NEA NATIONAL EDUCATION ASSOCIATION | Health and Safety PROGRAM

Collective Bargaining and Labor-Management Engagement to Support Student Personal Device Restrictions

As educators grapple with student personal devices in schools, affiliates can aid local unions in navigating this health and safety issue. Affiliates should be familiar with union and district procedures, constraints, timelines, and possible departments involved when addressing policy. This can reduce misunderstandings and confusion and keep policy development and adoption on track.

Enforce Current Contract Language

If your collective bargaining agreement, employee handbook, or school board policy already has language that speaks to student use of personal devices, student use of technology, and/or student discipline, consider filing a grievance if the contract language is being violated or organize for action if the policy is not being enforced.

Bargain Collectively

Union members can negotiate with districts regarding all aspects of this important issue.

Sample Language to Consider: *The parties acknowledge and concur that, although personal devices used by students can have educational benefits, these digital tools have been used in negative ways that lead to problems, such as disruptions in school environments and bullying.*

As such, the parties agree that during the school day, students shall not use personal devices, including cellphones. The Union and District further agree that exceptions to limiting student personal device use include student medical needs, family emergencies, disability status, and/or language proficiency needs.

If your local is statutorily prohibited from engaging in collective bargaining, you can initiate meet-and-confer dialogue or union/district discussions relating to limiting student use of personal devices.

Create a Student Device Use Joint Labor-Management Committee

A joint labor-management committee that includes critical interest holders—educators, district administration, families, and students—is a great way to start the conversation as you develop guidance and policy on limiting student personal device use during the school day.

Sample Language to Consider: *The parties agree to create a student personal device joint labor-management committee. The above-mentioned joint committee will include three (3) union representatives selected by the Union, three (3) district representatives, three (3) family members who serve as caregivers, and three (3) students. Bargaining unit members serving on this joint committee will be compensated in time or money, at the employee's preference, for any meeting and*

committee work done outside of the workday. The purpose of this joint committee will be to create letters of agreement for union and district approval on topics including, but not limited to:

- *Exceptions to limiting student use of personal devices*
- *Clear options for storage of student personal devices*
- *A plan that outlines progressive discipline for student violations*
- *Plans to communicate with students and families about the policy, including guidelines during the school day and during emergencies.*
- *Periodic reviews of the district-wide implementation of the limiting student device process*
- *Procedures for out-of-school time activities*

Sample Language to Consider: *The Union and District agree that input from the school community in developing, reviewing, and revising policies on student personal device use strengthens the process and outcomes. Toward these ends, families, students, educators, and the Union shall be given meaningful opportunities to identify needs, goals, and policy content, and the policy shall be a subject of collective bargaining (where bargaining takes place) or other labor-management collaborative decision-making (where bargaining does not take place).*

Sample Language to Consider: *The parties agree that the Union and District will jointly create plans regarding the communication of students and families during the school day and in instances of emergencies. The parties will operationally define "emergencies."*

Implement Progressive Student Discipline

In instances when the policy is violated by students, districts should provide clear guidance on a restorative progressive disciplinary process that does not hinder student development and growth.

Sample Language to Consider: *The Union and District agree that students who are in noncompliance with the policy will experience a progressive disciplinary process. The progressive disciplinary process will be nondiscriminatory; will not include the justice system, suspension, or exclusion from school activities; and will be restorative in practice. The parties further agree that district and school building administrators shall be solely responsible for applying the aforementioned progressive disciplinary measures. Educators shall not be disciplined in any part of the limiting student personal device use process.*