower and more difficult than other options. Implementation of a legislative Away for the

		Implementation impact on schools is determined by schools, who have the responsibility for assessing the balance of feasibility and effectiveness of measures	should apply, e.g. at activities off school property, rules for enforcement of the policy, rules for storage of cell phones, exemptions for legitimate use There is anecdotal evidence that some schools would face substantial opposition to an Away for the Day policy for cellphones from whānau and communities, as whānau want students to be contactable due to safety concerns. This would need to be addressed by schools as part of implementation	Day policy for cellphones without schools having to make individual rules may reduce some initial regulatory burden on schools. However, the schools would still have a high implementation load in managing processes for the policy. Additionally, schools' lack of autonomy to make rules flexible to their individual circumstances may result in greater compliance challenges once the policy is in place. There is anecdotal evidence that some schools would face substantial opposition to a policy restricting cellphone use from whānau and communities, as whānau want students to be contactable due to safety concerns. This would need to be addressed by schools as part of implementation
Overall assessment	0 Does not meet Ministerial direction to institute a policy on student cell phone use in schools. School policies continue to be variable, with negative effects on student engagement and achievement.	+ Provides steer on Ministry/ Government position on the use of cell phones in school, which will encourage some schools to institute cell phone use policies. However, guidelines hold no regulatory impact, and will only impact on schools to the extent that they are already prepared to consider rules around cell phone use. Impact on student engagement and achievement will be variable. This does not meet Ministerial commissioning.	++ Institutes a clear policy on student cell phone use in schools, meeting Ministerial direction. A clear Away for the Day policy for cellphones will guide consistency in school practice, with positive effects for student engagement and achievement. Flexibility of setting the policy in regulations, while allowing school boards the power to make rules related to the implementation of the policy will allow schools to develop rules which best fit their particular school context and the needs of students.	+ Institutes a clear policy on student cell phone use in schools. Will require schools to implement the policy in the way that the Government desires, with clear consistency. Will bring about improvements in student engagement and achievement. However, this option lacks flexibility and takes autonomy in application of the policy away from schools in large degree. This may lead to adverse outcomes, if particular needs of schools, school communities and students are not carefully considered in the drafting of the policy.

Key:

++	much better than doing nothing/the status quo/counterfactual
+	better than doing nothing/the status quo/counterfactual
0	about the same as doing nothing/the status quo/counterfactual
-	worse than doing nothing/the status quo/counterfactual
- -	much worse than doing nothing/the status quo/counterfactual

What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

13. Our preferred option is Option Three – require a policy on cell phones through regulations, empowered by s 638 of the Education and Training Act 2020, while allowing schools' Boards of Trustees the autonomy to make rules related to the implementation of the policy in their school context. This in keeping with their delegated responsibilities under s 126 of the Education and Training Act.

14. Option Three meets the Government's objective of instituting a policy on student cell phone use in schools. It will have positive impacts on teaching and learning through increased student engagement and achievement.

15. Option Three holds the best balance between prescription and flexibility for schools. It provides strong guidance around what is expected of school policies around student cell phone use, while also recognising that the policy will need to be applied differentially and that school boards have the best understanding of their context and the needs of students related to cell phones. Allowing schools to make rules around when and where the policy should apply, e.g., at activities off school property, the processes for storage of cell phones, the exemptions to the policy for those students who need access to a cell phone is appropriate and in keeping with the existing roles for school boards for making rules related to the management and control of their school.

What are the marginal costs and benefits of the option?

Affected groups *(identify)*	**Comment** *nature of cost or benefit (eg, ongoing, one-off), evidence and assumption (eg, compliance rates), risks.*	**Impact** *$m present value where appropriate, for monetised impacts; high, medium or low for non-monetised impacts.*	**Evidence Certainty** *High, medium, or low, and explain reasoning in comment column.*
Additional costs of the preferred option compared to taking no action			
Regulated groups			
Students	Inability to continue using cell phones for the activities which they previously used them for at school, unless given an exemption	Medium; ongoing	High
Teachers/ School staff	Compliance burden in enforcing the policy (e.g., staff time, potentially some investment in ways to store cellphones)	High; ongoing, but decreasing as the policy becomes normalised	Medium-high; it is an assumption that the enforcement burden will reduce over time
Regulators			
Ministry of Education	Work to progress regulations	Low; time-limited	High
Education Review Office	Include monitoring of the cell phone policy in regular inspection processes	Medium; ongoing	High
Others e.g., wider govt, consumers etc			
Whānau and communities	There is anecdotal evidence that parents and whānau may be opposed to a mandatory policy. We understand there is concern from some parents who want their	Variable; some parents value this as high impact.	Medium; we do not have clear evidence of the scale of parental concerns about the policy or how they may be mitigated by school application of rules.

	children to have access to their phone if there is an emergency.		
Total monetised costs	-	-	-
Non-monetised costs		Medium	Medium; the policy is a significant all-of-system change, which will require adjustment from schools, students and whanau. Schools' implementation processes, including student and community consultation, will likely affect the non-monetary costs of adjustment
Additional benefits of the preferred option compared to taking no action			
Regulated groups			
Students	The cell phone policy will lead to long term improvements in student engagement and achievement. The policy will reduce the incidence of cyberbullying and digital harm	Medium; student engagement and achievement at school have positive lifelong impacts for students.	Medium; there is some evidence showing the positive impacts that cell phone restrictions in school can have for students.[4]
Teachers/ Schools	Cell phone use can improve student engagement, minimise	High; minimising classroom disruption and classroom	Medium; there is some evidence showing the positive impacts that

[4] As discussed earlier within the RIA.
See especially:
World Economic Forum UNESCO "Technology in education: a tool on whose terms" (2023) p 4, available at unesdoc.unesco.org/ark:/48223/pf0000385723/PDF/385723eng.pdf.multi
Beland, L & Murphy, R 2015, Ill communication: Technology, distraction and student performance, CEP discussion paper no. 1350, Centre for Economic Performance, London, Microsoft Word - Mobile Phones May2015v6 (lse.ac.uk).
Pilar Beneito & Óscar Vicente-Chirivella, 2022. "Banning mobile phones in schools: evidence from regional-level policies in Spain," Applied Economic Analysis, Emerald Group Publishing Limited, vol. 30(90), pages 153-175, January.

	classroom disruption and time taken for teacher classroom management.	management time allows teachers to focus on instruction and reduces teacher stress.	cell phone use restrictions in school can have for teaching and learning.
Regulators			
Ministry of Education	Institution of the Away for the Day cell phone policy will lead to consistency of school policies, in keeping with best practice evidence.	-	-
Education Review Office	-	-	-
Others (eg, wider govt, consumers, etc.)			
Whānau and communities	Whānau receive indirect benefit from improved student engagement and achievement, and also from decreased cyberbullying and digital harm impacts on students.	High; improved educational health and mental and emotional health for students will have major long-term benefits for whānau health.	High; clear link between benefits for students and benefits for wider whānau.
Total monetised benefits	-		
Non-monetised benefits		High; the benefits of the policy for increased student engagement and achievement and improved student mental and emotional health are substantial and apply for students, teachers and schools, whānau and wider communities.	Medium; there is some international evidence and limited anecdotal local evidence regarding the effectiveness of cellphone bans.

Section 3: Delivering an option

How will the new arrangements be implemented?

16. It is proposed that the regulations requiring schools to make rules on an Away for the Day cellphone policy will come into force by 29 April 2024 (the start of Term 2). This means schools will need to consult with their communities and make practical arrangements and policies to implement the policy during Term 1.

17. The Ministry of Education will develop guidance and engage with schools through existing mechanisms. Webinars may provide a helpful pathway for communicating exemplars for schools to follow. The table below shows a high-level timeline of specific milestones between now and the implementation of the policy.

Milestone	Timeframe
Report back to Cabinet with final regulations	18 December 2023
Schools design rules	Between 18 December - 29 April 2024
Schools must have implemented a policy by this date	Term 2 29 April 2024

18. We know that many schools already have policies regarding cellphone use in place, so in general expect that there will not be major barriers to them complying with the regulations.

Practical arrangements within schools

19. The proposal is for schools to be able to decide how to implement and enforce the policy. This means they can use their usual disciplinary regime. These could range from confiscating phones at one end, to stand-down or suspension at the most extreme end.

20. Alongside engaging with schools to support the implementation of the policy, the Ministry of Education will provide:
    - guidance on the policy and sample school policies as exemplars to support consultation process;
    - guidance and support on how to develop and implement cellphone policy to ensure improve engagement and achievement;
    - resources to support embedding the policy within the school environment.

21. Some students may argue that the policy violated their rights to protection from unreasonable search and seizure under the New Zealand Bill of Rights Act 1990. The Ministry already provides guidelines to assist schools on the surrender and retention of property (including cellphones) and searches.[5] Also, the policy for cell phones to be off and away all day in schools engages the right to freedom of expression affirmed in section 14 of the New Zealand Bill of Rights Act 1990. However, we consider that the

[5] Ministry of Education "Surrender and retention of property and searches – guidelines" (January 2014) Surrender and retention of property and searches - guidelines – Education in New Zealand

limit on freedom of expression is reasonable and proportionate in service of the policy objective of improved student engagement and achievement.

There is a risk of some pushback from the school sector

22. Some schools expressed concerns regarding the workload on staff in administering a policy. They may see the added workload in enforcing the policy as being disproportionate to the current problem posed by students being distracted by their phones. The Ministry recommends that schools draw on the experiences of other schools as examples for how to implement the policy efficiently.

23. Usually, we recommend engagement with the sector, students and whānau to test that the proposed approach is workable and getting support for the policy. However, the timeframes outlined above do not allow time for engagement. There is some risk that by not consulting or engaging with the sector on the regulations, we do not have the opportunity to test their workability in practice, or to build buy-in from the sector. Enabling schools to design the practical implementation of the policy that best suits their schools and communities may mitigate some of this risk.

24. Given the above, some schools may be reluctant to enforce the policy, despite it being mandatory. The Ministry would provide support and guidance to any non-compliant schools.

25. ERO can help to hold schools to account through on the ground monitoring. This may include:
    a. Ensuring schools are aware of the new requirements;
    b. Discussing their plans to implement the new requirements
    c. Identifying any barriers to implementation;
    d. Ensuring that schools have a plan to assure their board of their compliance with the new requirements monitoring compliance with the teaching requirement through its monitoring and evaluation reviews.

26. ERO will require schools to attest compliance through the Board Assurance Statement completed as part of ERO reviews. This could include providing some evidence of their approach to implementing the Away for the Day policy for cell phones. The Ministry also has intervention mechanisms that it can use under section 171 of the Act (e.g., a requirement by the Secretary for a board to prepare and carry out an action plan).

Risks to effectiveness

27. Another potential risk to the policy having its desired effect is the limited scope to only include cellphones, and not other devices such as smartwatches. It is possible that students may still be distracted by these other devices, reducing the effectiveness of the policy. Moreover, other jurisdictions such as France and New South Wales have extended the ban to include other devices. Teachers would still be able to intervene if students are being distracted by other means, including other devices, in the absence of a mandatory policy. Schools retain the ability to include these devices in their policy if they choose.

How will the new arrangements be monitored, evaluated, and reviewed?

28. The Education Review Office (ERO) will monitor the implementation and operation of the new arrangements (as described in the previous section). At an aggregate level, ERO's monitoring will provide insights into school practices and experiences with the policy change. The Ministry will work with ERO to see what additional opportunities there are to evaluate the effectiveness of the change.

29. The Treasury have advised that for all 100-Day Plan proposals, a post-implementation assessment will be required one year after the enactment.