

FIRST ENGROSSMENT

ENGROSSED 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 policies for student cellular telephone use.

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

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

6 **Cellular telephone usage policy.**

7 1. As used in this section:

8 a. "Cellular telephone" means a wireless communication device, which is capable of
9 transmitting voice, text, or data between parties. The term does not include a
10 tablet, laptop computer, or personal computer approved by the school district for
11 educational use.

12 b. "Instructional time" means the time when a student is attending class or an
13 educational activity.

14 c. "Noninstructional time" means the time when a student is not attending class or
15 an educational activity, including lunch, recess, time between classes, the time
16 before a student's first class and after a student's last class, and open class
17 periods.

18 2. A board of a school district shall adopt a policy governing the use of cellular
19 telephones during instructional and noninstructional time.

20 3. A policy:

21 a. May include time and location restrictions for cellular telephone usage, limitations
22 regarding disruptions, proper instructional use, acceptable and unacceptable use

1 of cellular telephones for students and staff, and disciplinary actions for student
2 noncompliance.

3 **b.** Must include exceptions for:

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

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

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