



CAIP

Sub-fund Spring Meeting

# *Implementing the New Law on Internet-Enabled Devices*

Presenter: David Nash, Esq.  
National Outreach Director, LEGAL ONE / FEA

Tuesday, May 12, 2026



# ***NJSIG Executive Report***

**Joe Semptimphelter**

NJSIG

Senior Business Development Specialist

[jsemptimphelter@njsig.org](mailto:jsemptimphelter@njsig.org)



## *Introducing: NJSIG's Safety Spotlight*



- Announced in April's SafetyNet newsletter
- Highlighting members safety achievements
- Members will be able to submit their achievements to [riskcontrol@njsig.org](mailto:riskcontrol@njsig.org)



# ***CHUBB In-Person Training***

**Boiler Controls & Safety Devices  
Water Treatment for Low Pressure  
Heating Systems**

**Tuesday, July 21, 2026**

**9:00 AM - 4:00 PM**

**CHUBB Risk Engineering Center**

**35 Columbia Road**

**Branchburg, NJ 08876**

**3 CEFM credits**

**Register by: Saturday, July 18, 2026 9:00 AM**

Reach out to [riskcontrol@njsig.org](mailto:riskcontrol@njsig.org) with any questions



# *NJSIG Value Added Services*



**Online Defensive  
Driving Training**



**Vector Solutions  
Online Training**



**Safety  
Committees**



**Trend  
Analysis**





# Pre-QSAC Inspections



- **Three (3)** Pre-QSAC inspections
- **No cost** to member districts with **property coverage**
- In partnership with H&S Inspection Company identify potential issues in advance of the NJQSAC review
- Inspection checklist closely aligns with what NJDOE assesses
- To schedule your inspections, please contact [riskcontrol@njsig.org](mailto:riskcontrol@njsig.org)



# 2026 NJASBO CONFERENCE



## Claims Gone Wild: Aches & Fakes — and the Skill Set for Calming WC Chaos

**Thursday, June 4th  
2:00 PM & 3:15 PM**

### Presenters:

- Sherwin Archibald, Claims Manager
- Denise Hall, Claims Supervisor
- Joanna Radomicki, Sr. Member Services/Loss Control Rep
- Michele McCann, BA, Kingwood Township BOE

Xcitium Inc.

Phishing Campaign  
SAFE Cybersecurity Awareness Program  
External Vulnerability Assessment (EVA)

Presenter: Alex Leonard





**NJPSAFE**

— LEGAL ONE —

*Law, Ethics and Governance for All Leaders, including an  
Overview of New and Emerging Issues*

# Implementing The New Law on Internet- Enabled Devices

**May 12, 2026**

**David Nash, Esq.,**

*Director of Legal Education of National Outreach*

# DISCLAIMER

This presentation is intended as a summary of law only and is not meant as legal advice. Please consult your attorney to obtain legal advice.



Participants are authorized to use the LEGAL ONE materials provided in this training to offer turnkey training within the respective participant's school district or place of employment, provided that participants provide proper credit to LEGAL ONE for having developed said materials and further provided that such turnkey training is offered at no charge.

# Presentation Materials

Today's document(s) can be accessed at

<https://tinyurl.com/LO-CAIP-260512>



This folder can be accessed for **30 days** from the session date.

***Please download all files before the link expires.***

# Today's Topics

- Overview of Law and NJDOE Guidance
- Exceptions
- Foreseeable Legal Issues
- Emergency Scenarios
- Q & A
- Operations Support Leadership Academy
- LEGAL ONE On-the-Run

# OVERVIEW OF LAW/GUIDANCE ON INTERNET-ENABLED DEVICES

# Limiting Internet Enabled Devices

- NJDOE [webpage](#) addressing cell phone use
- New law – [P.L.2025, c.195](#)
  - Beyond cell phones – e.g. smart watches, smart glasses
  - Every school district must adopt a board policy consistent with [NJDOE guidance](#) regarding student access to and use of internet enabled devices
  - Prohibits students from having devices “bell to bell” – from start to end of the school day
  - Permits more stringent policies that extend to other times (e.g. on bus, during after school activities)
  - Allows for limited exceptions

# Device Storage Options

- **Locked Pouch System:** Upon entry to school, devices are placed into secure pouches which allow students to carry their personal devices but prevent their use. At the end of the day, staff use a specific magnetic device to unlock each pouch and allow students to retrieve their devices.
- **School Locker or Bin System:** Upon entry to school, school staff collect and store devices in assigned lockers or bins. Students retrieve their devices at the end of the day when the staff unlock the storage unit.
- **In-Class Storage Stations:** Each classroom is equipped with a teacher-managed system where students are expected to store their devices for the entire school day and retrieve them at dismissal. These storage stations may be locked or unlocked and include options such as numbered pockets/shelves, caddies, or lockers.
  - Note: This option may be an effective storage solution for younger students who remain in the same classroom for the majority of the day and/or for schools who decide that it is most beneficial to store devices during a homeroom period.
- **Student Storage:** Each student who brings a personal internet-enabled device to school is expected to turn off the device and store it in their backpack, locker or other bag throughout the entire school day.

# Overall Implementation Considerations

- Clearly outline purpose and rationale
- Explain what is prohibited and accommodations
- Stress strong research that supports value of policy to promote focus, safety and social connection
- Policy must address whether or not student use is permitted on school bus and at school-sanctioned events
- Consider “soft roll out” during Spring of 2026 to work through implementation issues

# Exceptions

- To fulfill accommodations provided in a student's individualized education program (IEP);
- To support the implementation of a 504 Plan;
- To implement a student health plan established to monitor or address a student's health condition (upon submission by a parent or guardian of documentation from a healthcare professional indicating that the use of an internet-enabled device is necessary for the health or well-being of the student);
- For translation services;
- For a student caregiver who is routinely responsible for the care or well-being of a family member;
- When no reasonable alternative to the use of the internet-enabled device for a specific purpose exists (upon authorization by the chief school administrator, principal, or designee) ;
- When required by law; and
- In the event of an emergency.

# Emergency Communications

- School safety plans must include thoughtful integration of personal mobile device procedures during emergencies or perceived threats. While limiting cell phone use during the school day supports academic focus, policies must account for the realities of crises in a manner that supports school-wide safety plans and coordinated emergency response.
- District policies should clarify expectations for internet-enabled device use in the event of an emergency, such as a school lockdown, evacuation, or natural disaster. While students may seek to access personal devices during emergencies, unregulated use can interfere with emergency communications, contribute to misinformation, and disrupt coordinated safety protocols.
- School leaders should train staff to recognize that emergency scenarios may trigger strong student impulses to communicate with family or access information, and to respond in a supportive, safety-informed manner

# FORESEEABLE LEGAL ISSUES

# Foreseeable Issues

- Lack of Notice/Due Process
- Mental Health Impact
- Excessive Parent Contact with School
- Inconsistent Enforcement
- Ill-Advised Consequences
- Damaged, Lost, Stolen Devices
- Bad Faith Exception Claims
- Students Going Beyond Exceptions
- FERPA/Privacy Issues
- Search and Seizure Issues
- Other Technology- Related Legal Issues
- Emergency Response Issues

# School Law Central

- April 2026 Issue (Issue 15) Focus on the new Internet-Enabled Device Law
  - Article 1 – [Navigating the New “Bell to Bell” Ban](#)
  - Article 2 – [How to Address and Provided Disability and Health Related Exceptions](#)
  - Article 3 – [Planning for Emergency Communications](#)

# National Research On Impact

- April 2026 Study, [THE EFFECTS OF SCHOOL PHONE BANS: NATIONAL EVIDENCE FROM LOCKABLE POUCHES](#)
- Study by Duke University, University of Michigan, University of Pennsylvania, Stanford University
- Focused on schools using one method to ban student access during day - lockable pouches

# National Research – Key Findings

- Pouch adoption substantially reduces phone use as measured by GPS pings and teacher reports.
- In the first year after adoption, disciplinary incidents increase and student subjective well-being falls, consistent with short-term disruption.
- Effects on well-being become positive in later years and disciplinary effects fade.
- For academic achievement, average effects on test scores are consistently close to zero.
  - High schools see modest positive effects, particularly in math, while middle schools see small negative effects.
- Little evidence of effects on school attendance, self-reported classroom attention, or perceived online bullying

# Lack of Input/Notice/Due Process

- Critical to engage students and parents in policy development process
- Ensure student, parent and staff handbooks are updated
- Communicate expectations and consequences for violations clearly and consistently
- Always provide student with opportunity to give their side of the story before imposing disciplinary consequences

# Ill-Advised Consequences

- If out-of-school suspensions imposed, undermines goal of limiting student access to internet enabled devices
- Consider continuum of options, promoting goal of increasing student engagement and collaboration with families

# Mental Health Impact

- Period of “withdrawal” may occur, with stress/anxiety and other mental health impacts for students
- Need to be prepared to offer counseling
- Stress/anxiety may result for parents/guardians AND for staff who are required to enforce policy
- Long-term benefits following period of transition

# Excessive Parent Contact w/School

- Desire to contact student through main office for non-emergent reasons
- Students unnecessarily missing instructional time for non-emergent messages
- Distraction for staff from other critical tasks

# Inconsistent Enforcement

- Potential allegations of favoritism or discrimination based on selective enforcement
- Cyberbullying, cheating, distracted behavior, etc. occur in school, resulting in preventable harm
- Potential for disciplinary action for staff involved in inconsistent enforcement and/or for school leaders
- Where policies are extended to include time on bus and before/after school activities, inability to effectively monitor/enforce

# Damaged, Lost, Stolen Devices

- Potential liability for school districts for failure to safely store devices
- Potential disputes with insurance carriers
- Potential discipline for particular staff members and/or school leaders

# Bad Faith Exception Claims

- Attempt to have health exemptions without required medical documentation
- Medical documentation provided based on inaccurate or incomplete information provided by parent/guardian to medical provider
- False claims of responsibility as a caregiver

# Students Going Beyond Exceptions

- Student has device for legitimate reasons based on an approved exception, but then chooses to use it for other purposes – texting/messaging with others, cyberbullying, etc.

# FERPA/Privacy Issues

- Key Question - Who has a legitimate educational interest in receiving information about a student?
- Where exceptions are granted for particular students to have access to an internet enabled device, there will be no need for most staff members to know the reason for the exception
- Sharing such information broadly will violate privacy rights under FERPA, other laws

# Searching Electronic Devices

- What special considerations come into play when dealing with electronic devices?
- What constitutes reasonable suspicion justifying a search of an electronic device?
- Who should conduct the search if one occurs?
- What happens if a student refuses to cooperate?
- Has the district provided written notice to students and staff that district issued devices are subject to search and there is no expectation of privacy?

# Fourth Amendment Issues

- T.L.O. – Established legal standard for when a school official may conduct a search
  - Reasonable suspicion that a student has violated a district policy and that area being searched is reasonable
  - Search must be reasonable at initiation and in its scope
  - Supreme Court has established a heightened expectation of privacy for search of personal electronic devices

# Case Law – U.S. Supreme Court

**Riley v. California 134 S. Ct. 2473 (2014)- Law enforcement may not search a cell phone without a warrant, absent exigent circumstances**

**RATIONALE:** *Cell phone searches are like searching a house years ago.*

The "smart phones" that exist today were not conceived of at the time of Chimel. Cell phones can store a large quantity of text, pictures, videos and information, that can date back many years.

The scope of privacy interests are further complicated by the fact that the data on many modern cell phones may be stored on a remote server. Today, searching a cell phone is akin to searching a person's home.

It is permissible to search the physical phone itself or its casing, as that may be used as or could conceal a weapon. However, the "data" on the phone cannot endanger an officer.

# EMERGENCY RESPONSE

# III-Advised Emergency Protocols

- Danger in policy being too vague, simply allowing student access during “emergency” situations
- Students contacting parents/guardians in emergency situations being directed/advised to do things that undermine safety of the child and/or others
- Students ignoring safety protocols to try and get to their electronic devices (e.g., leaving classroom and try to run to their locker)
- Online Communications Overload, Reducing Bandwidth  
- Law Enforcement Response Hindered
- Reunification Plans being undermined

# Lessons from Past Incidents

- Sandy Hook
  - Reduced bandwidth availability hindered law enforcement communications
- Uvalde, Texas
  - Family members showed up at school armed and wanting to enter the school
  - Family members encountered many obstacles to locating their loved ones, getting access to the hospital, and getting information from leadership, law enforcement, and hospital staff in a timely manner. This includes initial information posted by UCISD on the reunification site followed by a series of contradictory posts between UPD and UCISD on reunification. This added to the confusion, pain, and frustration.

# Key Questions - Emergency Exceptions

- Is the student in the company of a school staff member during the emergency?
- Does the student reasonably believe that no one else has yet reported the incident?
- How would student use of an internet enabled device increase or reduce the overall danger of the situation for that student? For others?
- Has the district provided clear direction and training on use of electronic devices during emergency situations?
- What other options are available to address parental concerns?

# WHAT WOULD YOU DO???

# Two Devices?

District A requires all students to place their personal electronic devices in pouches as they enter the school. The principal receives a tip from a student that another student is using his cell phone to take inappropriate photographs in the locker room. The student is called to the principal's office and says to the principal "You saw me put my phone in the pouch this morning. Check it. It's still there."

What do you do?

# Beyond the Exception

Jeremy is diabetic and has an individual health plans that authorizes the use of an internet enabled device to monitor his glucose levels. A teacher witnesses Jeremy using his device while walking in the hall heading to the cafeteria. Jeremy is asked by a teacher on hall duty what he is doing. He replies “It’s OK. I am just telling mom I’m ok. She was worried I might eat a soft pretzel at lunch. I promised I won’t. But it’s ok - mom gave the principal a note from a doctor, remember?”

# Lack of Enforcement

Mr. Stressed is assigned lunch duty. He isn't happy about it! He fears that many students will try and get away with using their internet enabled devices. Sure enough, in the first lunch period of the year, he sees three different students with unauthorized devices out. Each time he tells them "I better not see that again." He then directs the students to "put them away immediately" and that if he sees them again they will face serious consequences. Later that day, one of the three students Mr. Stressed had warned is found to have used his device to post hurtful comments on social media about a classmate.

# QUESTIONS???

# NEW LEGAL ONE INITIATIVES

# OSLA Overview

- Designed to address the needs of supervisors responsible for overseeing core aspects of district operations, including buildings and grounds, custodial services, food services, transportation, communications, and technology.
- These supervisors are often responsible for overseeing staff members coming from other industries/work environments.
- For More Information - <https://tinyurl.com/LO-OSLA>

# Session Dates

- September 17 - 9 am - 3 pm In-Person at NJPSA/FEA
- October 29 - 1 pm - 3 pm via Zoom
- November 19 - 1 pm - 3 pm via Zoom
- December 17 - 1 pm - 3 pm via Zoom
- January 21 - 9 am - 2 pm In-Person at NJPSA/FEA

# LEGAL ONE *ON-THE-RUN*

# LEGAL ONE On-the-Run Overview

- Coming Soon! Perfect for time-pressed school principals and other administrators working to train their staff on key legal issues
- Short videos reviewing legal requirements (each video is 5 to 15 minutes) along with: a companion guide for instructors that includes:
  - key takeaways,
  - suggested discussion questions,
  - recommendations for how to use the information in school districts moving forward,
  - an optional online assessment,
  - options for more in-depth learning that incorporates free LEGAL ONE resources such as our LEGAL ONE Podcast and LEGAL ONE Monthly articles, and
  - suggested action plans for using the materials over one class or multiple sessions.
- For More Information – <https://tinyurl.com/njpsafealoor>

# Conclusion

- Thank you for choosing professional development with LEGAL ONE!
- Visit our website for more courses that can support your work at <http://www.njpsa.org/legalonenj/>
- Participants are authorized to use the LEGAL ONE materials provided in this training to offer turnkey training within the respective participant's school district or place of employment, provided that participants provide proper credit to LEGAL ONE for having developed said materials and further provided that such turnkey training is offered at no charge.
- If you have any questions about this presentation or suggestions for future seminars, please send an email to [legalone@njpsa.org](mailto:legalone@njpsa.org)

# Certificate & Evaluation

Today's professional development certificate is available to save/download at the end of a **brief** evaluation.

<https://www.surveymonkey.com/r/LO-CAIP-260512>



***Please take a few minutes to let us know what you thought of the session!***



*Thank you*

