

February 10, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

SENATE BILL NO. 2354

Introduced by

Senators Axtman, Cleary, Sickler, Thomas

Representatives Bosch, O'Brien

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 ~~wireless communication~~personal electronic device
3 policies; and to provide an appropriation.

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

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

7 ~~Wireless communication~~Personal electronic device policy.

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

12 2. Before ~~January 1, 2027~~August 1, 2026, a school district in coordination with the board
13 of the school district shall adopt and implement a ~~wireless communication~~personal
14 electronic device policy that:

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

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

- 1 c. Permits a student to use a ~~wireless communication~~personal electronic device to
2 manage the student's health care, as ~~determined~~documented by a licensed
3 physiciantreating provider or in accordance with an individual health plan;
- 4 d. Is consistent across grade levels; and
- 5 e. Promotes evidence-based smartphone practices to support student learning and
6 well-being.
- 7 3. The policy under subsection 2 may not prohibit a student from using a ~~wireless-~~
8 ~~communication~~personal electronic device during school hours if the use of the ~~wireless-~~
9 ~~communication~~personal electronic device is included in the student's individualized
10 education program ~~or~~in accordance with the Individuals with Disabilities Education Act
11 [29 U.S.C. 1400], a plan developed under section 504 of the federal Rehabilitation Act
12 of 1973 [29 U.S.C. 794], or any other applicable law.
- 13 4. A school district shall:
- 14 a. Solicit input from stakeholders to develop the policy under subsection 2 to ensure
15 the policy is responsive to the unique needs and desires of students, parents,
16 and educators in the community.
- 17 b. Ensure the policy carefully considers the retention of possession and security
18 against loss or theft of the personal electronic devices.
- 19 c. Publish on its website the ~~wireless communication~~personal electronic device
20 policy.
- 21 ~~e.d.~~ Annually review and update policies based on emerging research and data
22 regarding ~~wireless communication~~personal electronic device use in schools.
- 23 5. The superintendent of public instruction shall identify and provide information on
24 approved secure storage containers to the requesting school districts.

25 **SECTION 2. APPROPRIATION - DEPARTMENT OF PUBLIC INSTRUCTION- ONE-TIME**
26 **FUNDING.** There is appropriated out of any moneys in the general fund in the state treasury,
27 not otherwise appropriated, the sum of \$300,000, or so much of the sum as may be necessary,
28 to the superintendent of public instruction for the purpose of providing funds to a school district
29 upon the request of the board of a school district to acquire approved secure containers to store
30 each student's personal electronic device, in accordance with the established school district

- 1 plan, for the biennium beginning July 1, 2025, and ending June 30, 2027. The funding provided
- 2 in this section is considered a one time funding item.