

**FIRST ENGROSSMENT
with Senate Amendments**

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 15.1-07 of the North Dakota
2 Century Code, relating to the use of personal electronic devices during instructional time.

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

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

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

7 1. As used in this section:

- 8 a. "Instructional time" means the time from the start of the school day until dismissal
9 at the end of the school day on school premises, for which the signal may be the
10 ringing of a bell, including a structured or unstructured learning experience,
11 recess, a lunch period, and time in between classes. The term does not include
12 private student travel time to and from an area career and technology center or
13 other offsite learning experience or instructional time occurring in virtual
14 environments off school premises.
- 15 b. "Parent" means a parent or guardian of a student who is authorized to make
16 decisions regarding education for the student.
- 17 c. "Personal electronic communication device" means a portable electronic device
18 capable of communication by voice, text, or other data with one or more other
19 parties or devices, or capable of connection to a smartphone, the internet, or a
20 cellular or wireless fidelity network, including a smartphone, cell phone,
21 bluetooth-enabled device, tablet, smartwatch or other wearable device, and
22 gaming device. The term does not include:

- 1 (1) School-owned devices provided to a student and school-approved devices
2 used by a student in accordance with this section.
- 3 (2) Portable devices that meet the definition of a medical device under the
4 federal Food, Drug and Cosmetic Act [21 U.S.C. 9 et seq.].
- 5 d. "School" means a public school providing prekindergarten, elementary, or
6 secondary education, including area career and technology centers. The term
7 does not include virtual schools, virtual instruction, the North Dakota center for
8 distance education, or education occurring in a home-school environment.
- 9 e. "School-related activity" means a school sanctioned activity, event, or function,
10 occurring outside of instructional time, at which students are under supervision of
11 the school, whether on or off school premises, including a bus ride, field trip,
12 sporting event, and school dance.
- 13 f. "Student" means an individual currently enrolled or registered at a school.
- 14 2. Each school district or applicable governing body shall adopt and implement a policy
15 for schools which:
- 16 a. Requires all personal electronic communication devices be silenced or turned off,
17 securely locked away, and inaccessible to students during instructional time;
- 18 b. Ensures students do not have access to personal electronic communication
19 devices, by requiring the devices to be locked or stowed away in a secure
20 lockable pouch, phone locker, pencil pouch, manila envelope, or other
21 inaccessible location;
- 22 c. Provides schools may limit or allow student access to personal electronic
23 communication devices outside of instructional time, during a school-related
24 activity;
- 25 d. Includes enforcement provisions to ensure strict compliance with the policy by
26 students and school employees; and
- 27 e. Provides a student may contact the student's parent or authorized caregiver
28 during the school day if needed by using a school telephone made available to
29 the student in a manner and location designated by the school.
- 30 3. Notwithstanding subsection 2, a school may not prohibit a student from possessing or
31 using a personal electronic communication device, if:

- 1 a. A medical provider licensed under title 43 determines the possession or use of a
2 personal electronic communication device is necessary for the health or well-
3 being of the student; or
- 4 b. The possession or use of a personal electronic communication device is required
5 by the student's individual education program under the Individuals with
6 Disabilities Education Act [Pub. L. 91-230; 84 Stat. 121; 20 U.S.C. 1400 et seq.],
7 a plan under section 504 of the federal Rehabilitation Act of 1973 [29 U.S.C.
8 794], or other plan that must be accommodated in accordance with state or
9 federal law.
- 10 4. A school district shall collect data annually with the goal of measuring the impact of its
11 policy on student behavior, mental health, disciplinary incidents, school attendance,
12 and academic performance. By July 1, 2026, the superintendent of public instruction
13 shall establish a uniform system to enable a school district to report all data as
14 required under this section.