

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO FIRST ENGROSSMENT

ENGROSSED HOUSE BILL NO. 1160

Introduced by

Representatives Jonas, Longmuir, Nelson, Sanford

1 A BILL ~~for an Act to create and enact a new section to chapter 15.1-06 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; and to provide an appropriation.

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

6 ~~— **SECTION 1.** A new section to chapter 15.1-06 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.~~

1 ~~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 ~~(1) 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 ~~(2) 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 ~~(3) 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, for which the signal may be the ringing of a bell,
27 including a structured or unstructured learning experience, recess, a lunch
28 period, time in between classes, and a field trip.

29 b. "Parent" means a parent or guardian of a student who is authorized to make
30 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 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.

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

19 a. Requires all personal electronic communication devices be turned off, securely
20 locked away, and inaccessible to students during instructional time;

21 b. Ensures students do not have access to personal electronic communication
22 devices, by requiring the devices to be locked or stowed away in a secure
23 lockable pouch, phone locker, pencil pouch, manila envelope, or other
24 inaccessible location;

25 c. Provides schools may limit student access to personal electronic communication
26 devices outside of instructional time, during a school-related activity;

27 d. Includes enforcement provisions to ensure strict compliance with the policy by
28 students and school employees; and

29 e. Provides a student may contact the student's parent or caregiver during the
30 school day if needed by using a school telephone made available to the student
31 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. A licensed medical provider determines the possession or use of a personal
4 electronic communication device is necessary for the health or well-being of the
5 student; or

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

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

12 **SECTION 2. APPROPRIATION - DEPARTMENT OF PUBLIC INSTRUCTION - STORAGE**
13 **OF PERSONAL ELECTRONIC DEVICES - ONE-TIME FUNDING.** There is appropriated out of
14 any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of
15 \$1,500,000, or so much of the sum as may be necessary, to the department of public instruction
16 for the purpose of providing funds to a school district, upon the request of the school district, to
17 acquire secure containers for storing each student's personal electronic device, in accordance
18 with the established school district plan, for the biennium beginning July 1, 2025, and ending
19 June 30, 2027. Reimbursement to school districts must be provided by the superintendent of
20 public instruction based on the cost of the selected approved products, not to exceed an
21 amount of an average of \$30 per student. The funding provided in this section is considered a
22 one-time funding item.