

Ringling the school bell

On the regulation of smart devices in schools in Europe and Hungary

ANALYSIS BY THE REPUBLIKON INSTITUTE



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- In our analysis, we reviewed the regulation of the use and presence of smart devices, primarily smartphones, in schools in some European countries and in Hungary in light of the new, strictly restrictive government decree in force in Hungary since September this year.
- While there seems to be a consensus that some form of regulation of the presence of smart devices in schools is necessary to mitigate the negative effects of excessive device use on young people, regulatory practices (also) vary widely across EU Member States.
- Some countries (e.g. the Czech Republic) leave it up to educational institutions to tackle the problem and do not introduce state-level regulation; others (e.g. the Netherlands) opt for an almost total ban on smart devices; and others (e.g. France) actively experiment with restrictive regulation.
- In general, tightening regulation is a trend in Europe, especially since 2023, when a major UNESCO study drew attention to the dangers of smartphones for young people, to great acclaim. The Hungarian government decree issued in August this year, which severely restricts the presence of smart devices in schools, fits in with this European trend.
- The success or failure of a policy measure depends not only on whether the text of the law or decision on which it is based is in line with the intentions of the rule-maker, but also on the acceptability and feasibility of the measure for those who are ultimately affected. The Hungarian government did not sufficiently involve the stakeholders (teachers, parents, students) in the preparation of the relevant government decree, thus creating a climate of opposition, protest and evasion.
- To compound the problem at home, the much-publicised suspension of the headmaster of the Madách Imre High School seems unjustified and pointless under the government decree, and can only reinforce the feeling that those concerned should have no say in the regulation of education.

INTRODUCTION

At the end of August, the government decree restricting the use of smart devices, especially smartphones, in schools caused a stir in the national public. Although the decree had been published weeks earlier, it received a lot of backlash - naturally - as school was about to start, and when the Ministry of the Interior, which is also responsible for education, suspended the director of the Imre Madách High School in Budapest, who publicly announced that Madách did not plan to use the decree and would not collect mobile phones from students before their first classes.

The circumstances of Csaba Mészáros' dismissal deserve a separate investigation, but in this report we will not focus on this specific case, but on the root cause of the scandal, the regulation of smartphone use in schools, which is the subject of heated debate in many countries around the world. There is no doubt that smartphones, like most technological innovations, bring both huge benefits and serious dangers, especially for children and young people: the former include opportunities for socialising, learning, skills development and even entertainment, while the latter include the equally pressing issues of privacy, bullying, addiction, attention deficit, and the development of healthy social relationships. Together and separately, these issues have generated a library of literature over the years, and the restrictions on face-to-face encounters during the COVID epidemic have given an even greater impetus to the use of digital tools and to research on them. It is not an easy task for policy makers to introduce regulation in an area that has a profound impact on our daily lives, but which is also changing rapidly and is subject to constant research, and which (should) promote the benefits of smartphone use while minimising the potential risks. In the following, we will review the regulatory approach of some EU Member States and the legitimate criticisms that may be levelled at the domestic regulation and its introduction.

OVERVIEW

CZECH REPUBLIC

Although there is no uniform, state-level restriction on the use of mobile phones (whether smart or "dumb") in schools in the Czech Republic, there are some institutions that follow this path. Schools can decide for themselves how to regulate the use of digital devices, without interference from the government or the state body that supervises educational institutions, the so-called Česká školní inspekce (ČŠI). In August this year, the decision by the municipality of Vsetín to introduce a complete ban on the use of mobile phones during school hours in its primary schools caused a stir. Students' phones will be collected by the teacher on arrival at school, at the start of their first lesson, and placed in a safe, from where they will be returned to their owners after the lesson. Of course, to implement this measure, lockable containers are needed: the city council is providing them to help schools comply with the regulations.

The Czech Ministry of Education has not criticised the municipality's decision from a technical point of view: the government still does not have a unified, official position on the issue. From a legal point of view, however, the decision of the municipality is a matter of concern, as only the educational institutions themselves could introduce such a restriction by law. That said, at the time of writing this Outlook, we have no information that any of the schools concerned have taken action against the municipality's decision. The ČŠI recommends that there is a need to regulate the presence of mobile phones in educational institutions, even to ban them, but at least to restrict the use of the devices during school hours for educational purposes. Of course, a total ban is only one extreme, there are many ways of restriction: mandatory silencing, switching off the phones, leaving them in a bag, and so on.

FRANCE

Since 2018, French primary and secondary schools (up to year 9) have banned the use of mobile phones in and out of class, but until September this year, students were allowed to keep their phones with them during the day. This has now changed, at least in the 200 secondary schools where the state is experimenting with a full "digital break": these institutions have installed lockable mobile phone storage facilities to store students' smartphones from the start of school until the end. The primary aim of the measure is to reduce screen time and cyberbullying, and if it proves feasible and successful in the 200 schools participating in the programme during the trial period, it could be extended to the whole country from January 2025.

The French scheme was introduced with one major feasibility concern: although the ban was introduced by the French Ministry of Education, the scheme does not receive public funding, so the cost of purchasing the appropriate containers will fall on the school authorities, i.e. the départements. According to the French federation of départements, with around 7,000 secondary schools in France, this could amount to a total cost of up to €125 million, which the départements would not be prepared to do without. However, this amount is hardly such that disagreements over it could have a major impact on the judgement of the success of the test period.

THE NETHERLANDS

In the Netherlands, smart devices, including phones, tablets and smartwatches, were banned from all secondary schools in January this year, with the rationale being that the presence of these devices has a negative impact on students' attention levels at school and contributes to poor academic results. The ban is not without precedent: previously, schools had the discretion to decide whether and how to regulate mobile use in schools, and many institutions have opted for full or even total restrictions. Following positive results in some institutions, the state introduced a smart device ban in all secondary schools in January this year. Researchers at Radboud University in Nijmegen studied the effects of the measure in secondary schools and found that, although there are drawbacks, it has had a generally positive impact on students' social life and ability to concentrate in the classroom, and has not triggered significant protests from students. The smart device ban was extended to primary schools from September, and is now a general restriction in the country.

The introduction of the restriction in the Netherlands in January this year was preceded by an extensive public debate and consultation process, at the end of which the Ministry of Education, Culture and Science reached an agreement with representatives of teachers and parents, as well as with professional education organisations, and the impact of the provision is being studied. The school communities (teachers, parents, students) have been given autonomy to work out a mutually acceptable way of implementing the smart device ban by January 2024, and a strong emphasis has been placed on the provision of information on the regulation, so that all stakeholders are clear on the reasons for its introduction and the details of the regulation.

ITALY

In 2007, Italy became the first European country to ban mobile phones from the classroom, following a series of scandals that sparked national outrage, centred on videos of students bullying their classmates or teachers, which were uploaded to the internet. Since then, Italy has not relaxed its stance on mobile phones, with Education Minister Giuseppe Valditara deciding in July this year to impose strict restrictions: from the start of the school year, all digital devices will be banned from kindergartens, primary schools and lower secondary schools, and students will not even be allowed to use their devices for educational purposes. Exceptions to the rule are laptops and tablets, but even these can only be used in exceptional cases, under the supervision of a teacher, and only for teaching and learning purposes. The minister justified the decision by saying that banning smartphones from educational institutions will help to reduce bullying and violence. In addition to and in a complementary way to the restriction of smart devices in schools, the Italian Ministry of Education intends to place a strong emphasis on the development of handwriting skills, for example by requiring students to do homework by hand, which it argues is beneficial for cognitive development.

SLOVAKIA

Like many other EU countries, Slovakia changed its rules on mobile phone use in schools this year. The Slovak provision is one of the stricter ones, as from January 2025 it will completely ban the use of mobile phones by pupils in educational institutions in the first three years of primary school, both in and out of lessons. Students in grades four, five and six will be allowed to use their devices in special cases where required by the national curriculum, and from grade six upwards, teachers themselves will be able to give specific permission for mobile use for educational purposes.

HUNGARY

Contrary to the ponderous wording that has been repeatedly quoted in the press, the Hungarian regulation that is the subject of this policy review, the government decree 245/2024 (VIII.8.) published in August this year, does not, or at least not categorically, ban smartphones from schools. As a general rule, students are required to hand in their phones at the beginning of the school day, which are stored in a locked place during the day and returned to their owners at the end of the day. Of course, schools already had the option to do this: they could regulate the use of smart devices in their own policies, but from September this year this is no longer optional. However, the restriction is not complete, as there may be exceptions to the general rule: a teacher or the director of the educational establishment may authorise the use of smart devices for educational purposes within the school, provided that the curriculum describes what the educational purpose is, specifies the device authorised and the duration of the authorisation.

CONCLUSIONS

The new Hungarian regulation has a lot in common with the relevant regulations in other European countries, but in two respects it is more general than most of them: on the one hand, it does not only apply to smartphones and smart devices, but to all telecommunication devices and devices capable of recording images or sound, and on the other hand, it does not only apply to students in certain grades, but to practically all students in any form of education.

Although the introduction of some kind of restrictions on mobile phones and smart devices has been an issue in most EU Member States (and beyond) for years, it is no coincidence that 2023-24 has seen a new impetus for regulation in this area. Last year saw the publication of a comprehensive report by the United Nations

Educational, Scientific and Cultural Organisation (UNESCO), which, taking into account the results of a range of relevant research, takes a highly critical view of the impact of phones on children, young people and their presence in schools. UNESCO's view is that restrictions are necessary and that only technologies that clearly support learning should be in schools - and studies show that smartphones are very unlikely to be in this category.

The above international examples also show that, while policy responses may vary widely, the use of smartphones by children and young people and their presence in schools is seen by many governments and organisations, in line with psychologists and educators, as a challenge that needs to be addressed as soon as possible. Responses range from a general ban at state level to full autonomy for school managements on this issue, and the Hungarian government's decree is by no means unique, extreme or against the trends in terms of its content. However, the correct and thorough assessment of a policy measure - in the Hungarian case, the government decision - goes far beyond the mere interpretation of the text: the circumstances of its introduction, the conditions of its feasibility or the social perception of it are an integral part of the measure.

While international examples can be a guide, we must not forget that they are introduced in fundamentally different social, material and educational contexts. Banning smart devices from schools can certainly raise problems where the development of digital skills is part of the curriculum, but the school (or the body responsible for it) does not provide the devices for use in the classroom. Where schools are required to keep students' mobile phones in lockable containers during school hours, the cost of providing these containers can be a major financial burden for the school - as we have seen in France, this is already a matter of debate; and the situation is particularly worrying where schools have minimal autonomy, no meaningful influence on the process, no resources and no means to organise storage, yet are responsible for assets worth millions of euros on a daily basis - as in Hungary.

In addition to the specific, often practical difficulties, the way in which a restriction on smartphones is introduced, and the precedents it follows, deserve special attention. As with all policy measures, the social consultation that precedes a political decision - or the lack of it, as we have seen in Hungary - is of great importance. Of course, the international approaches outlined above have their critics in each country concerned: where the rules are more permissive, many are calling for stricter restrictions; where there is a blanket ban on smart devices in schools, many are calling for less. The purpose of the pre-decision consultation is not to remove all doubt about the appropriateness of the measure, which is virtually impossible, whatever the issue, and even more so on an issue as divisive and fundamental to our daily lives as mobile use, if it can be scaled up at all. Listening to experts (through public forums, round tables, consultations) and involving the organisations concerned and their representatives (teachers, parents, student

councils, etc.) may not necessarily lead to a consensus, but it can help to fine-tune measures, identify and prevent foreseeable difficulties and problems.

But just as importantly, meaningful consultation in itself makes a measure more likely to succeed, because even those who would otherwise disagree with it are more likely to accept it. If stakeholders feel that their views have been heard, they have been given the opportunity to make their views known, and the decision-maker has weighed them up and made a decision based on real professional arguments and experience, the final measure will be more acceptable even to those who might otherwise have taken a different view. Although the Ministry of the Interior held a consultation on the issue at the beginning of August, the Democratic Union of Teachers called it a "rehash", indicating that their criticisms had not been taken into account by the Ministry's representatives. Indeed, given that the government decree was published on 8 August, it is difficult to assume that there was a comprehensive consultation process in which professional organisations were involved from the outset in the preparatory process: it seems more likely that the Ministry presented the stakeholders with a *fait accompli* during the consultation. The dismissal of the headmaster of the Madách Imre Secondary School shortly afterwards was a minimum cause for concern for a number of reasons: firstly, the relevant government decree does not categorically prohibit the use of smart devices in schools, so the mere fact that a school does not plan to collect its students' phones does not necessarily mean that it is in breach of the decree. On the other hand, when the principal was dismissed, the school year had not yet begun, so Mr Mészáros did not really have the opportunity to act either in compliance with or in violation of the regulation, since the students had not returned to school before 2 September, so there would have been no one to collect the phones from. There is reason to believe, therefore, that the reason behind Mészáros' dismissal was not his attitude to the regulation, but the fact that he publicly expressed an opinion that could be interpreted as a challenge to the government's decision, and that the Ministry of the Interior, like much of the press on the subject, interpreted it as such. A process carried out in this way is particularly conducive to opposition to the regulation and to evasive behaviour, which was of course reinforced by the suspension of the director of the Madách Gymnasium, which, by all accounts, is completely pointless even under the regulation.

The Hungarian restriction on the use of mobile phones in schools is not considered to be a particularly strict one in Europe: we can see that there are examples of bans not only at school level but also at state level within the EU, and most of the feedback shows that strict regulation of the presence of smart devices can have a beneficial effect on the spiritual, intellectual and social development of young people. However, we cannot ignore the fact that these regulations have been developed in the public debate on the issue, through a collision of expert opinions, taking into account local successful examples.

The Hungarian restriction on the use of mobile phones in schools is not considered to be the most stringent in Europe: we can see that there are examples of not only school-level but also state-level bans across the EU, and most feedback shows that strict regulation of the presence of smart devices can have a beneficial effect on the spiritual, intellectual and social development of young people. However, it cannot be ignored whether these regulations have been developed through public debate on the issue, through a collision of expert opinions, taking into account local examples of success. However it works, and however it may be received in the first year of application of the Hungarian legislation, the evaluation of its effectiveness cannot be divorced from the circumstances of its introduction and the extent to which it has already alienated from itself those who will be responsible for its implementation.