

Sixty-ninth  
Legislative Assembly  
of North Dakota

## PROPOSED AMENDMENTS TO

### HOUSE BILL NO. 1160

Introduced by

Representatives Jonas, Longmuir, Nelson, Sanford

1 A BILL for an Act to create and enact a new section to chapter 15.1-06 of the North Dakota  
2 Century Code, relating to ~~the prohibition of~~ policies for student cellular telephone use ~~during~~  
3 ~~instructional time.~~

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

5 **SECTION 1.** A new section to chapter 15.1-06 of the North Dakota Century Code is created  
6 and enacted as follows:

7 ~~Cellular telephone prohibition~~ **Cellular telephone usage policy.**

8 1. As used in this section:

- 9 a. "Cellular telephone" means a wireless communication device ~~belonging to a~~  
10 student, which is capable of transmitting voice, text, or data between parties. The  
11 term ~~includes~~ does not include a tablet ~~or~~, laptop computer ~~and a gaming device,~~  
12 or personal computer approved by the school district for educational use.
- 13 b. "Instructional time" means the time when a student is attending class or an  
14 educational activity.
- 15 c. "Noninstructional time" means the time when a student is not attending class or  
16 an educational activity, including lunch, recess, time between classes, the time  
17 before a student's first class and after a student's last class, and open class  
18 periods.
- 19 2. ~~A school shall prohibit a student from using a cellular telephone during instructional~~  
20 ~~time.~~

1 ~~3.~~ A board of a school district ~~may~~shall adopt a policy governing the use of cellular  
2 telephones during instructional and noninstructional time.

3 3. A policy:

4 a. May include time and location restrictions for cellular telephone usage, limitations  
5 regarding disruptions, proper instructional use, acceptable and unacceptable use  
6 of cellular telephones for students and staff, and disciplinary actions for student  
7 noncompliance.

8 b. Must include exceptions for:

9 (1) Medical accommodations. An individual may use a cellular telephone or  
10 other technological device, if required for accommodations based on a  
11 disability or management of a medical condition, including continuous  
12 glucose monitoring or seizure alerts. The individual shall provide to the  
13 school administrator relevant documentation from a licensed health care  
14 provider.

15 (2) Educational accommodations. A student with an individual education  
16 program, individual learning plan, a plan under section 504 of the  
17 Rehabilitation Act of 1973 [29 U.S.C. 794], or other plan under the law must  
18 be accommodated according to the plan.

19 (3) Emergency situations affecting the health, safety, or well-being of a student  
20 or staff member.