

March 31, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

**PROPOSED AMENDMENTS TO
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.~~for an Act to create and
3 enact a new section to chapter 15.1-07 of the North Dakota Century Code, relating to the use of
4 personal electronic devices during instructional time.

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

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

8 ~~—**Cellular telephone usage policy.**~~

9 ~~—1. As used in this section:~~

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

14 ~~—b. "Instructional time" means the time when a student is attending class or an~~
15 ~~educational activity.~~

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

1 ~~2. A board of a school district 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.~~

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

23 **Personal electronic devices - Prohibition during instructional time.**

24 **1. As used in this section:**

25 **a. "Instructional time" means the time from the start of the school day until dismissal**
26 **at the end of the school day on school premises, for which the signal may be the**
27 **ringing of a bell, including a structured or unstructured learning experience,**
28 **recess, a lunch period, and time in between classes. The term does not include**
29 **private student travel time to and from an area career and technology center or**
30 **other offsite learning experience or instructional time occurring in virtual**
31 **environments off school premises.**

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

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

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

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

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

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

21 f. "Student" means an individual currently enrolled or registered at a school.

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

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

26 b. Ensures students do not have access to personal electronic communication
27 devices, by requiring the devices to be locked or stowed away in a secure
28 lockable pouch, phone locker, pencil pouch, manila envelope, or other
29 inaccessible location;

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

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

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

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

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

14 b. The possession or use of a personal electronic communication device is required
15 by the student's individual education program under the Individuals with
16 Disabilities Education Act [Pub. L. 91-230; 84 Stat. 121; 20 U.S.C. 1400 et seq.],
17 a plan under section 504 of the federal Rehabilitation Act of 1973 [29 U.S.C.
18 794], or other plan that must be accommodated in accordance with state or
19 federal law.

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