

February 14, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

**PROPOSED AMENDMENTS TO
FIRST ENGROSSMENT**

ENGROSSED 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; ~~and to provide an~~
3 ~~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 **Personal electronic device policy.**

- 8 1. As used in this section, "personal electronic device" means a portable wireless device
9 with the capability to provide voice, messaging, or other data communication between
10 two or more parties, including a cell phone, tablet computer, laptop computer, or
11 gaming device.
- 12 2. Before August 1, 2026, a school district in coordination with the board of the school
13 district shall adopt and implement a personal electronic device policy that:
- 14 a. Except as provided in subdivisions b and c and subsection 3, minimizes or
15 prohibits a student from using a personal electronic device during school hours;
- 16 b. Authorizes a teacher to allow a student to use a personal electronic device for
17 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 ~~5. The superintendent of public instruction shall identify and provide information on~~
23 ~~approved secure storage containers to the requesting school districts.~~

24 ~~**SECTION 2. APPROPRIATION – DEPARTMENT OF PUBLIC INSTRUCTION – ONE-TIME**~~
25 ~~**FUNDING.** There is appropriated out of any moneys in the general fund in the state treasury,~~
26 ~~not otherwise appropriated, the sum of \$300,000, or so much of the sum as may be necessary,~~
27 ~~to the superintendent of public instruction for the purpose of providing funds to a school district~~
28 ~~upon the request of the board of a school district to acquire approved secure containers to store~~
29 ~~each student's personal electronic device, in accordance with the established school district~~
30 ~~plan, for the biennium beginning July 1, 2025, and ending June 30, 2027. The funding provided~~
31 ~~in this section is considered a one time funding item.~~