

Sixty-ninth
Legislative Assembly
of North Dakota

**PROPOSED AMENDMENTS TO
SECOND ENGROSSMENT**

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 school district personal electronic device policies.~~ for an Act to create
3 and enact a new section to chapter 15.1-07 of the North Dakota Century Code, relating to the
4 use of personal electronic devices in public schools, education centers, charter schools, or
5 training programs, which provide prekindergarten, elementary, or secondary education.

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

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

9 ~~Personal electronic device policy.~~

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

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

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

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

- 1 ~~c. Permits a student to use a personal electronic device to manage the student's~~
2 ~~health care, as documented by a licensed treating provider or in accordance with~~
3 ~~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 personal~~
8 ~~electronic device during school hours if the use of the personal electronic device is~~
9 ~~included in the student's individualized education program in accordance with the~~
10 ~~Individuals with Disabilities Education Act [29 U.S.C. 1400], a plan developed under~~
11 ~~section 504 of the federal Rehabilitation Act of 1973 [29 U.S.C. 794], or any other~~
12 ~~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 personal electronic device policy.~~
20 ~~d. Annually review and update policies based on emerging research and data~~
21 ~~regarding personal electronic device use in schools.~~

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

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

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

- 26 **a. "Instructional time" means the time from the start of the school day until dismissal**
27 **at the end of the school day, for which the signal may be the ringing of a bell,**
28 **including a structured or unstructured learning experience, recess, lunch period,**
29 **time in between classes, and field trip.**
30 **b. "Parent" means a parent or guardian of a student who is authorized to make**
31 **decisions regarding education for the student.**

- 1 c. "Personal electronic communication device" means a portable electronic device
2 capable of communication by voice, text, or other data with one or more other
3 parties or devices, or capable of connection to a smartphone, the internet, or a
4 cellular or wireless fidelity network, including a smartphone, cellular phone,
5 bluetooth-enabled device, tablet, smartwatch or other wearable device, and
6 gaming device. The term does not include:
7 (1) School-owned devices provided to a student in accordance with this section.
8 (2) Portable devices that meet the definition of a medical device under the
9 federal Food, Drug and Cosmetic Act [21 U.S.C. 9 et seq.].
10 d. "School" means a public school, education center, charter school, or training
11 program, providing prekindergarten, elementary, or secondary education.
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 turned off, securely
21 locked away, and inaccessible to students during instructional time;
22 b. Ensures students do not have access to personal electronic communication
23 devices, by requiring the devices to be locked or stowed away in secure lockable
24 pouches, phone lockers, pencil pouches, manila envelopes, or other inaccessible
25 location;
26 c. Provides schools may limit student access to personal electronic communication
27 devices outside of instructional time, during a school-related activity;
28 d. Includes enforcement provisions to ensure strict compliance with the policy by
29 students and school employees; and

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

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

(1) A licensed medical provider determines the possession or use of a personal electronic communication device is necessary for the health or well-being of the student; or

(2) The possession or use of a personal electronic communication device is required by the student's individual education program or plan under section 504 of the federal Rehabilitation Act of 1973 [29 U.S.C. 794].

4. A school district shall collect data annually to measure the impact of its policy on student behavior, mental health, disciplinary incidents, school attendance, and academic performance.