

Sixty-ninth
Legislative Assembly
of North Dakota

**PROPOSED AMENDMENTS TO
FIRST ENGROSSMENT**

ENGROSSED HOUSE BILL NO.1160

Introduced by

Representatives Jonas, Longmuir, Nelson, Sanford

4 A BILL ~~for an Act to create and enact a new section to chapter 16.1-06 of the North Dakota~~
2 ~~Century Code, relating to policies for student cellular telephone use.~~ for an Act to create and
3 enact a new section to chapter 15.1-07 of the North Dakota Century Code, relating to the use of
4 personal electronic devices during instructional time.

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

6 ~~SECTION 1. A new section to chapter 16.1-06 of the North Dakota Century Code is created~~
7 ~~and enacted as follows:~~

8 ~~Cellular telephone usage policy.~~

9 ~~1. As used in this section:~~

10 ~~a. "Cellular telephone" means a wireless communication device, which is capable of~~
11 ~~transmitting voice, text or data between parties. The term does not include a~~
12 ~~tablet, laptop computer, or personal computer approved by the school district for~~
13 ~~educational use.~~

14 ~~b. "Instructional time" means the time when a student is attending class or an~~
15 ~~educational activity.~~

16 ~~c. "Noninstructional time" means the time when a student is not attending class or~~
17 ~~an educational activity, including lunch, recess, time between classes, the time~~
18 ~~before a student's first class and after a student's last class, and open class~~
19 ~~periods.~~

- 4 2. A board of a school district shall adopt a policy governing the use of cellular
2 telephones during instructional and noninstructional time.
- 3 3. A policy:
- 4 a. May include time and location restrictions for cellular telephone usage, limitations
5 regarding disruptions, proper instructional use, acceptable and unacceptable use
6 of cellular telephones for students and staff, and disciplinary actions for student
7 noncompliance.
- 8 b. Must include exceptions for:
- 9 iii Medical accommodations. An individual may use a cellular telephone or
10 other technological device, if required for accommodations based on a
11 disability or management of a medical condition, including continuous
12 glucose monitoring or seizure alerts. The individual shall provide to the
13 school administrator relevant documentation from a licensed health care
14 provider.
- 15 g) Educational accommodations. A student with an individual education
16 program, individual learning plan, a plan under section 504 of the
17 Rehabilitation Act of 1973 [29 U.S.C. 794], or other plan under the law must
18 be accommodated according to the plan.
- 19 @) Emergency situations affecting the health, safety, or well being of a student
20 or staff member.

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

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

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

- 25 a. "Instructional time" means the time from the start of the school day until dismissal
26 at the end of the school day **on school premises** for which the signal may be the
ringing of a bell, including a structured or unstructured learning experience, recess,
a lunch period, **and time in between classes, and a field trip. The term does not**
include private student travel time to and from an area career and technology center
or other off-site learning experience, or instructional time occurring in virtual
environments off school premises.
- 27 b. "Parent" means a parent or guardian of a student who is authorized to make
28 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, cell 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 and school-approved devices used by a
8 student in accordance with this section.

9 (2) Portable devices that meet the definition of a medical device under the
10 federal Food, Drug and Cosmetic Act [21 U.S.C. 9 et seq.].

11 d. "School" means a public school, education center, charter school, or training
12 program, providing prekindergarten, elementary, or secondary education, including
13 area career and technology centers. The term does not include virtual schools, virtual
14 instruction, the North Dakota Center for Distance Education, or education occurring in
15 a home-school environment.

16 e. "School-related activity" means a school sanctioned activity, event, or function
17 occurring outside of instructional time, at which students are under supervision of
18 the school, whether on or off school premises, including a bus ride, field trip,
19 sporting event, and school dance.

20 f. "Student" means an individual currently enrolled or registered at a school.

21 2. Each school district or applicable governing body shall adopt and implement a policy
22 for schools which:

23 a. Requires all personal electronic communication devices be silenced or be turned off
24 securely locked away, and inaccessible to students during instructional time;

25 b. Ensures students do not have access to personal electronic communication
26 Devices, by requiring the devices to be locked or stowed away in a secure
27 lockable pouch, phone locker, pencil pouch, manila envelope, or other
28 inaccessible location:

29 c. Provides schools may limit or allow student access to personal electronic
30 communication devices outside of instructional time, during a school-related activity:

31 d. Includes enforcement provisions to ensure strict compliance with the policy by
32 students and school employees: and

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

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

3 ~~A licensed—medical provider licensed in accordance with Title 43 of the North Dakota~~
4 ~~Century Code determines the possession or use of a personal~~
5 ~~electronic communication device is necessary for the health or well-being of the~~
6 ~~student: or~~

7 ~~b. The possession or use of a personal electronic communication device is required~~
8 ~~by the student's individual education program under the Individuals with Disabilities~~
9 ~~Education Act [20 U.S.C. 1400, et seq.], ~~or~~ plan under section 504 of the~~
10 ~~federal Rehabilitation Act of 1973 [29 U.S.C. 794], or other plan that must be~~
~~accommodated in accordance with federal or state law.~~

4. ~~A school district shall collect data annually to measure with the goal of measuring the~~
~~impact of its policy on student behavior, mental health, disciplinary incidents, school~~
~~attendance, and academic performance. By July 1, 2026, the superintendent of public~~
~~instruction shall establish a uniform system for the reporting of this data by school districts.~~