

STATE OF RHODE ISLAND  
DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION  
OFFICE OF THE COMMISSIONER

*In re the October 21, 2025 Request  
for a Declaratory Order by the  
East Providence School District*

D.O. 26-01A

### 1. The Request for the Declaratory Order

On October 21, 2025, the East Providence Public School District (the “EPSD”) requested a Declaratory Order interpreting a recently enacted law (which is not to become effective until August 1, 2026) that will require public school districts to adopt policies prohibiting students from having “physical access” to “electronic devices” during the “school day.” More specifically, EPSD wants to know whether a district policy would comply with the new law if, while prohibiting students from actually using electronic devices during school, it allowed students to keep the devices “in their backpacks, pockets, lockers, etc.”

### 2. Declaratory Orders and Appeals

R.I. Gen. Laws § 42-35-8 provides that “[a] person may petition an agency for a declaratory order that interprets or applies a statute administered by the agency or states whether, or in what manner, a rule, guidance document, or order issued by the agency applies to the petitioner” and “[n]ot later than sixty (60) days after receipt of a petition under subsection (a), an agency shall issue a declaratory order in response to the petition, decline to issue the order, or schedule the matter for further consideration.” § 42-35-8(a), (c); *see generally* Regulations Governing Declaratory Order Petitions (the “D.O. Regs.”), 200-RICR-30-15-2, *et. seq.*

In addition, R.I. Gen. Laws § 42-35-8(d) provides that “[i]f an agency declines to issue a declaratory order requested under subsection (a), it shall notify, promptly, the petitioner of its decision. The decision must be in a record and must include a brief statement of the reasons for declining.”

### 3. Discussion

R.I. Gen. Laws § 16-21-43 which, as noted, is not to become effective until August 1, 2026, provides that “[e]ach public school shall have a policy regarding the use of personal electronic devices<sup>1</sup> on school grounds and during school-sponsored activities,” which, with certain enumerated exceptions,<sup>2</sup> “shall include, but not be limited to, a prohibition on physical

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<sup>1</sup> “Personal electronic device” is defined to include “a smartphone, mobile phone, tablet, computer, smartwatch or other electronic device not owned or provided to a student by a public school that is capable of communication through the Internet or a wireless network.” *Id.* at (b) (emphasis added).

<sup>2</sup> Exceptions are required “for student personal device use that provide access to assistive technology necessary to comply with individualized student 504 plans, individualized education plans (IEP), medical needs such as glucose

access to a personal electronic device by students during the school day as defined by the department of education and the commission of elementary and secondary education pursuant to §§ 16-2-2 and 16-2-9 and any regulations promulgated thereunder including, but not limited to, 200-RICR-20-05-1.” *Id.* at (a)(1) (emphasis added).<sup>3</sup>

It is well settled that when the language of a statute is clear and unambiguous, the statute may not be construed or extended, but must be applied literally. *Brier Mfg. Co. v. Norberg*, 377 A.2d 345, 348 (R.I. 1977); *In re Shepard Co.*, 115 R.I. 290, 293-94, 342 A.2d 918, 922 (1975); *Andreozzi v. D'Antuono*, 113 R.I. 155, 159, 319 A.2d 16, 18 (1974). Thus, district policies must mandate that students should have no physical access to the defined “electronic devices” during the “school day,” and thus, the devices should be stored by the school in a locked pouch, turned over to school personnel, or physical access precluded by some other means. However, it should be noted that the new law’s definition of “electronic devices” excludes devices that are “owned or provided to a student by a public school.” Thus, for example, a Chromebook provided to a student by their school would not be covered by the new law.

Moreover, although not pertinent to the specific issue raised, it should be noted that the *Regulations Governing the School Calendar and Length of the School Day* define a “school day” as consisting of “not less than five and a half (5 ½) hours (three hundred and thirty (330) minutes) of actual schoolwork *excluding lunch, recess periods, study halls, homeroom, common planning time, student passing time and pre and post school teacher time and any other time that is not actual instructional time.*” 200-RICR-20-05-1.3(A) (emphasis added).<sup>4</sup> Thus, the law would not be applicable during lunch period and student access to cell phones while on “school grounds” during “school sponsored activities” outside of “actual instructional time” should be addressed to the local level.

#### 4. Conclusion

Applying the plain language of R.I. Gen. Laws § 16-21-43 leads to the conclusion that the district policies required under the new law must mandate that students should have no

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monitoring, and/or a plan to support emergent multilingual learners (MLL) students with appropriate language access programs and services to ensure the provision of appropriate, meaningful public education.” *Id.* at (a)(2).

<sup>3</sup> The new law also expressly provides that “[t]he department of elementary and secondary education shall, in consultation with the attorney general’s office and the department of public health, provide guidance and recommendations to assist schools with developing and implementing effective policies regarding the use of personal electronic devices on school grounds and during school-sponsored activities consistent with this section and shall make such guidance and recommendations publicly available on the department’s website.” *Id.* at (e).

<sup>4</sup> And the *Regulations* provide that “actual instructional time” means:

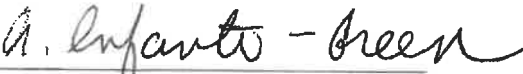
... actual instruction in the subject areas required by the Basic Education Program (BEP) Subchapter 10 Part 1 of this Chapter, for provision of art and music programming in addition to instructional activities in basic academic disciplines of English language arts, mathematics, social studies and science, combined with instruction in art, music, foreign language (where applicable) or other related instructional activities including but not limited to library, health, physical education and student advisory.

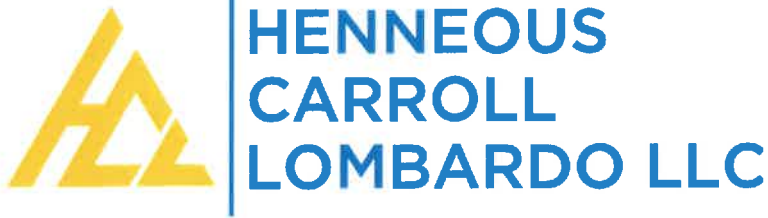
200-RICR-20-05-1.14(A).

physical access to the defined “electronic devices” during the “school day,” and thus the devices should be stored by the school in a locked pouch, turned over to school personnel, or a student’s physical access to the devices be precluded by some other means.

Please be advised R.I. Gen. Laws § 42-35-8(d) provides that this decision “is subject to judicial review for abuse of discretion.”

Entered as a final agency Order this 12<sup>th</sup> day of January, 2026.

  
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Angélica Infante-Green,  
Commissioner



October 21, 2025

Via Electronic Mail

Commissioner Angélica Infante-Green  
Rhode Island Department of Education  
Shepard Building  
255 Westminster Street  
Providence, RI 02903

**Re: Request for Advisory Opinion Regarding R.I.G.L. § 16-21-43:  
Policy on use of personal electronic devices in school.**

Dear Commissioner Infante-Green,

Please be advised that this office represents the East Providence School District. On behalf of the District, we respectfully request an Advisory Opinion regarding the interpretation of R.I.G.L. § 16-21-43, specifically whether the statute prohibits students from maintaining any physical access to their personal electronic devices throughout the entirety of the school day.

By way of explanation, in a recent presentation given to local school departments, it was suggested that students do not have to give up physical possession of their personal electronic devices during the day and may instead store them in their backpacks, pockets, lockers, etc. However, the plain language of R.I.G.L. § 16-21-43 states:

*This policy should include, but not be limited to, a prohibition on physical access to a personal electronic device by students during the school day as defined by the department of education and the commissioner of elementary and secondary education pursuant to §§ 16-2-2 and 16-2-9 and any regulations promulgated thereunder including, but not limited to, 200-RICR-20-05-1.*

It is this office's understanding that the statutory language of R.I.G.L. § 16-21-43 requires students to surrender complete possession of their personal electronic devices during the school day – such that they are not physically accessible. This may be accomplished by storing them in a locked pouch, turning them over to school personnel, or an alternate method that ensures inaccessibility.

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However, the regulation mentioned in the statute, 200-RICR-20-5-1, defines a “school day” as:

*The regular operation of all public school grades, including kindergarten, of the local education agency for a period which consists of not less than five and a half (5½) hours (three hundred and thirty (330) minutes) of actual school work excluding lunch, recess periods, study halls, homeroom, common planning time, student passing time and pre and post school teacher time and any other time that is not actual instructional time.*

This definition appears to limit the scope of the “school day” to instructional time only, thereby excluding other periods during which students are still physically present in school, like lunch and passing time. This appears to create a conflict between the statutory prohibition on physical access to electronic devices and the regulatory definition of a school day. Or, is it permissible to have students simply turn their devices over to their teacher in each period of instructional time, but to otherwise have access to them?

Accordingly, the District seeks clarification of the intent of R.I.G.L. § 16-21-43 and, specifically, the following:

1. Whether the prohibition of physical access to electronic devices only applies during instructional time or throughout the entire time students are physically on school premises during the school day.
2. Whether students may retain physical possession of their electronic devices during “non-instructional” time but surrender possession during “instructional time.”
3. Does allowing a student to simply put their phone away in their pocket, backpack, etc., constitute a prohibition on physical access as required under the statute?

Given that this statute is scheduled to take effect on August 1, 2026, timely guidance is essential to ensure that the District can develop and implement a compliant policy. Please advise if any additional information is required to



render your opinion. We appreciate your time and attention to this matter and look forward to your response.

Sincerely,

*/s/ Gwendolyn Peel*