

April 28, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO SECOND ENGROSSMENT

REENGROSSED SENATE BILL NO. 2354

Introduced by

Senators Axtman, Cleary, Sickler, Thomas

Representatives Bosch, O'Brien

In place of amendment (25.1182.04002) adopted by the House, Reengrossed Senate Bill No. 2354 is amended by amendment (25.1182.04004) as follows:

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 personal electronic device policies;~~ for an Act to amend
3 and reenact the new section to chapter 15.1-07 of the North Dakota Century Code as created
4 by House Bill No. 1160, as approved by the sixty-ninth legislative assembly, relating to the use
5 of personal electronic devices in schools providing prekindergarten, elementary, or secondary
6 education.

7 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

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

10 ~~— **Personal electronic device policy.**~~

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

15 ~~— 2. Before August 1, 2026, a school district in coordination with the board of the school~~
16 ~~district shall adopt and implement a personal electronic device policy that:~~

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

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

- ~~c. Permits a student to use a personal electronic device to manage the student's health care, as documented by a licensed treating provider or in accordance with an individual health plan;~~
- ~~d. Is consistent across grade levels; and~~
- ~~e. Promotes evidence-based smartphone practices to support student learning and well-being.~~
- ~~3. The policy under subsection 2 may not prohibit a student from using a personal electronic device during school hours if the use of the personal electronic device is included in the student's individualized education program in accordance with the Individuals with Disabilities Education Act [29 U.S.C. 1400], a plan developed under section 504 of the federal Rehabilitation Act of 1973 [29 U.S.C. 794], or any other applicable law.~~
- ~~4. A school district shall:~~
- ~~a. Solicit input from stakeholders to develop the policy under subsection 2 to ensure the policy is responsive to the unique needs and desires of students, parents, and educators in the community.~~
- ~~b. Ensure the policy carefully considers the retention of possession and security against loss or theft of the personal electronic devices.~~
- ~~c. Publish on its website the personal electronic device policy.~~
- ~~d. Annually review and update policies based on emerging research and data regarding personal electronic device use in schools.~~

SECTION 1. The new section to chapter 15.1-07 of the North Dakota Century Code as created by House Bill No. 1160, as approved by the sixty-ninth legislative assembly, is amended and reenacted as follows:

Personal electronic devices - Prohibition during instructional time.

1. As used in this section:

- a. "Instructional time" means the time from the start of the school day until dismissal at the end of the school day on school premises, for which the signal may be the ringing of a bell, including a structured or unstructured learning experience, recess, a lunch period, and time in between classes. The term does not include private student travel time to and from an area career and technology center or

other offsite learning experience or instructional time occurring in virtual environments off school premises.

b. "Parent" means a parent or guardian of a student who is authorized to make decisions regarding education for the student.

c. "Personal electronic communication device" means a portable electronic device capable of communication by voice, text, or other data with one or more other parties or devices, or capable of connection to a smartphone, the internet, or a cellular or wireless fidelity network, including a smartphone, cell phone, bluetooth-enabled device, tablet, smartwatch or other wearable device, and gaming device. The term does not include:

(1) School-owned devices provided to a student and school-approved devices used by a student in accordance with this section.

(2) Portable devices that meet the definition of a medical device under the federal Food, Drug and Cosmetic Act [21 U.S.C. 9 et seq.].

d. "School" means a public school providing prekindergarten, elementary, or secondary education, including area career and technology centers. The term does not include virtual schools, virtual instruction, the North Dakota center for distance education, or education occurring in a home-school environment.

e. "School-related activity" means a school sanctioned activity, event, or function, occurring outside of instructional time, at which students are under supervision of the school, whether on or off school premises, including a bus ride, field trip, sporting event, and school dance.

f. "Student" means an individual currently enrolled or registered at a school as defined under subdivision d of this section.

2. Each school district or applicable governing body shall adopt and implement a policy for schools which:

a. Requires all personal electronic communication devices be silenced or turned off, securely ~~locked~~ stowed away, and inaccessible to students during instructional time;

b. ~~Ensures students do not have access to personal electronic communication devices, by requiring the devices to be locked or stowed away in a secure~~

~~lockable pouch, phone locker, pencil pouch, manila envelope, or other inaccessible location;~~

~~c.~~ Provides schools may limit or allow student access to personal electronic communication devices outside of instructional time, during a school-related activity;

~~d.c.~~ Includes enforcement provisions to ensure strict compliance with the policy by students and school employees; and

~~e.d.~~ Provides a student may contact the student's parent or authorized caregiver during the school day if needed by using a school telephone made available to the student in a manner and location designated by the school.

3. Notwithstanding subsection 2, a school may not prohibit a student from possessing or using a personal electronic communication device, if:

a. A medical provider licensed under title 43 determines the possession or use of a personal electronic communication device is necessary for the health or well-being of the student; or

b. The possession or use of a personal electronic communication device is required by the student's individual education program under ~~the~~;

(1) The Individuals with Disabilities Education Act [Pub. L. 91-230; 84 Stat. 121; 20 U.S.C. 1400-et seq.]; a plan under section;

(2) Section 504 of the federal Rehabilitation Act of 1973 [29 U.S.C. 794]; or other;

(3) A plan that must be accommodated developed in accordance with state or federal law requiring accommodation.

4. A school district shall collect data annually with the goal of measuring the impact of its policy on student behavior, mental health, disciplinary incidents, school attendance, and academic performance. ~~By July 1, 2026, the superintendent of public instruction shall establish a uniform system to enable a school district to report all data as required under this section.~~

5. Upon the adoption and implementation of a policy in accordance with this section, a school district shall:

- 1 a. Ensure the policy is communicated to students, parents, and authorized
- 2 caregivers; and
- 3 b. Publish the policy in student and personnel handbooks.