



POLICY ANALYSIS · AUGUST 2026

Phone-Free Schools in New Jersey K-12 Public Education

A Policy Analysis of New Jersey P.L.2025, c.195, Its Implementation Framework, the Federal Legal Context, the Unfunded Mandate Question, and the Evidence on Student Device Restrictions

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Contents

I. Executive Summary	5
Key Findings.....	7
2. Introduction, Scope, and Method	9
2.1 Method and sourcing	9
2.2 The evidence tiers	10
2.3 Limitations and materials not obtained.....	11
3. What the Law Requires	12
3.1 Statutory architecture and definitions	12
3.2 The Commissioner's guidelines and the bell-to-bell floor	13
3.3 The nine exception pathways.....	14
3.4 Local policy, storage discretion, and the more stringent option.....	15
3.5 Timeline, and the relationship between the statute and the guidance.....	15
4. How It Was Enacted.....	17
4.1 Origins: the commission and the national predicate.....	17
4.2 The legislative path.....	17
4.3 The December 8, 2025 floor amendments.....	18
4.4 Sponsorship, consensus, and the consultation requirement.....	18
5. Federal Legal Context.....	20
5.1 The direct answer: this is not federal law	20
5.2 The pending federal bill.....	20
5.3 Federal law as constraint: four areas	21
(A) DISABILITY ACCOMMODATION: IDEA, SECTION 504, AND ADA TITLE II	21
(B) SEARCH AND SEIZURE: CONFISCATING A DEVICE VERSUS SEARCHING ITS CONTENTS	22
(C) SPEECH AND DISCIPLINE: THE TINKER LINE THROUGH MAHANOEY.....	23
(D) DUE PROCESS AND CIVIL RIGHTS MONITORING.....	23
5.4 The litigation landscape	23
6. Fiscal Analysis and the Unfunded Mandate Question	25
6.1 The appropriation and the grant program	25
6.2 The absent fiscal estimate	26

6.3 The FY2027 outcome: the appropriation was not continued.....	26
6.4 The State Mandate, State Pay framework.....	27
6.5 The argument that c.195 imposes an unfunded mandate.....	29
6.6 The argument that it does not	29
6.7 The comparative fiscal picture and a New Jersey projection	30
6.8 The levy cap context.....	31
6.9 The question, posed	32
7. The Evidence Base	33
7.1 Methodological note: what has, and has not, been evaluated.....	33
7.2 Academic achievement	33
7.3 Mental health and wellbeing.....	34
7.4 Behavior, bullying, and school climate	36
7.5 Enforcement burden and staff time.....	36
7.6 Socialization	37
7.7 The safety dispute	37
8. Impact Analysis by Affected Party	39
8.1 Students generally.....	39
8.2 Students with disabilities and students with health conditions.....	39
8.3 Students from low-income and smartphone-dependent households	40
8.4 English learners and students in immigrant families	40
8.5 Student caregivers and students who work.....	41
8.6 Teachers and instructional staff.....	41
8.7 Support staff, school counselors, and administrators	42
8.8 District boards of education and business administrators.....	42
8.9 Parents and families, including working parents	43
8.10 Taxpayers and the property tax base	43
9. Institutional Design and Labor Analysis	44
9.1 Where the law places duties	44
9.2 Negotiability under the Employer-Employee Relations Act	44
9.3 The invisible cost problem.....	45
9.4 Property, custody, and liability	46
9.5 The prospective posture, stated plainly	46
10. Implementation Risks and Watch Items	47
II. Conclusion	49

References.....	51
Scholarly, data, and press sources	51
Legal authorities	56
CONSTITUTIONAL PROVISIONS	56
FEDERAL STATUTES AND PUBLIC LAWS	56
NEW JERSEY STATUTES, SESSION LAWS, AND REGULATIONS.....	57
OTHER STATE STATUTES AND ENACTED BILLS	57
BILLS	57
LEGISLATIVE STATEMENTS.....	58
CASES	58
COUNCIL ON LOCAL MANDATES DECISIONS AND RECORDS	58
SECONDARY LEGAL SOURCES.....	59
About This Report.....	60

I. Executive Summary

This report analyzes New Jersey P.L.2025, c.195, the state law, approved January 8, 2026 and codified at N.J.S.A. 18A:36-40a and 18A:36-40b, that requires every New Jersey board of education, including the boards of trustees of charter schools and renaissance school projects, to adopt a policy restricting student use of personal internet-enabled devices, aligned to guidelines issued by the Commissioner of Education, beginning with the 2026-2027 school year. The report explains what the statute commands, how it was enacted, how it sits within federal law, what it costs and who pays, and what the best available evidence shows about the effects of school device restrictions. Because Agard Research Associates Inc. (ARA) is nonpartisan, every impact claim in this report is labeled by evidentiary strength using a three-tier scheme, Documented, Contested, or Projected, described in Section 2. Claims that cannot be substantiated are presented as projections or open questions, not as findings.

The law is a mandate on local boards, not a self-executing statewide ban. The statute directs the Commissioner to issue guidelines and directs each board of education to adopt a local policy consistent with those guidelines. The guidelines must, among other minimums, prohibit non-academic use of an internet-enabled device on school grounds during the school day, the scope commonly called bell to bell, while preserving nine exception pathways, including accommodations under an Individualized Education Program (IEP), a Section 504 plan, or a student health plan, use in emergencies or perceived threats, principal-authorized necessary purposes, prescribed medical care, translation services, case-by-case approval for student caregivers, and uses otherwise required by law. Districts retain discretion over storage and enforcement, and they may adopt policies more stringent than the guidelines. The Department of Education first published guidance in September 2025, before enactment, and released updated guidance aligned to the statute on January 15, 2026. The updated guidance describes storage options that range from locked pouches and school-managed lockers to student-managed storage such as backpacks, a range that matters for the fiscal analysis in Section 6.

This is not federal law, and there is no federal phone-free schools mandate applicable to state public school systems. Education is a power reserved to the states, and the General Education Provisions Act bars federal direction or control over curriculum, instruction, and school administration. The pending federal bill, the Focus on Learning Act (S. 404 and H.R. 1275, 119th Congress), would direct a Surgeon General study and a voluntary storage-container grant pilot; it has not advanced since its February 2025

introduction. The one enacted federal restriction identified applies only to schools that the federal government itself operates on military installations. Federal law nonetheless matters as a constraint on implementation in four areas: disability accommodation, search and seizure, student speech and discipline, and procedural due process together with civil rights monitoring. No federal constitutional challenge to any statewide ban was located; parent challenges to district-level bans have been brought in state court and failed under deferential review.

The fiscal picture is small relative to the system the law covers, and the funding lasted a single fiscal year. The Fiscal Year 2026 Appropriations Act included a \$3.0 million Phone-Free Schools Grants line. A first round awarded approximately \$980,000 to 86 local education agencies, including 15 charter schools, restricted to grades 6-12 and to districts committing to bell-to-bell policies, with Newark Public Schools receiving the largest award at \$176,625.08. No Office of Legislative Services fiscal estimate exists for the bill: the Legislature's own bill record states that the bill was not certified for a fiscal note, and the bill was never referred to an appropriations committee in either chamber, the neutral procedural explanation for the absence. The appropriation was not continued: the Fiscal Year 2027 Appropriations Act, P.L.2026, c.27, signed June 30, 2026, carries no Phone-Free Schools Grants line, and the roughly \$2.1 million unspent as of April 1, 2026 was not carried forward. The mandate therefore takes effect in September 2026 in a fiscal year in which the State appropriates nothing for its implementation, even though the Legislature restored ten other Department of Education grant lines the Governor had proposed to cut, eight of them below their FY2026 levels. Whether the statute constitutes an unconstitutional unfunded mandate under N.J. Const. art. VIII, § 2, ¶ 5 is an open, adjudicable question: Section 6 states the governing standards on both sides and reaches no conclusion.

On the evidence, the central methodological fact is that no published evaluation of a United States statewide bell-to-bell ban exists. Every causal estimate available is foreign or predates the current policy wave. The strongest pro-restriction achievement finding, from English secondary schools, shows post-ban test score gains of about 6.4 percent of a standard deviation, concentrated among the lowest-achieving students. The most cited recent quasi-experimental study, from Norway, finds gains for girls, largest for girls from low socioeconomic backgrounds, declines in bullying for both genders, and no detected effects for boys. The most rigorous null result, from the United Kingdom, finds no difference in wellbeing, sleep, or attainment between restrictive and permissive schools. The single most policy-relevant cost finding is that schools spend roughly 100 staff hours per week managing student phone use under restrictive and

permissive policies alike, labor that appears in no fiscal note in any state examined. The safety dispute, whether phones help or hinder students in emergencies, is empirically unresolved, and this report says so.

Finally, the enactment itself is a finding. The bill passed the Senate 35-0, passed the Assembly 63-3 with 5 abstentions, and cleared Senate concurrence 37-0, with prime sponsors from both parties. The New Jersey Education Association supported the law and secured amendments to it. The politics of this statute are consensual; the open questions are institutional: who absorbs the work, who pays for the storage, how the exceptions are administered, and whether the funding architecture survives contact with the constitutional rule that the State must pay for what the State mandates.

Key Findings

Enacted and binding, effective 2026-2027. P.L.2025, c.195 (N.J.S.A. 18A:36-40a and -40b), approved January 8, 2026, requires each board of education, charter school board, and renaissance school project board to adopt a policy on student use of internet-enabled devices, aligned to Commissioner guidelines, first applying in the 2026-2027 school year. The guidelines must prohibit non-academic use on school grounds during the school day and must preserve nine exception pathways. Boards may adopt more stringent policies. (Documented)

A mandate to adopt policy, not a uniform state ban. The statute allocates the rule-writing to the Commissioner, the policy adoption to the governing boards of the state's more than 650 local education agencies, charter and renaissance boards among them, and the enforcement to building staff. Storage method, discipline design, and stringency above the floor remain local choices. (Documented)

No federal mandate exists. No federal statute requires or prohibits phone-free schools in state systems; the pending federal bill is a study and voluntary grant pilot that has not moved. Federal law operates instead as a constraint through the IDEA, Section 504, and the ADA, the Fourth Amendment school-search doctrine, the student speech cases, and due process and civil rights requirements. (Documented)

The fiscal instrument was small, discretionary, and is now gone. \$3.0 million was appropriated for FY2026; about \$980,000 was awarded in round one to 86 grantees for grades 6-12; no legislative fiscal estimate was ever produced for the bill; and the enacted FY2027 Appropriations Act carries no appropriation for the program, with unspent balances not carried forward. Whether c.195 is an unfunded mandate on boards of education is an open question committed exclusively to the Council on Local

Mandates, and this report states the governing standards without predicting the answer. (Documented as to the record; the mandate question is open)

The evidence is genuinely mixed, and the largest measured cost is staff time. Achievement effects are positive in some quasi-experimental studies and null in others, with gains, where found, concentrated among disadvantaged students (Contested). Mental health effects are contested at every level of the literature. The best-measured implementation cost, roughly 100 staff hours per week per secondary school under either policy type, appears in no official fiscal estimate in any state reviewed (Documented for England; Projected for New Jersey).

2. Introduction, Scope, and Method

On January 8, 2026, in one of the final acts of his administration, Governor Philip D. Murphy signed Senate Bill No. 3695 into law as P.L.2025, chapter 195. Beginning with the 2026-2027 school year, every New Jersey public school student's smartphone, tablet, and smartwatch becomes the subject of a mandatory local board policy, aligned to state guidelines, that prohibits non-academic use on school grounds from the opening bell to the dismissal bell. The law arrived on a wave: by the summer of 2026, national trackers counted 30 states with bell-to-bell requirements and at least 39 states plus the District of Columbia requiring districts to ban or restrict student phone use in some form, though, as Section 7 explains, published counts differ because trackers count different instruments.

Public discussion of laws like this one is dominated by claims about student outcomes: that bans will restore attention and test scores, or that they will strand a diabetic child without her glucose monitor and a frightened parent without a lifeline. Those claims matter and this report evaluates them. But ARA's analytical contribution is a different lens, the one this organization brings to every statute it studies: institutional design and the conditions of work. Where does the law place duties, costs, and discretion? Who absorbs the burden of implementation? What does the official fiscal record count, and what does it leave out? Section 9 develops that analysis; it is a lens applied to the evidence, not a thesis assumed in advance.

The report proceeds in ten further parts. Section 3 sets out what the law requires. Section 4 traces how it was enacted, including the December 2025 floor amendments that changed the bill's character. Section 5 answers the federal question directly and maps federal law as a constraint. Section 6 analyzes the money and states, without resolving, the unfunded mandate question. Section 7 reviews the evidence base under an explicit tiering scheme. Section 8 assesses impacts for ten affected parties. Section 9 presents the institutional design and labor analysis. Section 10 lists concrete, falsifiable indicators to watch in the 2026-2027 school year, and Section 11 concludes.

2.1 Method and sourcing

The statutory analysis rests on the official text of P.L.2025, c.195, read in the Third Reprint of Senate Bill No. 3695, whose superscript annotations record which amendments were adopted at each stage, together

with the Senate Education Committee statement of December 5, 2024 and the statement accompanying the Assembly floor amendments of December 8, 2025. The implementation analysis rests on the Department of Education's own publications: the 2025 guidance document, the October 1, 2025 grant announcement and Letter of Agreement, the December 18, 2025 award release and grantee list, the January 15, 2026 updated guidance release, and the January 28, 2026 broadcast to local education agency leads. The fiscal analysis rests on the Office of Legislative Services (OLS) Budget Analysis of the Department of Education for FY2026-FY2027, which reproduces the FY2026 appropriations line and language, and on the Legislature's bill record. The federal analysis rests on the United States Code, the official texts of the cited bills, the text of Public Law 119-75, and decisions of the United States Supreme Court and other courts. The unfunded mandate analysis rests on the constitutional text, the Local Mandates Act, and the published decisions and case records of the Council on Local Mandates. Empirical claims are drawn from peer-reviewed journals, official statistical publications, and identified organizations whose institutional perspectives are disclosed where relevant.

Citations follow the American Political Science Association's Style Manual for Political Science (Revised 2018 Edition) for in-text and reference entries, with legal authorities cited in Bluebook form (22nd ed. 2025). Statutes appear in the New Jersey N.J.S.A. form in the text and in Bluebook form in the reference list, in each case without the publisher parenthetical, following the convention of this series. The session law is cited as Act of Jan. 8, 2026, ch. 195, 2025 N.J. Laws, with no page element, because New Jersey publishes and officially cites its session laws by chapter; the State's own form, used in the Legislature's records and in New Jersey practice generally, is P.L.2025, c.195. Direct quotation is used only where exact wording carries legal or evidentiary significance.

2.2 The evidence tiers

Every impact claim in this report carries one of three labels, applied in the text itself rather than only in a note:

- Documented. Supported by peer-reviewed causal or quasi-experimental evidence, official data, or the statutory text itself.
- Contested. Qualified researchers disagree, or the evidence is mixed or methodologically limited.

- Projected. A reasonable inference from analogous settings, comparative state experience, or the structure of the law, with no direct evidence.

The discipline these tiers impose is the report's core methodological commitment, because the central fact about this policy area is an absence: no published evaluation of a United States statewide bell-to-bell ban exists. New York's statewide requirement took effect only in September 2025; New Jersey's takes effect in September 2026. Every causal estimate now available comes from other countries or from earlier, school-level policy variation. Findings from those settings are labeled Documented for their settings and Projected when applied to New Jersey.

2.3 Limitations and materials not obtained

Four limitations of the record reviewed should be stated. First, the Assembly Education Committee's statement to S3695 (reported with amendments March 10, 2025) was not among the materials obtained; the content of that committee's amendments is documented here from the reprint annotations, which record them precisely, and the file reviewed under that label concerned a different bill. Second, a Wisconsin fiscal document was sought for the comparative fiscal analysis, but the document obtained concerned an unrelated 2021 tax measure, so Wisconsin is omitted from Section 6.7. Third, formal positions on this law from several New Jersey organizations were sought and not obtained; consistent with sound method, the absence of a document from a search is not treated as evidence that no position exists, and nothing in this report should be read as characterizing any organization's position beyond the documents cited. Fourth, one citation convention should be noted: New Jersey publishes and officially cites its session laws by chapter rather than by page, so the subject statute is cited here as the Act of January 8, 2026, chapter 195, and in the State's own form as P.L.2025, c.195, with no page element. By contrast, the absence of a legislative fiscal estimate for S3695 is itself reportable, because a fiscal estimate lives in a bounded, indexed official record, and that record affirmatively states none was certified.

3. What the Law Requires

3.I Statutory architecture and definitions

The act comprises two operative sections. Section 1, codified at N.J.S.A. 18A:36-40a, supplies four definitions. "Board of education" means a board of education as defined in N.J.S. 18A:18A-2, a board of trustees of a charter school, and a board of trustees of a renaissance school project, the drafting device by which the December 2025 amendments extended the law beyond traditional districts. "Internet-enabled device" means "a smartphone, tablet, smartwatch, or other device capable of connecting to the internet and enabling the user to access content on the internet, including social media applications," and expressly excludes both non-internet-enabled devices and internet-enabled devices "provided by a public school when used for educational purposes." "Non-internet-enabled device" means a cell phone or other communication device incapable of internet access, the basic flip phone. "Public school" means a school under college grade operated by the governing body of a school district, charter school, or renaissance school project. Two boundary consequences follow directly from the text: school-issued laptops and tablets used for instruction are outside the prohibition, and a student's basic phone without internet capability is not an "internet-enabled device," though the guidelines must still "address" such devices, as noted below. (Documented)

Section 2, codified at N.J.S.A. 18A:36-40b, allocates the work. Subsection a. directs the Commissioner of Education to develop guidelines, applicable to grades kindergarten through 12, to assist boards in developing policies on student use of internet-enabled devices "during regular school hours, on a school bus, or during school-sanctioned events when the student is under the direct supervision of a teaching staff member or employee of the board of education," and to issue the guidelines no later than 90 days after the act's effective date. Subsection d. directs each board of education to adopt a policy covering that same territory, consistent with the guidelines, and, by the December 2025 amendments, to address device use "in the event of an emergency situation or in response to a perceived threat of danger." Subsection e. preserves each board's authority to adopt a policy more stringent than the guidelines. Subsection f. provides that the guidelines shall not prohibit a principal, chief school administrator, or designee "from making a reasonable accommodation for the use of internet-enabled devices for educational purposes." Section 3 makes the act effective immediately, first applying "to the first full school year next following the date of enactment," that is, 2026-2027. (Documented)

3.2 The Commissioner's guidelines and the bell-to-bell floor

Subsection b. lists nine things the guidelines must do at a minimum. They must (1) provide age-appropriate, grade-level differentiated guidelines on limiting and prohibiting student use of internet-enabled devices; (2) "prohibit non-academic use of an internet-enabled device on school grounds during the school day"; (3) be consistent with state and federal law, including accommodations in an IEP under the Individuals with Disabilities Education Act, an educational plan under Section 504 of the Rehabilitation Act of 1973, or a student health plan established to monitor or address a health condition; (4) address permitting student use of cell phones in an emergency or in response to a perceived threat of danger; (5) authorize device use in five enumerated circumstances discussed in Section 3.3; (6) address internet-enabled devices and cell phones with only text or voice; (7) list storage options that a board may use, "including locked pouches and lockers"; (8) provide guidance for establishing network-based restrictions to prevent use of or access to social media platforms; and (9) detail protocols for communicating the board's policy to students, families, and teaching staff. Subsection c. requires the guidelines to "promote student learning and well-being" and requires the Commissioner, in developing them, to consult with education-community stakeholders including, but not limited to, the New Jersey Education Association, the American Federation of Teachers, the New Jersey School Boards Association, the New Jersey Principals and Supervisors Association, and the New Jersey Association of School Administrators. (Documented)

Item (2) is the provision that gives the law its popular name. "On school grounds during the school day" reaches the whole day, lunch and passing time included, not merely classroom instruction; the Department's own key-terms glossary defines bell to bell as the span from the opening bell to dismissal, including time between classes and lunch. Note the drafting asymmetry preserved by the amendments: the emergency item, (4), speaks of "cell phones," while the prohibition and the authorization items speak of "internet-enabled devices," and the local-policy provision requires each board's policy to address internet-enabled devices in emergencies. Nothing in the record explains the asymmetry; districts drafting policies will need to decide how to read it, and it is flagged here as a textual observation rather than resolved. (Documented as to the text)

3.3 The nine exception pathways

Read together, subsections b.(3), b.(4), and b.(5) preserve nine pathways under which a student may use a device that the general rule would otherwise prohibit:

1. Accommodations provided in a student's IEP under the Individuals with Disabilities Education Act.
2. An educational plan established pursuant to Section 504 of the Rehabilitation Act of 1973.
3. A student health plan established to monitor or address a student's health condition.
4. Use in the case of an emergency or in response to a perceived threat of danger.
5. Authorization by a principal, chief school administrator, or designee for a "necessary specified purpose," available "only when no reasonable alternative exists to achieve the same objective" consistent with the guidelines.
6. Use "necessary for the provision and administration of a student's prescribed care," upon a parent's or guardian's submission of documentation from a health care professional.
7. Translation services.
8. Case-by-case approval for "a student caregiver who is routinely responsible for the care or well-being of a family member," upon approval from a principal, chief school administrator, or a designee, who may include a school psychologist, school social worker, or school counselor.
9. Use "when required by law."

The Department's guidance adds operational content: families should be informed of the right to request a device-related accommodation; determinations must rest on documented medical, developmental, or other health needs and be reviewed regularly; school nurses, case managers, and IEP and 504 coordinators should be involved; staff who enforce the policy should have ready access to accommodation documentation; and implementation should be confidential and minimize attention drawn to the student, for example through brief device-use summaries for staff. The guidance offers concrete illustrations, including a smartwatch used to monitor blood glucose, an app used to manage anxiety, and caregiver communication written into a behavioral plan. Section 8 returns to how these pathways will actually be

administered, which is where their value to families will be determined. (Documented as to the guidance text)

3.4 Local policy, storage discretion, and the more stringent option

What the statute mandates of each board is the adoption of an aligned policy; how to comply operationally is left substantially local. The updated guidance describes storage approaches that span a wide cost range: locked pouch systems unlocked by staff at dismissal; school-managed lockers, bins, or check-in cabinets into which staff collect devices; classroom-based storage stations; and student-managed storage such as backpacks or lockers. It also directs districts to establish procedures for the secure handling of confiscated devices, including logging, secure storage, and retrieval by students or parents, and to train staff on storage protocols. Boards must also decide the discipline architecture for violations within their codes of student conduct, and the guidance recommends progressive, developmentally appropriate responses. Finally, subsection e. permits any board to go further than the guidelines require, and the FY2026 grant program, described in Section 6, was expressly conditioned on doing so for grades 6-12. (Documented)

3.5 Timeline, and the relationship between the statute and the guidance

The implementation sequence is unusual in one respect: the Department's guidance and grant program preceded the statute. The Department published its Guidance for Schools on Student Use of Internet-Enabled Devices in September 2025 and launched the Phone-Free Schools Grant Program on October 1, 2025, while the bill was still pending. That 2025 guidance presented three policy models, Bell-to-Bell, Off and Away (devices powered off and stored out of sight, in a student's possession, all day), and Limited Use (use permitted at designated times such as lunch), and stated that limiting use during instructional time was the minimum, with full-day limits encouraged. The statute as amended in December 2025 set a stricter floor: guidelines must prohibit non-academic use on school grounds during the school day. On January 15, 2026, one week after signing, the Department released updated guidance aligned to the statute, describing the required local policy as a bell-to-bell policy prohibiting non-academic use of personal internet-enabled devices during the school day, with the exception pathways preserved; a January 28, 2026 broadcast to local education agency leads summarized the updated guidelines, and the Department subsequently published implementation FAQs and a sample parent letter.

Two consequences deserve note. First, the statutory 90-day clock for guidelines, which ran to early April 2026, was met. Second, under the updated guidance a board can satisfy the statutory floor through approaches that require no procurement at all, such as an all-day powered-off, stored-away rule with student-managed storage, a fact that bears directly on the unfunded mandate analysis in Section 6. (Documented)

DATE	EVENT
July 24, 2023	P.L.2023, c.126 establishes the Commission on the Effects of Social Media Usage on Adolescents.
May 2023	U.S. Surgeon General issues advisory on social media and youth mental health, the national predicate sponsors invoked.
Sept. 30, 2024	S3695 introduced; referred to Senate Education Committee.
Dec. 5, 2024	Senate Education Committee reports with amendments, 5-0.
Jan. 14, 2025	Senate passes S3695, 35-0; bill referred to Assembly Education Committee.
Mar. 10, 2025	Assembly Education Committee reports with amendments, 7-0 with 2 not voting.
Sept. 2025	NJDOE publishes Guidance for Schools on Student Use of Internet-Enabled Devices; Commission issues Growing Up Online (Sept. 15) recommending a bell-to-bell ban.
Oct. 1-31, 2025	Phone-Free Schools Grant Program announced; Letters of Agreement due October 31.
Dec. 8, 2025	Assembly floor amendments adopted: internet-enabled devices; bell-to-bell scope; charter and renaissance coverage.
Dec. 18, 2025	NJDOE announces 86 first-round grantees, approximately \$980,000.
Dec. 22, 2025	S3695 substituted for A4882 and passed by the Assembly, 63-3-5; Senate concurs, 37-0.
Jan. 8, 2026	Governor Murphy approves P.L.2025, c.195.
Jan. 15, 2026	NJDOE releases updated guidance aligned to the statute; Jan. 28 broadcast to LEA leads follows.
June 30, 2026	FY2026 grant program period ends (reimbursement basis).
Sept. 2026	2026-2027 school year begins; local bell-to-bell policies must be in effect.

4. How It Was Enacted

4.1 Origins: the commission and the national predicate

The law's direct institutional antecedent is the Commission on the Effects of Social Media Usage on Adolescents, a 19-member body created by P.L.2023, c.126 (S-715/A-1992), approved July 24, 2023, with seats for the Commissioner of Education, gubernatorial and legislative appointees, representatives of the NJSBA, NJPSA, NJASA, NJEA, the New Jersey PTA, and other named organizations, a school nurse, two public school students, and two parents. Its charge was to determine the extent of adolescent social media use and its effects on emotional health, physical health, and academic performance, including "the establishment of social media usage standards" such as limits on device time during the school day. The Commission's report, *Growing Up Online*, issued September 15, 2025, recommended that "school districts should adopt and implement policies on student cell phone use by instituting a bell-to-bell ban on the use of cell phones and social media in school," with exceptions for students with educational or medical needs such as an IEP or 504 plan and for students who use phones for translation. That recommendation supplied the template for the December 2025 floor amendments described below. The national predicate that New Jersey lawmakers and the Department invoked was the U.S. Surgeon General's 2023 advisory on social media and youth mental health, which reported that up to 95 percent of youth ages 13-17 use a social media platform, more than a third "almost constantly," and summarized research associating more than three hours of daily social media use with a doubled risk of poor mental health outcomes including symptoms of depression and anxiety. Section 7 addresses the scientific debate over how much causal weight such associations can bear. (Documented)

4.2 The legislative path

Senators Paul D. Moriarty (D-4) and Kristin M. Corrado (R-40) introduced S3695 on September 30, 2024. As introduced and as it passed the Senate, the bill concerned "cell phones and social media platforms" and required the Commissioner to develop a policy whose minimums included prohibiting non-academic use "during classroom instruction." The Senate Education Committee reported the bill 5-0 on December 5, 2024, with amendments naming the NJEA, NJSBA, and NJPSA as required consultees; the committee statement also described a provision, then in the bill, permitting the Commissioner to exempt a board from the policy-adoption requirement on application. The full Senate passed the bill 35-0

on January 14, 2025, and it was referred to the Assembly Education Committee the same day. That committee reported the bill 7-0 with two not voting on March 10, 2025; the reprint annotations show that the committee's amendments converted the Commissioner's "policy" into "guidelines" throughout, added the American Federation of Teachers and the NJASA to the consultation list, made the Section 504 and student-health-plan accommodations explicit, restructured the authorization pathways, deleted the Commissioner's exemption authority, and added the subsection preserving principals' discretion to make reasonable accommodations for educational purposes. The committee statements in the record contain no fiscal discussion, and the Legislature's official bill record states that the bill "has not been certified by OLS for a fiscal note." (Documented)

4.3 The December 8, 2025 floor amendments

The pivotal document in the bill's history is the statement to the Second Reprint accompanying the Assembly floor amendments proposed by Assemblywoman Rosy Bagolie and adopted December 8, 2025, ten weeks after Growing Up Online. In the sponsors' own summary, the amendments: applied the bill to all public schools, including school districts, charter schools, and renaissance school projects; regulated "internet-enabled devices as opposed to cell phones and social media platforms"; added the definitions section; prohibited non-academic use "on school grounds during the school day as opposed to during classroom instruction time"; restructured the authorized-use circumstances; required each board's policy to address device use in emergencies or perceived threats; and updated the title and synopsis. The bill that passed two weeks later was therefore materially different from the bill the Senate had approved in January: broader in the devices covered, broader in the institutions covered, and broader in the hours covered. On December 22, 2025, the Assembly substituted S3695 for its companion A4882 and passed it 63-3 with 5 abstentions; the Senate concurred in the Assembly amendments 37-0 the same day; and the Governor approved the bill on January 8, 2026. (Documented)

4.4 Sponsorship, consensus, and the consultation requirement

The prime sponsors were Senators Moriarty (D) and Corrado (R) and Assembly Members Rosy Bagolie (D), Cody D. Miller (D), and Carmen Theresa Morales (D), with co-sponsors from both parties in both chambers, including Senators Shirley K. Turner (D), Declan J. O'Scanlon, Jr. (R), and Vin Gopal (D) and Assembly Member Aura K. Dunn (R). The vote record, a unanimous Senate twice and a near-unanimous

Assembly, is itself a reportable finding: whatever disputes surround this policy nationally, in Trenton it was consensual across parties. (Documented) A second institutional feature deserves emphasis. The statute hard-codes labor and management organizations into the guideline-writing process by name, and the state's largest education union publicly supported the law: the NJEA reports that it "lobbied in favor of the law and successfully requested changes prior to its passage" so that NJEA and other stakeholders would help develop the guidelines and so that the state would not impose one-size-fits-all rules on all boards. Any labor-relations analysis of this statute must therefore begin from documented union support for the enactment, not from an assumed adversarial posture; Section 9 builds the workload analysis on that footing. (Documented)

5. Federal Legal Context

5.1 The direct answer: this is not federal law

Readers frequently ask whether the phone-free schools requirement is a federal mandate. It is not. No federal statute requires, or prohibits, phone-free public schools in the states. Education is a power reserved to the states under the Tenth Amendment's structure, and Congress has reinforced the point by statute: the General Education Provisions Act provides that no federal authority may exercise "any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel" of any school or school system, 20 U.S.C. § 1232a. A federal role in this area would therefore have to run through conditional spending, which is exactly how the pending federal proposal is structured. A review of the text of the Further Consolidated Appropriations Act, 2026, Pub. L. No. 119-75 (Feb. 3, 2026), conducted for this report, found no provision imposing any requirement on state or local school device policies. The one enacted federal restriction identified operates where the federal government is itself the school operator: reporting on the national policy landscape notes that the National Defense Authorization Act signed in 2025 prohibits student cell phone use during the school day at K-12 schools on military bases, which are run by the Department of Defense Education Activity rather than by states. (Documented)

5.2 The pending federal bill

The Focus on Learning Act was introduced in both chambers of the 119th Congress. The Senate bill, S. 404, was introduced February 5, 2025 by Senator Tom Cotton, joined by Senators Britt, Kaine, and Kelly, and was read twice and referred to the Committee on Health, Education, Labor, and Pensions. The House companion, H.R. 1275, was introduced February 12, 2025 by Representative Bruce Westerman, joined by Representatives Stauber, Morrison, and Crow, and referred to the Committee on Education and Workforce. Like New Jersey's statute, the federal measure is bipartisan in sponsorship in both chambers. The bill would do two things. First, it would direct the Surgeon General, in consultation with the Secretary of Health and Human Services, to complete a study within two years of enactment on mobile device use in elementary and secondary schools nationwide, covering effects on student learning and academic achievement, educational outcomes and engagement, mental health, classroom instruction, and school climate and behavior, with a public report to Congress. Second, it would direct the Secretary of

Education to establish a pilot program awarding grants to local educational agencies so that participating schools may purchase secure containers and install lockers, creating what the bill defines as a school environment free of mobile devices, meaning one in which students' devices are kept in a secure container controlled by a school administrator. Authorized appropriations are \$5,000,000 for the period of fiscal years 2025 through 2029, that is, a five-year total rather than an annual amount, with up to 2 percent available for administration, data collection, and the study. Neither bill has advanced beyond referral in its chamber. (Documented from the bill text)

Four design features of the federal bill are worth noting against the New Jersey law, because they show how differently a spending-power measure is built from a mandate. Participation would be voluntary and competitive, with the Secretary selecting applicants likely to yield useful information, which is the structure of an experiment rather than a rule. The exemption categories track the same health, disability, and English learner pathways New Jersey wrote into c.195, and the federal definition of a mobile device likewise excludes school-issued devices, while the definition of school hours reaches lunch, free periods on school grounds, and passing time, the same bell-to-bell scope. The bill would also require each applicant to assure that participating schools maintain a staff communication system reaching local emergency responders and a clear process for students to contact their parents, and to notify parents at least 30 days before applying and again on award, and to solicit their feedback beforehand. New York imposed a comparable parental-contact requirement by statute; New Jersey did not, leaving family communication to local policy and to the Department guidance discussed in Section 3. Congress, in short, has so far confined itself to study and incentive, leaving mandates to the states. (Documented as to the bill text)

5.3 Federal law as constraint: four areas

Although no federal law authorizes or requires c.195, federal law constrains how districts may implement it. Four areas cover the live risks.

(A) DISABILITY ACCOMMODATION: IDEA, SECTION 504, AND ADA TITLE II

For a student whose IEP, Section 504 plan, or health plan incorporates a device, the device is not a distraction to be confiscated but assistive or medical technology to which the student is legally entitled. The Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq., Section 504 of the

Rehabilitation Act, 29 U.S.C. § 794, and Title II of the Americans with Disabilities Act, 42 U.S.C. §§ 12131-12134, together require accommodation, and c.195 expressly incorporates that requirement rather than colliding with it. The compliance risk is therefore operational, not textual: blanket enforcement that overrides a plan, staff who do not know which students hold accommodations, or exception processes so burdensome that families abandon them. National disability advocates flagged precisely these risks as the state wave built. The Council of Parent Attorneys and Advocates warned in a September 2024 statement that device policies "must take care to ensure that no policy or its provisions directly conflict or interfere with a student's rights" under the IDEA, Section 504, and ADA Title II, and that parents should not bear the burden of squaring their child's plan with new rules; the National Disability Rights Network's education counsel cautioned that a ban, badly implemented, can effectively remove a legal entitlement, prevent IEP teams from even considering low-cost device-based supports, and stigmatize the students who retain devices when classmates cannot. The U.S. Department of Education issued guidance in 2024 reminding schools of the obligation to consider each disabled student's assistive technology needs regularly. New Jersey's updated guidance answers with confidentiality protocols, staff training, and involvement of nurses and case managers; whether practice matches guidance is a Section 10 watch item. (Documented as to the legal framework and the advocacy record; Projected as to implementation risk)

(B) SEARCH AND SEIZURE: CONFISCATING A DEVICE VERSUS SEARCHING ITS CONTENTS

The Fourth Amendment governs school officials through the reasonableness standard of *New Jersey v. T.L.O.*, 469 U.S. 325 (1985): a search of a student must be justified at its inception and reasonably related in scope to the circumstances that justified it. Taking custody of a visible phone under a published policy, storing it, and returning it at dismissal is a seizure of an object under a disciplinary rule, the kind of routine administration to which courts have long deferred. Searching the phone's contents is a different act. *Riley v. California*, 573 U.S. 373 (2014), though a criminal case about searches incident to arrest, established that digital devices hold "the privacies of life" in a concentration that changes the constitutional calculus, and the sensible operational line for districts is the one the doctrine implies: confiscation and storage under the policy, yes; examination of messages, photographs, or applications only when *T.L.O.*'s standard is independently satisfied by the circumstances. Policies and staff training that build that line in will avoid the most predictable Fourth Amendment exposure of the bell-to-bell era. (Documented as to doctrine; Projected as to litigation risk)

(C) SPEECH AND DISCIPLINE: THE TINKER LINE THROUGH MAHANAY

Restricting when a device may be used is a content-neutral rule about conduct, and nothing in the student-speech cases forbids it. The exposure lies elsewhere: in discipline for what enforcement reveals. *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503 (1969), permits schools to reach student expression that materially and substantially disrupts schoolwork or invades the rights of others, with the later cases carving out vulgar speech, school-sponsored speech, and promotion of illegal drug use. *Mahanoy Area School District v. B.L.*, 594 U.S. 180 (2021), however, sharply limited schools' authority over off-campus speech, holding that the school's interest in punishing a student's off-campus, off-hours vulgar social media post was insufficient, and observing that schools rarely stand in the parents' place off campus. A confiscated phone, or a policy violation discovered in a hallway, can surface off-campus speech; discipline that follows the speech rather than the device-use violation is where *Mahanoy* exposure begins. Districts can hold the safe line by disciplining the policy violation itself and treating discovered expression under the ordinary *Tinker* and *Mahanoy* framework, not under the device policy. (Documented as to doctrine; Projected as to exposure)

(D) DUE PROCESS AND CIVIL RIGHTS MONITORING

Goss v. Lopez, 419 U.S. 565 (1975), requires that even short suspensions be preceded by notice of the charges and an opportunity to respond, so device-policy discipline that escalates to suspension carries ordinary procedural obligations; confiscation itself also implicates property interests, which is one reason the guidance directs logging and defined retrieval procedures. Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, and its administrative apparatus make racial disparity in discipline a compliance subject, and disability and English learner status raise parallel concerns under the statutes above. New Jersey's own instruments make monitoring feasible: the annual School Performance Reports publish school-level discipline data and chronic absenteeism, and N.J.S.A. 18A:38-25.1 requires a corrective action plan wherever 10 percent or more of a school's students are chronically absent. Section 10 converts these into concrete indicators. It is worth noting that New York's parallel statute was written with this concern on its face, requiring local policies to prevent inequitable discipline. (Documented as to the framework)

5.4 The litigation landscape

No federal constitutional challenge to any statewide phone-free schools law was located in the materials reviewed. The instructive precedent is district-level: when New York City banned student phones in 2006

and enforced the ban with confiscations at metal detectors, parents sued, and they lost twice. The trial court held that whatever fundamental rights parents hold to direct their children's upbringing do not extend to overriding a school system's device rule, *Price v. New York City Board of Education*, 837 N.Y.S.2d 507 (Sup. Ct. 2007), and the Appellate Division affirmed on deference grounds, declining to choose between "two legitimate but competing interests" where the policy lay within the department's power, 855 N.Y.S.2d 530 (App. Div. 2008). A 2024 survey of the case law reaches the same bottom line this report does: courts reviewing school device restrictions have applied rational basis review and deferred to school officials, and the constitutionally sensitive territory is not the ban itself but searches, off-campus speech, and accommodation failures, the areas mapped above. New York City's ban, it should be noted, was later lifted by a change in city administration in 2015, a reminder that the durable constraints on these policies have so far been political rather than judicial. (Documented as to the located record)

6. Fiscal Analysis and the Unfunded Mandate Question

6.1 The appropriation and the grant program

The Fiscal Year 2026 Appropriations Act included a \$3.0 million General Fund, Grants-in-Aid line, Phone-Free Schools Grants, with budget language directing the Commissioner to develop public, written eligibility criteria "to incentivize the school district to develop and implement a policy that exceeds the minimum guidelines" then in effect, subject to Division of Budget and Accounting approval. The Department launched the program on October 1, 2025. The design: initial award amounts computed on projected grades 6-12 enrollment for 2025-2026, a \$500 minimum, amounts to increase if not all eligible districts participated; allowable uses limited to secure storage systems (locked pouch systems, centralized lockers or bins, check-in cabinets and associated hardware) and staff training; a program period of July 1, 2025 through June 30, 2026 on a reimbursement basis; and a binding condition that participants adopt a bell-to-bell policy for all students in grades 6-12, with the Letter of Agreement stating expressly that Off and Away and Limited Use policies "do not qualify." Signed agreements were due October 31, 2025, and board resolutions accepting funds by January 16, 2026. (Documented)

On December 18, 2025, the Department announced 86 grantees, reported in contemporaneous coverage as 71 school districts and 15 charter schools, sharing approximately \$980,000, with final awards roughly double the initial offers, consistent with partial participation, and a \$1,000 floor. Newark Public Schools received the largest award, \$176,625.08, followed by Trenton Public Schools at \$55,573.44 and Union City School District at \$52,451.18; four Newark charter schools received a further \$39,880.38 collectively. The Department stated that it intended to launch another funding round. Final awards tracked grades 6-12 enrollment closely: checked against the fall 2025 enrollment file, verified grantees received between \$8.05 and \$8.62 per grade 6-12 pupil, centering near \$8.40, and the doubling of the initial offers is exact in the cases checked (Absecon \$1,250 to \$2,499.80; Egg Harbor Township \$16,257 to \$32,513.74). At that rate the round-one cohort represents on the order of 115,000 students, roughly one in five of the state's 609,302 students enrolled in grades 6-12 in fall 2025. (Documented as to the awards and enrollment; the per-pupil rate and cohort size are this report's arithmetic)

6.2 The absent fiscal estimate

No Office of Legislative Services fiscal estimate exists for S3695. This is not an inference from silence but a fact of the official record: the Legislature's bill page states, "This bill has not been certified by OLS for a fiscal note," the bill's document trail contains the introduced text, three reprints, and three statements and no fiscal document, and the statements in the record contain no fiscal discussion. The neutral procedural explanation sits in the bill's history: S3695 was referred only to the education committees in each chamber and was never referred to the Senate Budget and Appropriations Committee or the Assembly's appropriations process, the ordinary occasions for a fiscal estimate. Nothing in this record supports, and this report does not suggest, any impropriety; the consequence is simply that the Legislature enacted the mandate without an official projection of its cost to the more than 650 local education agencies it covers. (Documented)

6.3 The FY2027 outcome: the appropriation was not continued

The grant program did not survive its first budget cycle. The OLS Budget Analysis for FY2026-FY2027 reported that, as of April 1, 2026, some \$2.1 million of the appropriation remained available for future rounds; that the FY2027 Governor's Budget recommended eliminating the \$3.0 million appropriation as consistent with a general policy of eliminating or reducing many discretionary grant programs; that unexpended balances were not recommended to be carried forward; and that the associated budget language directing the program would accordingly be deleted. Governor Sherrill signed the Fiscal Year 2027 Appropriations Act, A5327 substituted for S2027, on June 30, 2026 with a line item veto, enacted as P.L.2026, c.27, appropriating \$60,743,569,000 in State funds and authorizing \$30,495,124,195 in federal funds. The Office of Legislative Services scoresheet for the enacted act, which sets the Governor's Budget Message against the act line by line and enumerates every difference between them, records no entry for Phone-Free Schools Grants. Because the Governor's recommendation for that line was zero and the enacted act made no change to it, the program carries no appropriation in FY2027. (Documented)

The comparison with neighboring lines is the analytically useful part, because it shows that the outcome was selective rather than automatic. Within the same Department of Education grants-in-aid section, the Legislature restored ten appropriations the Governor had proposed to eliminate or reduce, among them School Lead Filters at \$500,000, the Governor's Literacy Initiative at \$2.0 million, the Nonpublic STEM Reimbursement Program at \$1.5 million, Jobs for America's Graduates at \$350,000, Teach for America at

\$500,000, the New Jersey Tutoring Corps at \$750,000, and an added \$500,000 for Advanced Placement exam fee waivers. Eight of the ten came back below their FY2026 levels. Phone-Free Schools Grants was not among them. The department's largest change ran the other way: the new SPARK mental health program's entire \$33.0 million recommendation was shifted from the Department of Education to the Department of Children and Families, and departmental appropriations finished \$21.4 million below the Governor's recommendation. (Documented)

Two consequences follow for the analysis in the remainder of this section. First, the mandate in P.L.2025, c.195 takes effect in September 2026 in a fiscal year in which the State appropriates nothing for its implementation. Second, the roughly \$2.1 million that remained unspent from FY2026 was not carried forward, so the second funding round the Department announced in December 2025 has no identified source. What the enacted budget does fund on this subject is research rather than implementation: \$125,000 for an Office of Youth Online Mental Health Safety and Awareness in the Department of Health, created to research and recommend guidance on responsible youth social media use, and \$500,000 for a new Social Media Research Center at a New Jersey institution of higher education. (Documented)

6.4 The State Mandate, State Pay framework

New Jersey voters amended the constitution in November 1995 to add what is commonly called the State Mandate, State Pay provision, N.J. Const. art. VIII, § 2, ¶ 5, effective December 7, 1995. For any law enacted on or after January 17, 1996, a provision "determined in accordance with this paragraph to be an unfunded mandate upon boards of education, counties, or municipalities because it does not authorize resources, other than the property tax, to offset the additional direct expenditures required for the implementation of the law" shall, upon that determination, "cease to be mandatory in its effect and expire." The Legislature implemented the amendment through the Local Mandates Act, N.J.S.A. 52:13H-1 to -22 (P.L.1996, c.24), which vests the nine-member Council on Local Mandates with exclusive authority to resolve such disputes; a board of education may file a complaint in the form of a resolution of its governing body, and the Council's determinations are, by constitutional design, "political and not judicial determinations." Six categories are exempt, including laws required to comply with federal law, laws imposed alike on government and non-government entities, laws that ease existing mandates, laws that implement the constitution itself, and laws passed by a three-quarters vote of each house after a

noticed public hearing at which a fiscal analysis was available. None of the six obviously covers c.195: federal law does not require it, nonpublic schools are outside it, it imposes a new duty rather than easing one, and, although its vote margins exceeded three quarters, the record shows no noticed unfunded-mandate hearing with a fiscal analysis, and indeed no fiscal analysis at all. One limiting provision matters most and cuts in the State's favor: N.J.S.A. 52:13H-12(a) provides that the Council "shall not have the authority to determine whether the funding of any statute or any rule or regulation is adequate." (Documented)

The Council's decisions supply the working doctrine. Boards of education have won: in a decision of July 26, 2007, the special services school districts of Burlington, Atlantic, Cape May, and Bergen Counties obtained a unanimous ruling voiding N.J.A.C. 6A:14-4.7(a)(2), a regulation narrowing the permissible age span in elementary special education classes, as an unfunded mandate, and the opinion established several principles of continuing relevance: standing is construed liberally; the claimant's burden is to prove additional direct expenditures for any distinct activity of any covered unit; unearmarked state aid and unrelated administrative savings do not count as offsetting resources; and a discretionary waiver provision without standards does not cure a mandate. In *In re Borough of Shiloh*, decided December 12, 2008, the Council addressed partial funding: a state police cost-sharing mandate costing rural municipalities \$12.5 million, offset by a \$5 million appropriation, was held unfunded notwithstanding the partial offset, the Council reasoning that the State Mandate, State Pay directive "would have little meaning if the legislature could avoid it by expressly electing to provide a specified partial amount of funding for a mandate and leaving an acknowledged balance of the cost to be shouldered by the local units," and holding that recognizing a gap apparent on the face of the legislation does not offend the Council's lack of authority over funding adequacy. *Shiloh* also reaffirmed the caution stated in the complaint filed by Ocean Township and Frankford Township, decided August 2, 2002: the Council will not give "blind deference to the Legislature's method of funding the costs of a mandate, if that method is seriously flawed to the point of being illusory," while emphasizing that the Council does not second-guess legislative fiscal judgments where the statute itself discloses no definitive gap. Two further decisions frame the other side. In the Criminal Justice Reform Act matter, decided April 26, 2017, a divided Council dismissed a complaint under the implements-the-constitution exemption. And in *In re Franklin Township Board of Education*, COLM-0001-21 (December 13, 2021), the Council rejected school boards' challenge to two 2020 health-benefits laws because the claimants had not produced clear and convincing evidence of unrecovered costs: the alleged losses were "not presently ascertainable" and "speculative in

nature," and complaints resting on predictions about how implementation will unfold are premature. (Documented)

6.5 The argument that c.195 imposes an unfunded mandate

A complaining board would argue as follows. The statute imposes a new, mandatory duty on boards of education enacted after January 17, 1996: adopt and implement an aligned policy, communicate it, train staff, administer exceptions, and, for any district whose chosen compliance path requires it, procure and operate storage. Implementation, the argument runs, requires additional direct expenditures: pouches, lockers, or cabinets and their replacement cycles; staff time for collection, storage, retrieval, exception administration, and enforcement; translation and communication costs; and insurance or loss exposure for devices in district custody. The authorized resource, a \$3.0 million discretionary grant line, is partial on its face in the *Shiloh* sense: it reached 86 of the state's local education agencies in round one, about \$980,000 against a covered population of 1.27 million K-12 students, it was restricted to grades 6-12 although the mandate runs K-12, it was conditioned on adopting a policy stricter than the minimum the guidelines then required, and, as Section 6.3 establishes, the FY2027 Appropriations Act carries no appropriation for the program at all, so from July 1, 2026 forward the mandate operates with no authorized State resource, while the unspent FY2026 balance was not carried forward. Under *Burlington*, unearmarked general state aid cannot fill the gap, and under *Shiloh*, an acknowledged partial appropriation does not defeat the claim. (This is a statement of the strongest available argument, not a finding.)

6.6 The argument that it does not

The State's answer is at least as strong, and it rests on a feature of the law that neither supporters nor critics tend to emphasize: its flexibility. The constitutional definition requires "additional direct expenditures required for the implementation of the law." The statute mandates the adoption of a policy, and the Commissioner's updated guidance permits compliance through approaches that require no procurement: an all-day powered-off, stored-out-of-sight rule with student-managed storage in backpacks or existing lockers satisfies a prohibition on use during the school day at near-zero marginal cost, and the guidance lists student-managed storage among the acceptable options. Policy adoption, handbook revision, and communication are activities boards already perform annually within existing operations.

On this view, any expenditure beyond that baseline, a pouch system, a check-in cabinet, added supervision, is the district's discretionary implementation choice, not an expenditure "required" by the law, and *Franklin Township* supplies the procedural counterpart: projected enforcement costs that have not yet been incurred, and that vary entirely with local design choices, are speculative and unascertainable, so a complaint filed before the 2026-2027 year produces a real cost record would likely be premature under the clear and convincing standard. The grant program, on this account, is not the mandate's funding but an incentive for districts that voluntarily exceed the floor. The flexibility that critics describe as the law's weakness may be precisely what insulates it from the constitutional challenge. (This is a statement of the strongest available argument, not a finding.)

6.7 The comparative fiscal picture and a New Jersey projection

Official fiscal instruments from other states that enacted device-policy mandates show a consistent pattern: the state cost is scored at or near zero, the local cost is left unquantified, and staff time is either ignored or expressly assumed away. New Hampshire's Legislative Budget Assistant scored SB 206's local expenditures as "indeterminable," varying district to district. Virginia's Department of Planning and Budget found "no anticipated state fiscal impact" from SB 108's bell-to-bell strengthening and any local impact "indeterminate." Michigan's House Fiscal Agency found no state fiscal impact from the instructional-time mandate of Public Act 2 of 2026 and wrote that districts "could incur costs to develop and implement cell phone policies, but these costs would likely be absorbed using existing staff time," as direct a statement of the invisible-cost convention as an official document is likely to supply. New York took the opposite architectural choice: its statute, N.Y. Educ. Law § 2803, enacted May 9, 2025 as part of the FY2026 state budget, is a self-executing statewide bell-to-bell requirement for K-12 districts, charter schools, and BOCES, effective 2025-2026, accompanied by a \$13.5 million appropriation for storage solutions, a required parental contact channel during the school day, mandatory consultation with teachers, parents, and students, and a directive to prevent inequitable discipline; 99 percent of covered entities, about 1,070, had published policies by late August 2025. (Documented)

STATE	INSTRUMENT AND SCOPE	STATE FISCAL TREATMENT	LOCAL COST TREATMENT
New Jersey	P.L.2025, c.195: board policies aligned to guidelines; bell-to-bell floor; K-12; eff. 2026-27	\$3.0M FY2026 grant line (grades 6-12; ~\$980K awarded); no OLS fiscal note; no FY2027 appropriation	Not estimated
New York	Educ. Law § 2803: statewide bell-to-bell; K-12 incl. charters, BOCES; eff. 2025-26	\$13.5M storage appropriation in FY2026 budget	Storage grants; other costs not estimated
Michigan	Pub. Act 2 of 2026: policy prohibiting use during instructional time; eff. 2026-27	No state fiscal impact (House Fiscal Agency)	Costs "likely absorbed using existing staff time"
Virginia	SB 108 (2026): strengthens existing bell-to-bell policies (possession and use)	No anticipated state impact (DPB)	Indeterminate
New Hampshire	SB 206 (2025): school-day prohibition with medical, disability, language exceptions	No state figure (LBA fiscal note)	Indeterminable; varies by district

A New Jersey projection can be built entirely from the record, with assumptions stated. The grant program's own revealed rate after recalculation was approximately \$8.40 per grade 6-12 pupil for storage and training, as computed in Section 6.1. Extending that rate to all 609,302 students in grades 6-12 statewide implies roughly \$5.1 million, against the \$3.0 million appropriated; extending it to all 1,269,386 K-12 students, since the mandate is K-12 even though the grants were not, implies roughly \$10.7 million. New York's choice of \$13.5 million for a substantially larger K-12 system points the same direction: if storage is funded at all, the plausible statewide bill exceeds the New Jersey appropriation by a multiple. Three caveats keep this honest. These figures price only equipment and training at the program's own rate, they price nothing for districts that choose student-managed storage at near-zero cost, and they price nothing for the largest cost identified anywhere in the literature, staff time, which Section 7.5 quantifies and which no state's fiscal instrument has counted. (Projected, with the stated assumptions)

6.8 The levy cap context

Uncosted duties cannot simply be absorbed through the local levy, because the levy is capped. Under N.J.S.A. 18A:7F-38, enacted as section 3 of P.L.2007, c.62, a district may not adopt a budget whose

adjusted tax levy grows more than 2 percent over the prior year, subject to narrow adjustments for enrollment growth, health care cost increases, and certain pension contributions. The Office of Legislative Services describes the resulting envelope precisely: levies are limited by statute to a two-percent annual increase, exceeded only through the enumerated outside-the-cap categories, through cap banking, which lets a district carry an unused increase forward for up to three years, or through voter approval in a referendum, and the cap has held statewide annual levy growth between roughly 2.3 and 2.9 percent over the past decade apart from two years with special authorizations. A district that must fund pouches, supervision, or added administrative time therefore funds them inside a constrained envelope, in competition with instruction; this is the practical setting in which the State Mandate, State Pay question arises, and it is one reason the constitutional provision exists: the 1996 findings accompanying the Local Mandates Act state that the prior practice of unfunded state mandates "has contributed to the rise in local property taxes." (Documented)

6.9 The question, posed

Whether P.L.2025, c.195 imposes an unconstitutional unfunded mandate on boards of education is a question only the Council on Local Mandates can answer, on a complaint only a covered board (or specified officials) can bring, under a clear and convincing standard, with the doctrine running in both directions: *Shiloh* for the proposition that facially partial funding does not save a mandate, *Burlington* for the propositions that unearmarked aid does not fund one and that boards can win, *Franklin Township* for the propositions that speculative costs do not carry the burden and that premature complaints fail, and the statute's own storage flexibility as the State's strongest card. As of this writing, no complaint concerning c.195 appears in the Council's public case records reviewed for this report. The honest conclusion is that the question is open, adjudicable, and likely to turn on the cost record the 2026-2027 school year actually produces. What has changed since enactment is the posture rather than the answer: a board filing in the 2026-2027 year would be challenging a mandate that, in the year of its first application, carries no State appropriation at all, which removes the partial-funding question *Shiloh* addressed and leaves the State to defend on the ground that the statute requires no additional direct expenditure in the first place. This report takes no position on how it should be resolved.

7. The Evidence Base

7.1 Methodological note: what has, and has not, been evaluated

No published evaluation of a United States statewide bell-to-bell ban exists. The first such statewide requirement to take effect, New York's, began operating in September 2025; New Jersey's begins in September 2026. The causal evidence base therefore consists of foreign studies and studies of earlier, school-level policy variation, and every application of that evidence to New Jersey is an extrapolation across countries, cultures, and policy designs. This section reports the principal studies accurately, including their limitations, because several of them are routinely overstated in public discussion, and it labels each claim by tier.

The policy landscape itself is a moving target that published counts describe differently. As of its July 28, 2026 update, Education Week counted at least 39 states and the District of Columbia requiring districts to ban or restrict student phone use, classifying 30 states as bell-to-bell (with Florida, Hawaii, and Illinois bell-to-bell for K-8 only), 8 as instructional-time states, 2 as requiring unspecified restrictions, and 11 as not requiring a policy. Ballotpedia's tally as of August 5, 2026 counted 45 states with enacted laws or policies of any kind, 36 banning or limiting phones in classrooms, 5 requiring districts to adopt policies of unspecified form, and 4 merely encouraging limits. The counts differ because the trackers count different instruments, statutes, state board rules, executive actions, and incentive programs, and because grade-band carve-outs blur categories. Any national number in this report is therefore an as-of-date snapshot from a named tracker, not a fact about the world independent of counting rules. New Jersey appears in both trackers' strictest category. (Documented as to the trackers)

7.2 Academic achievement

The strongest pro-restriction achievement finding remains Beland and Murphy's study of English secondary schools, which exploited schools' staggered adoption of phone bans in four English cities in a difference-in-differences design. Post-ban, high-stakes exam performance rose by about 6.4 percent of a standard deviation on average, and the effect was driven entirely by the lowest-achieving students: pupils in the bottom quintile of prior achievement gained 14.2 percent of a standard deviation, while pupils in the top quintile were unaffected in either direction, leading the authors to describe restriction as a low-

cost policy to reduce educational inequality (Beland and Murphy 2016). (Documented for that setting; Projected for New Jersey.) The study predates the smartphone-saturated 2020s and measures classroom-era bans, not bell-to-bell regimes.

Two later studies complicate the picture in opposite directions. Abrahamsson's Norwegian study, the most credible recent quasi-experimental evidence, linked a survey of the country's middle schools (1,187 surveyed; 477 linkable to registry data) to administrative records in an event-study design. Post-ban, girls' grade point averages rose by 0.08 standard deviations, teacher-set grades by 0.09, and externally graded mathematics scores by 0.22, with girls 4 to 7 percentage points more likely to enter an academic high school track, effects that appear only with at least two years of exposure and that are largest for girls from low socioeconomic backgrounds; for boys, the study detects no effects on grades, track choice, or mental health (Abrahamsson 2026). Press accounts frequently flatten this study into "bans work"; the accurate summary is distributional: measurable gains for girls, concentrated among the disadvantaged, and no detected average effect for boys. (Documented for Norway; Projected for New Jersey.) Against both stands the SMART Schools study from the United Kingdom, the first designed evaluation of restrictive versus permissive school phone policies on health and educational outcomes: across 1,227 pupils aged 12 to 15 in 30 schools, restrictive policies showed no association with educational attainment, or with any measured health outcome, and although pupils in restrictive schools used their phones about 30 minutes less during the school day, they fully compensated outside school (Goodyear et al. 2025; Weiss and Bonell 2025). The study is cross-sectional with a 10 percent school response rate, limits its authors and commentators state plainly. The fair overall label for achievement effects is therefore Contested: positive in the strongest quasi-experimental designs, null in the most direct policy comparison, with gains, where found, concentrated among low-achieving and disadvantaged students.

7.3 Mental health and wellbeing

The mental health case for restriction rests on two layers, and they must be kept distinct. The first layer is the association between heavy social media use and poor adolescent mental health. The U.S. Surgeon General's 2023 advisory reports near-universal adolescent social media use, more than a third of 13-to-17-year-olds using it "almost constantly," and summarizes research associating more than three hours of daily use with roughly double the risk of symptoms of depression and anxiety (U.S. Surgeon General 2023). Those associations are real and Documented as associations. Whether they are causal, and whether

school-hours restriction would change them, is the second layer, and there the scientific community is openly divided. Jonathan Haidt's *The Anxious Generation* (2024) assembled the popular argument that the phone-based childhood is causing an epidemic of adolescent mental illness; the book shaped the political environment in which laws like c.195 passed and is cited in this report for that role, not as evidence of effect. The most prominent scientific rebuttal, published in *Nature*, argues that the book's causal claim "is not supported by science," that the underlying data are largely correlational, that observed associations often run from prior distress to heavier use rather than the reverse, and that the causal story risks distracting from other drivers of the adolescent mental health decline (Odgers 2024). Large-sample specification-curve work found that the association between digital technology use and adolescent wellbeing, while detectable, explains at most about 0.4 percent of the variation in wellbeing (Orben and Przybylski 2019). (Contested at the level of causation.)

Policy-level evidence is equally divided. Abrahamsson finds that bans significantly reduce girls' health care contacts for psychological symptoms, again most strongly for low-SES girls, and nothing for boys (Abrahamsson 2026). SMART Schools finds no difference between restrictive and permissive schools in mental wellbeing, anxiety, depression, problematic social media use, or sleep, plausibly because school-hours restriction did not reduce total daily use (Goodyear et al. 2025). The companion health-economics analysis of the same cohort found differences in quality-adjusted and mental-wellbeing-adjusted life years that were minimal and statistically indistinguishable from zero (Perry et al. 2026). New Jersey's own descriptive baseline gives the stakes local texture without resolving causation: in the 2023 New Jersey Student Health Survey, 36 percent of high school students reported feeling sad or hopeless for two weeks or more in the past year (49 percent of females, 22 percent of males), 14 percent seriously considered suicide, 84 percent reported three or more hours of daily recreational screen time, and only 22 percent reported eight or more hours of sleep on school nights (New Jersey Department of Education 2024). (Documented as descriptive statistics.) The honest bottom line: proponents can accurately say the associations are alarming and that the best Norwegian evidence shows mental health gains for girls; skeptics can accurately say that the most direct comparison of restrictive and permissive schools finds no wellbeing difference and that total screen time may simply shift to after school. Both statements are true, and an informed reader should hold both. (Contested)

7.4 Behavior, bullying, and school climate

The clearest positive finding in the recent literature concerns bullying: in the Norwegian data, post-ban bullying declined for both girls and boys (Abrahamsson 2026), consistent with earlier Spanish regional evidence the study cites. (Documented for those settings; Projected for New Jersey.) SMART Schools, by contrast, found no difference in measured behavioral outcomes between restrictive and permissive schools (Goodyear et al. 2025). New Jersey's baseline: 15 percent of high school students reported being electronically bullied through texting or social media in the prior year, a rate essentially flat across recent survey waves (New Jersey Department of Education 2024). A descriptive companion study to SMART Schools documents why school-level results vary so much: English secondary schools rationalize, design, and implement nominally similar policies in very different ways, from strict collection regimes to lightly enforced expectations, which cautions against treating "a ban" as a single treatment (Randhawa et al. 2025). (Contested overall; the bullying reduction is the best-supported specific claim.)

7.5 Enforcement burden and staff time

For this organization's purposes, the single most important source in the literature is the SMART Schools health-economics analysis, because it is the only study to measure what device policies cost the adults who run schools. Across 20 English secondary schools, senior-leadership respondents reported total staff time spent managing student smartphone use of about 102 hours per typical week in restrictive-policy schools and about 108 hours per week in permissive-policy schools, roughly 3.1 and 3.3 full-time-equivalent staff respectively over a 39-week year; teaching staff carried about 19 fewer weekly hours in restrictive schools (75 versus 94), while non-teaching staff carried more (12 versus 0.5), reflecting collection and storage duties. The authors' conclusions are precisely calibrated: restrictive policies produced minimal differences in pupil quality of life or mental wellbeing but "may offer some cost savings to schools by reducing staff time," and policy and practice "require development to address the significant amount of time teachers spend managing phone use" (Perry et al. 2026). Three implications follow. First, phone management on the order of 100 staff hours per school per week is a real, measured cost of either policy regime, restriction does not create the burden so much as move it, from teachers policing classrooms to systems and non-teaching staff managing storage. Second, that cost appears in no official fiscal instrument in any state reviewed in Section 6.7; Michigan's fiscal agency assumed it away in a sentence. Third, for New Jersey the figure is a Projection, from English secondary schools to a

different system, but it is the only quantified projection available, and at New Jersey scale even a fraction of it dwarfs the appropriation: 100 hours per week across the state's roughly 2,500 public schools would be on the order of 250,000 staff hours weekly. (Documented for England; Projected for New Jersey)

7.6 Socialization

Claims that phone-free days will revive lunchroom conversation, club participation, and face-to-face friendship are prominent in advocacy for these laws, including in New York's rollout materials and in Growing Up Online's account of student testimony; claims that device access at school teaches self-regulation and keeps isolated students connected are prominent on the other side. Neither claim has been tested with designs capable of supporting it, and SMART Schools' finding that total daily screen time was unchanged cautions against assuming that school-hours restriction changes social media's overall role in adolescent life. This report accordingly labels all socialization claims, in both directions, Projected.

7.7 The safety dispute

The sharpest public disagreement about these laws concerns emergencies, and it is empirically unresolved. The safety case for restriction is stated most fully by the National Association of School Resource Officers, which in October 2025 endorsed bell-to-bell policies on the ground that phones reduce safety in emergencies: students must focus on life-saving instructions rather than screens; sound or light from a device can reveal students hiding from an assailant; hundreds of simultaneous connections can degrade the networks responders rely on; and information flowing to parents mid-incident draws them to the scene, complicating response and creating tragic possibilities for misidentification (NASRO 2025). The safety case against restriction is the lived experience of families: national reporting has documented parents, including parents whose children survived school shootings, for whom the ability to reach a child in a crisis is decisive, and a National Parents Union poll of roughly 1,500 parents found that, among parents whose children carry phones to school, 78 percent cited emergencies as the reason, alongside transportation logistics (48 percent) and mental health needs (45 percent) (Soares 2024). New Jersey's framework attempts to hold both truths: the statute requires every local policy to address device use in emergencies and perceived threats, and the Department's guidance directs districts to integrate device procedures into the safety plans required by N.J.A.C. 6A:16-5.1, to instruct students to silence devices in lockdowns, to establish retrieval protocols when an unplanned closure separates students from stored

devices, and to route family communication through the main office. New York went further, requiring by statute that parents have a way to contact their children during the day. Whether either safety account is correct as an empirical matter has not been established by research, and this report does not adjudicate it. (Contested; positions Documented)

8. Impact Analysis by Affected Party

This section states, for each affected party, the plausible positive impacts, the plausible negative impacts, and the open questions, each labeled by tier. Where the evidence permits differentiation by grade band, it is noted; the Department's guidance itself differentiates K-5, 6-8, and 9-12, and the grant program reached only grades 6-12.

8.1 Students generally

Potential benefits. Reduced in-class distraction is the best-supported benefit, with achievement gains documented in English and Norwegian settings and concentrated among lower-achieving students (Documented there; Projected here). Reduced bullying is the best-supported climate benefit (Documented for Norway; Projected here). For younger students, the guidance's developmental rationale for minimizing device exposure is consistent with the direction of the descriptive literature it cites (Contested as to magnitude). Potential harms. Loss of daytime autonomy and of tools students use for organization, music, and contact; possible displacement rather than reduction of total screen time, as SMART Schools observed (Documented for England); discipline exposure for a new category of infraction, with escalation risk if codes of conduct are punitive rather than progressive (Projected). Open questions. Whether any achievement or wellbeing gains materialize under a statewide, bell-to-bell design that no researcher has yet evaluated anywhere in the United States; whether effects differ by grade band, given that the strongest evidence concerns middle schoolers; and whether first-year discipline data show escalation. (Open)

8.2 Students with disabilities and students with health conditions

Potential benefits. Students with attention-related disabilities may benefit disproportionately from lower-distraction classrooms, a plausible reading of the concentration of achievement gains among struggling students (Projected). The statute's triple protection, IEP, Section 504 plan, and student health plan, is stronger on its face than many states' laws, and the guidance's confidentiality and training directives, if followed, protect dignity as well as access (Documented as to the text). Potential harms. The risks disability advocates identified nationally apply here: enforcement that overrides a plan in the moment; staff who cannot distinguish an accommodation from a violation; exception processes burdensome enough that families give up; teams declining to write device-based supports into new IEPs because a ban

is assumed; and stigma for the student visibly permitted what classmates are denied (COPAA and NDRN positions, Documented as positions; the harms are Projected). A student whose glucose monitor pairs with a phone, or whose behavioral plan includes caregiver contact, depends on building-level execution, not statutory text. Open questions. Exception-request volume, approval and denial rates, processing times, and whether discipline referrals for device violations are disproportionate by disability status, all observable in 2026-2027. (Open)

8.3 Students from low-income and smartphone-dependent households

Potential benefits. If the distributional findings travel, the largest academic gains accrue precisely here: the English gains were concentrated in the lowest achievement quintile and the Norwegian gains among low-SES girls (Documented there; Projected here). Statewide, 37.7 percent of New Jersey public school students qualified for free lunch in fall 2025, so the population the distributional evidence favors is large (Documented). Potential harms. For lower-income families, the phone is disproportionately the household's internet: nationally, 16 percent of adults are smartphone-dependent for internet access, rising to about a third of adults in households earning under \$30,000 against 4 percent above \$100,000 (Pew Research Center 2026) (Documented nationally). A confiscated, damaged, or lost device is therefore a larger absolute and relative loss for these families, and daytime storage of a device that a parent may also rely on after school raises custody stakes; fee-bearing private storage, the pattern New York City produced in the 2000s when students banked phones at bodegas for a dollar a day, is the cautionary tale for districts that ban possession without providing storage (Documented historically; Projected here). Open questions. Whether districts adopt liability and replacement policies for stored devices; whether storage is provided free wherever possession is restricted. (Open)

8.4 English learners and students in immigrant families

Potential benefits. The translation-services exception is written directly into the statute, an acknowledgment, rare in this cohort of state laws, that for the state's 152,211 multilingual learners, 11.2 percent of enrollment, a device can be an instructional lifeline rather than a distraction (Documented as to the text and enrollment). Potential harms. The exception's value depends on whether students and families know it exists and can invoke it without stigma; the guidance's directive to translate policy materials and communicate through multiple channels is the safeguard, and its execution is local (Projected). Families

whose daytime contact with children serves interpretation, appointments, and work coordination lose a channel; main-office routing works only if the office can serve families in their languages (Projected). Open questions. Whether policy communications are actually translated districtwide; whether device-violation discipline is disproportionate by English learner status, a category the federal civil rights framework and the performance reports both make visible. (Open)

8.5 Student caregivers and students who work

Potential benefits. New Jersey is one of the few states to write caregivers into the statute: a student routinely responsible for a family member's care may receive case-by-case authorization, and the statute expressly permits the approval to run through a school psychologist, social worker, or counselor, personnel positioned to handle the underlying circumstances with discretion (Documented as to the text). Potential harms. Case-by-case regimes ration by application: a caregiver who does not disclose, or whose request is denied, carries the day's anxiety without the channel; students coordinating shift work face the same structure without a named exception, leaving them to the general necessary-purpose pathway (Projected). Open questions. Volume and disposition of caregiver requests; whether districts publish the pathway prominently enough for students to find it. (Open)

8.6 Teachers and instructional staff

Potential benefits. Teachers are the intended primary beneficiaries after students: the measured English evidence shows teaching staff in restrictive schools spending about 19 fewer hours per week managing phones than in permissive schools (75 versus 94 hours), and the classroom-contest dynamic, individually policing devices lesson by lesson, is what a uniform, storage-based rule is designed to end (Perry et al. 2026) (Documented for England; Projected here). The state's largest teachers' union supported the law and shaped it (Documented). Potential harms. Enforcement is not eliminated; it is redistributed and, in the first year, front-loaded: hallway and entry enforcement, confiscation confrontations, exception administration, and parent communication are labor, and the same English data show total school-level phone management near 100 hours weekly under either regime (Documented for England; Projected here). Teachers also lose an instructional option, student-device use in lessons, except through the subsection f. accommodation, which requires administrator sign-off (Documented as to the text). Open questions.

Whether workload impacts become the subject of impact negotiations under the EERA, Section 9's subject; whether districts staff entry collection with new capacity or absorb it. (Open)

8.7 Support staff, school counselors, and administrators

Potential benefits. Counselors and psychologists gain a formal role in the caregiver pathway, and administrators gain a uniform rule to administer in place of classroom-by-classroom variance (Documented as to the text). Potential harms. The English cost data show exactly where restrictive regimes shift the burden: non-teaching staff time rose from half an hour to 12 hours weekly in restrictive schools, the collection, storage, logging, and retrieval work (Perry et al. 2026) (Documented for England; Projected here). Principals and designees absorb the exception-adjudication function for the necessary-purpose and caregiver pathways, a discretionary docket with documentation, confidentiality, and appeal pressures the statute creates but does not staff (Projected). Open questions. Whether districts create compensated duty assignments for collection and storage; how many exception determinations a typical secondary principal processes. (Open)

8.8 District boards of education and business administrators

Potential benefits. Boards received a state floor to stand on, political cover that local boards adopting bans alone did not have, guideline alignment in place of policy invention, and, for 86 early adopters, grant funding booked to the special revenue fund under the program's prescribed accounting (Documented). Potential harms. Boards carry the compliance obligations: policy adoption on the statutory timeline, communication protocols, staff training, storage decisions with procurement and maintenance tails, custody and liability exposure for stored student property, and the discipline-data consequences that flow into performance reports; all of it inside the 2 percent levy cap and, because the FY2027 Appropriations Act carries no Phone-Free Schools Grants line, without State funding in the law's first year in effect (Documented as to the obligations and the appropriation; Projected as to cost). The unfunded mandate question in Section 6 is ultimately theirs to raise or not raise, by board resolution, on a real cost record. Open questions. Whether the announced second round is formally withdrawn or funding is restored; the first Council filing, if any; insurer treatment of stored-device claims. (Open)

8.9 Parents and families, including working parents

Potential benefits. Parents who sought institutional help limiting adolescent screen use receive it, uniformly, without having to be the enforcer at home for the school day; the associations that alarm parents, documented in Section 7.3, are the case for the benefit (Contested as to whether restriction changes outcomes). The guidance's family-communication requirements, handbooks, translated materials, orientation sessions, are designed to keep parents inside the change (Documented as to the guidance).

Potential harms. The daytime channel closes: routine coordination moves to the main office, and the emergency question, Section 7.7, lands hardest here, where 78 percent of phone-sending parents cite emergencies as the reason (Documented as to the poll). Working parents coordinating pickups, medications, and custody schedules absorb friction that office routing may handle unevenly (Projected).

Open questions. Whether districts adopt New York-style guaranteed contact channels; parent satisfaction and complaint volume in year one. (Open)

8.10 Taxpayers and the property tax base

Potential benefits. If the achievement evidence travels, the return is educational output without new instructional spending, the low-cost-policy framing both major quasi-experimental studies use (Contested; Projected here). The State's FY2026 appropriation of \$3.0 million represented about \$2.36 per K-12

student, a rounding error in a system whose annual cost per pupil is measured in the tens of thousands, and the FY2027 figure is zero (Documented arithmetic; Documented as to the appropriation). Potential

harms. Every implementation dollar and hour not covered by the grant is raised or absorbed locally under the levy cap, and absorbed staff time is a real resource cost invisible to fiscal notes, Michigan's fiscal agency said so in terms (Documented as to the instruments; Projected as to magnitude). If the Council were ever to void the statute as unfunded, the mandate would lapse; if it upheld it, the local cost structure would be constitutionalized as-is. Open questions. Whether a supplemental appropriation or the FY2028 budget restores program funding; whether any district itemizes device-policy costs in its budget documents, which would create the first public cost record. (Open)

9. Institutional Design and Labor Analysis

9.1 Where the law places duties

Viewed as an allocation of institutional labor, c.195 is a cascade. The Legislature wrote the floor and the exceptions and appropriated \$3.0 million, [for a single fiscal year](#). The Commissioner wrote the guidelines, on a 90-day clock, in mandatory consultation with five named labor and management organizations. Each board of education adopts the policy, chooses the storage architecture, designs the discipline ladder, and communicates the change to students, families, and staff in the languages its community speaks. And the people who operate the policy every morning are building staff: the aide at the entry collecting devices into a cabinet, the teacher deciding whether a smartwatch on a wrist is a violation or an accommodation, the principal adjudicating a caregiver's request, the secretary relaying a parent's message that used to travel by text. Each tier below the Legislature received duties; only the top tier controls resources, and [the one resource it committed, a discretionary annual grant line, was not renewed in the FY2027 Appropriations Act](#). That shape, mandate at the top, discretion in the middle, labor at the bottom, is not unusual in education law, but this statute exhibits it cleanly, and it is the shape that generates both the unfunded mandate question of Section 6 and the negotiability questions below. [\(Documented as to the statutory allocation and the appropriation record\)](#)

9.2 Negotiability under the Employer-Employee Relations Act

New Jersey public school labor relations are governed by the Employer-Employee Relations Act (EERA), N.J.S.A. 34:13A-1 et seq., under which majority representatives negotiate over "terms and conditions of employment," N.J.S.A. 34:13A-5.3, with disputes over what is negotiable resolved by the Public Employment Relations Commission (PERC). The controlling doctrine is the three-prong test stated by the New Jersey Supreme Court in *In re Local 195, IFPTE v. State*, 88 N.J. 393 (1982), which the New Jersey School Boards Association's negotiability reference summarizes and PERC applies: a subject is mandatorily negotiable only if it intimately and directly affects employees' work and welfare, is not preempted by a statute or regulation that speaks in the imperative and leaves the employer no discretion, and would not, if negotiated, significantly interfere with the exercise of inherent managerial prerogatives pertaining to the determination of governmental policy. All three prongs must be satisfied. (Documented)

Applied here, the doctrine divides the subject cleanly. The decision, whether students may use devices during the school day and what the rules of student conduct are, is educational policy of the classic managerial-prerogative kind; standard negotiability references classify the decision to adopt student discipline policy as nonnegotiable, and after c.195 the point is doubly settled, because the statutory floor is preemptive: a board could not bargain away a policy the statute commands in the imperative. The impact of that decision on employees is a different matter. Where implementation increases workload, adds duties such as entry collection, storage management, or hallway enforcement, extends supervisory assignments, or creates compensable time, those severable effects intimately and directly affect work and welfare, and the same references treat workload increases flowing from nonnegotiable assignments, and the procedures attending discipline of employees, as negotiable. The practical forum questions for 2026-2027 are therefore predictable: demands to negotiate the impact of device-policy duties, proposals for stipended collection assignments, disputes over whether enforcement expectations were added to teachers' days without negotiation, and, if a dispute ripens, a scope-of-negotiations petition at PERC. Two facts frame the forecast. First, the NJEA supported this law, secured the consultation architecture inside it, and has directed members with questions to its field representatives, so the posture to expect is implementation bargaining between cooperative parties, not confrontation over the policy itself. Second, no PERC matter, grievance, or labor board proceeding arising from phone-ban enforcement was located in New Jersey or any other state in the materials reviewed; everything in this subsection is accordingly prospective, and is labeled so. (Documented as to doctrine and the union's stated position; Projected as to disputes)

9.3 The invisible cost problem

Set the two official artifacts side by side. The best empirical measurement of what device policies cost schools finds roughly 100 hours of staff time per school per week under restrictive and permissive regimes alike, about three full-time equivalents, with restriction shifting hours from teachers to non-teaching staff and saving perhaps six hours net (Perry et al. 2026). The official fiscal instruments of the states enacting these mandates, meanwhile, score the state cost at or near zero, leave local costs unquantified, and, in Michigan's case, state expressly that district costs "would likely be absorbed using existing staff time." Absorption is not absence. Staff time absorbed into enforcement is time withdrawn from instruction, supervision, and support, a real resource cost that never appears in an appropriation, a fiscal note, or, ordinarily, a Council on Local Mandates record built around procurement invoices. This is

the structural blind spot this organization exists to name: fiscal instruments count what is purchased, not what is absorbed, and the largest identified cost of school device policies is absorbed labor. The observation cuts in no partisan direction. It implies that critics who price the mandate at pouch invoices understate it, that supporters who call it cost-free overstate their case, and that any serious first-year accounting, by a district, by OLS, or by a Council claimant, should measure staff hours, because that is where the money is. (Documented as to the measurement and the instruments; Projected as to New Jersey magnitudes)

9.4 Property, custody, and liability

A bell-to-bell regime built on staff-managed storage places thousands of dollars of student-owned electronics in district custody every school day, and custody carries exposure: loss, damage, theft, mixed-up retrieval, and the unplanned-closure scenario in which students leave without their devices. The Department's guidance anticipates the mechanics, directing districts to establish procedures for logging, securely storing, and facilitating retrieval of confiscated devices and to build retrieval protocols for emergency closures, but it does not, and could not, allocate financial responsibility; that is a matter for local policy, district insurance, and, eventually, claims practice. The historical caution is New York City's first ban, under which a private storage industry grew up around schools, students paying roughly a dollar a day, families upwards of \$180 a year, to bank phones at shops and trucks, a cost borne most heavily by the lowest-income students at schools with metal detectors. Districts that restrict possession without providing storage, or that provide storage without addressing liability, will discover these questions through incidents; districts that answer them in the policy text will not. (Documented as to the guidance and the historical record; Projected as to New Jersey exposure)

9.5 The prospective posture, stated plainly

Nothing in this section reports an existing dispute, because none was located: no grievance, no scope petition, no Council complaint, no lawsuit arising from c.195 appears in the records reviewed as of August 6, 2026. The law's first operational year has not begun. The analysis above identifies where the pressure will concentrate if it comes, workload and duties at PERC, costs at the Council, searches and accommodations in court, and Section 10 converts those into indicators an observer can check.

10. Implementation Risks and Watch Items

Each indicator below is concrete and falsifiable: it names what to observe, where the observation will surface, and what movement would signify. ARA will track these through the 2026-2027 school year; movement on any of them would prompt an update to this analysis.

- **Exception administration.** Volume, approval and denial rates, and processing times for requests under the nine pathways, especially the discretionary ones (necessary purpose; student caregivers). Sources: district records and board reports; family-advocacy intake. High denial rates or long queues would signal that the statute's most protective feature is failing the families it names.
- **Discipline referrals, disaggregated.** Device-policy discipline by race, disability status, and English learner status, visible through the annual School Performance Reports' discipline data and the federal Civil Rights Data Collection. Disparities here are the principal civil rights exposure identified in Section 5.3(d).
- **Attendance and chronic absenteeism.** Whether attendance moves in either direction in the first bell-to-bell year, observable in the performance reports; any school crossing the 10 percent chronic absenteeism threshold triggers a corrective action plan under N.J.S.A. 18A:38-25.1.
- **Any restoration of program funding.** The FY2027 Appropriations Act carries no Phone-Free Schools Grants line, so the questions now are whether a supplemental appropriation, a reallocation of unexpended departmental balances, or the FY2028 budget revives the program, and whether the second round the Department announced in December 2025 is formally withdrawn. Districts that adopted bell-to-bell policies on the strength of the first round are the population to watch. Two public instruments now make this checkable without waiting for an OLS analysis: the New Jersey Report Card at reportcard.nj.gov, the interactive spending and program-performance platform launched April 23, 2026 under Executive Order No. 5, and the OLS appropriations scoresheets published after each enacted budget.
- **The new State research infrastructure.** The Office of Youth Online Mental Health Safety and Awareness in the Department of Health and the Social Media Research Center funded in the FY2027

budget. Their outputs are the most likely source of New Jersey-specific evidence on the questions Section 7 identifies as unresolved.

- **The Council on Local Mandates docket.** Any complaint filed by a board of education concerning c.195, and any resolution of a board authorizing one. A filing would put the Section 6 question before the only body that can answer it; the cost record the complaint assemblies will matter more than its rhetoric.
- **The PERC docket.** Any scope-of-negotiations petition, demand to bargain impact, or grievance arbitration arising from device-policy duties. The first filing will define the workload question's forum.
- **Guidance revisions.** NJDOE updates to the January 2026 guidance, the FAQ set, and sample materials, which will show where implementation friction actually arose.
- **Litigation.** Any filing, state or federal, involving device searches, off-campus speech discovered through enforcement, accommodation failures, or confiscated property. Section 5 predicts these will be the theories if suits come; the ban itself has survived deferential review elsewhere.
- **Stored-property claims.** Loss and damage claims for devices in district custody, and insurer responses. Volume here prices the custody exposure Section 9.4 describes.
- **Storage-model choices.** The share of districts adopting staff-managed storage (pouches, cabinets, lockers) versus student-managed compliance, observable in published local policies. The split determines both the real procurement cost of the law and the strength of the unfunded mandate arguments on each side.
- **New York's first-year record.** New York's statewide bell-to-bell regime ran its first full year in 2025-2026 under a statute requiring policies that prevent inequitable discipline; its published data are the nearest leading indicator for New Jersey's experience one year behind.
- **The research pipeline.** The first peer-reviewed evaluations of any United States statewide ban, which will most likely study New York's 2025-2026 cohort. Their arrival will convert several of this report's Projected labels into Documented or refuted ones.

II. Conclusion

Three findings carry this report. First, New Jersey has enacted a binding mandate of a specific and often misdescribed shape: not a state-operated ban but a requirement that every board of education, charter school, and renaissance school project adopt, by September 2026, a local policy aligned to Commissioner guidelines whose floor is a prohibition on non-academic use of internet-enabled devices on school grounds during the school day, with nine exception pathways, local control of storage and discipline, and freedom to go further. It passed with near-unanimous bipartisan support, with the state's largest education union among its advocates, and its bell-to-bell character was created ten weeks before final passage by floor amendments implementing a state commission's recommendation.

Second, the money and the mandate are not the same size, and the gap is now the law's most consequential open question. The State attached a \$3.0 million discretionary grant line to a K-12 mandate covering 1.27 million students, awarded about \$980,000 of it to 86 grantees for grades 6-12, produced no legislative fiscal estimate at any point, and then, in FY2027, the law's first year in effect, appropriated nothing for the program and did not carry forward the unspent FY2026 balance. Whether that architecture violates the State Mandate, State Pay provision is a question exclusively for the Council on Local Mandates, and the doctrine genuinely points both ways: a mandate with no State appropriation in its first year cannot be defended as partially funded, and unearmarked aid cannot fill the gap, but speculative costs do not condemn a mandate, and the guidance's allowance of student-managed, near-zero-cost compliance is the State's strongest defense. This report states the standards and declines to predict the answer, because the answer will depend on a cost record that does not yet exist.

Third, the evidence is more modest than the debate. No United States statewide bell-to-bell ban has been evaluated anywhere. The strongest foreign evidence shows achievement and wellbeing gains concentrated among disadvantaged students and girls, and reduced bullying; the strongest direct comparison of restrictive and permissive schools shows no wellbeing or attainment difference at all; and the best-measured cost, roughly 100 staff hours per school per week spent managing student phone use under either regime, appears in no fiscal document in any state. The safety dispute between the school-safety profession and many parents is real and unresolved. A reader who holds all of these findings at once holds an accurate picture; a reader offered fewer is being sold something.

ARA will publish a plain-language summary of this report, a Spanish-language edition of that summary, and accompanying visual presentations, and will update all of them as the watch items in Section 10 move.

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This report provides general information only and does not constitute legal advice. All statements of legal, fiscal, and programmatic status are current as of September 29, 2026 and are subject to the developments identified in Section 10, including any restoration of program funding by supplemental appropriation, any proceedings before the Council on Local Mandates or the Public Employment Relations Commission, and revisions to Department of Education guidance. Procedural details, including legislative vote tallies drawn from the Legislature's online records, should be confirmed against the official journals before quotation in derivative materials.

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