

**SECOND ENGROSSMENT
with House Amendments**

REENGROSSED 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 the use of personal electronic devices in schools which provide
3 prekindergarten, elementary, or secondary education.

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

8 1. As used in this section:

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

- 1 bluetooth-enabled device, tablet, smartwatch or other wearable device, and
2 gaming device. The term does not include:
- 3 (1) School-owned devices provided to and school approved devices used by a
4 student in accordance with this section.
- 5 (2) Portable devices that meet the definition of a medical device under the
6 federal Food, Drug and Cosmetic Act [21 U.S.C. 9 et seq.].
- 7 d. "School" means a public school or nonpublic school providing prekindergarten,
8 elementary, or secondary education including area career and technology
9 centers. The term does not include virtual schools, virtual instruction, the North
10 Dakota center for distance education, or education occurring in a home school
11 environment.
- 12 e. "School-related activity" means a school sanctioned activity, event, or function,
13 occurring outside of instructional time, at which students are under supervision of
14 the school, whether on or off school premises, including a bus ride, field trip,
15 sporting event, and school dance.
- 16 f. "Student" means an individual currently enrolled or registered at a school as
17 defined under subdivision d of this section.
- 18 2. Each school district or applicable governing body shall adopt and implement a policy
19 for schools which:
- 20 a. Requires all personal electronic communication devices be silenced or be turned
21 off, securely stowed away, and inaccessible to students during instructional time;
- 22 b. 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 c. Includes enforcement provisions to ensure strict compliance with the policy by
26 students and school employees; and
- 27 d. 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:
- 6 (1) The Individuals with Disabilities Act [20 U.S.C. 1400];
7 (2) Section 504 of the federal Rehabilitation Act of 1973 [29 U.S.C. 794]; or
8 (3) A plan developed in accordance with state or federal law requiring
9 accommodation.
- 10 4. A school district shall collect data annually to determine the impact of its policy on
11 student behavior, mental health, disciplinary incidents, school attendance, and
12 academic performance. By July 1, 2026, the superintendent of public instruction shall
13 establish a uniform system for reporting data collected under this section by school
14 districts.
- 15 5. Upon the adoption and implementation of a policy in accordance with this section, a
16 school district shall:
- 17 a. Ensure the policy is communicated to students, parents, and authorized
18 caregivers; and
- 19 b. Publish the policy in student and personnel handbooks.