



**NDSBA**  
**NORTH DAKOTA SCHOOL  
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**HB 1160**

**Testimony of KrisAn Norby-Jahner  
House Education  
January 15, 2025**

Chair Heinert and members of the House Education Committee, for the record my name is KrisAnn Norby-Jahner. I am in-house legal counsel for the North Dakota School Boards Association. The NDSBA represents all 168 North Dakota public school districts and their boards. I am here today in opposition of HB 1160.

While the NDSBA is supportive of keeping students focused during instructional time, this Bill does not acknowledge or recognize acceptable exceptions that must be made in accordance with federal law when students with disabilities need access to cellular telephones. Under the Individuals with Disabilities Education Act (IDEA), some students have specific Individual Education Programs (IEPs) that allow for or require the use of cell phones in order to provide specific supports during special education instructional time. School district personnel must legally comply with IEPs drafted in accordance with federal law. Likewise, under Section 504 of the Rehabilitation Act and under the Americans with Disabilities Act, some students have 504 plans and/or Behavior Intervention Plans that outline certain circumstances under which cell phone use during instructional time has to be allowed. Even outside of special education and disability law, there are some teachers who allow and even require cell phone and related technology use during instructional time as part of assignments, such as those in English class that require videography and related editing. HB 1160 is too restrictive, overbroad, and unnecessary. Cell phone use is already appropriately handled under school district policies and codes of conduct at each building level in each school district according to the needs of the students.

Based on the foregoing reasons, NDSBA asks this Committee to issue a **do not pass** recommendation on HB 1160. Thank you for your time.