

February 10, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

SENATE BILL NO. 2354

Introduced by

Senators Axtman, Cleary, Sickler, Thomas

Representatives Bosch, O'Brien

1 A BILL for an Act to create and enact a new section to chapter 15.1-07 of the North Dakota
2 Century Code, relating to school district ~~wireless communication~~personal electronic device
3 policies; and to provide an appropriation.

4 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

5 **SECTION 1.** A new section to chapter 15.1-07 of the North Dakota Century Code is created
6 and enacted as follows:

7 ~~Wireless communication~~Personal electronic device policy.

8 1. As used in this section, "~~wireless communication~~personal electronic device" means a
9 portable wireless device with the capability to provide voice, messaging, or other data
10 communication between two or more parties, including a cell phone, tablet computer,
11 laptop computer, or gaming device.

12 2. Before ~~January 1, 2027~~August 1, 2026, a school district in coordination with the board
13 of the school district shall adopt and implement a ~~wireless communication~~personal
14 electronic device policy that:

15 a. Except as provided in subdivisions b and c and subsection 3, minimizes or
16 prohibits a student from using a ~~wireless communication~~personal electronic
17 device during school hours;

18 b. Authorizes a teacher to allow a student to use a ~~wireless communication~~personal
19 electronic device for educational purposes during instructional time;

- 1 c. Permits a student to use a ~~wireless-communication~~personal electronic device to
2 manage the student's health care, as ~~determined~~documented by a licensed
3 ~~physician~~treating provider or in accordance with an individual health plan;
4 d. Is consistent across grade levels; and
5 e. Promotes evidence-based smartphone practices to support student learning and
6 well-being.
- 7 3. The policy under subsection 2 may not prohibit a student from using a ~~wireless-~~
8 ~~communication~~personal electronic device during school hours if the use of the ~~wireless-~~
9 ~~communication~~personal electronic device is included in the student's individualized
10 education program ~~or~~in accordance with the Individuals with Disabilities Education Act
11 [29 U.S.C. 1400], a plan developed under section 504 of the federal Rehabilitation Act
12 of 1973 [29 U.S.C. 794], or any other applicable law.
- 13 4. A school district shall:
14 a. Solicit input from stakeholders to develop the policy under subsection 2 to ensure
15 the policy is responsive to the unique needs and desires of students, parents,
16 and educators in the community.
17 b. Ensure the policy carefully considers the retention of possession and security
18 against loss or theft of the personal electronic devices.
19 c. Publish on its website the ~~wireless-communication~~personal electronic device
20 policy.
21 ~~e.d.~~ Annually review and update policies based on emerging research and data
22 regarding ~~wireless-communication~~personal electronic device use in schools.
- 23 5. The superintendent of public instruction shall identify and provide information on
24 approved secure storage containers to the requesting school districts.

25 **SECTION 2. APPROPRIATION - DEPARTMENT OF PUBLIC INSTRUCTION- ONE-TIME**
26 **FUNDING.** There is appropriated out of any moneys in the general fund in the state treasury,
27 not otherwise appropriated, the sum of \$300,000, or so much of the sum as may be necessary,
28 to the superintendent of public instruction for the purpose of providing funds to a school district
29 upon the request of the board of a school district to acquire approved secure containers to store
30 each student's personal electronic device, in accordance with the established school district

- 1 plan, for the biennium beginning July 1, 2025, and ending June 30, 2027. The funding provided
- 2 in this section is considered a one time funding item.