



NDSBA
NORTH DAKOTA SCHOOL
BOARDS ASSOCIATION

P.O. Box 7128
Bismarck ND 58507-7128
1-800-932-8791 • (701)255-4127
www.ndsba.org

SB 2300

**Testimony of KrisAn Norby-Jahner
Senate Education
January 29, 2025**

Chair Beard and members of the Senate 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 SB 2300.

The NDSBA is supportive of keeping students focused during instructional time and free from distraction by *anyone* in a classroom is using a personal electronic device for a non-educational or other improper use. However, 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 electronic devices. Under the Individuals with Disabilities Education Act (IDEA), some students have specific Individual Education Programs (IEPs) that allow for or require the use of electronic devices 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, Behavior Intervention Plans, or medical plans that outline certain circumstances under which electronic device use or access in the school building (both during instructional and non-instructional time) has to be allowed under federal law. The bill does provide an exception for “medical reasons,” but does not provide an exception under other disability and special education laws or other emergencies that might arise.

Even outside of special education and disability law, there are some teachers who allow and even require electronic devices and related technology use during instructional time as part of assignments, such as those in English class that require videography and related editing. Smaller school districts, in particular, do not always have the same resources or ability to provide district-issued electronic devices, and they may need to rely on students being able to use personal electronic devices for educational purposes. There are variety of useful, valuable, and education-focused reasons to allow students to use personal electronic devices during

the school day. This bill does not recognize, provide exception, or all for school districts to maintain local control over those specific uses.

SB 2300 is too restrictive, overbroad, and unnecessary. Electronic device use is already appropriately handled under school district policies and codes of conduct at the local level in each school district according to the needs of the students in the particular district. Policy development at the local level allows school districts to meet the individuals needs of their students and of their community. Local control allows school boards and administration to survey parents and determine the direction each school district wants to take in handling electronic devices in the school building. SB 2300 takes all local control away from individual school districts and places a heavy burden on schools to “police,” confiscate, store, and keep safe electronic devices that are not school district property, but rather are individual property. The NDSBA has worked directly with the sponsors of [HB 1160](#), which now includes amendments that would maintain local control and require school boards to adopt a policy governing the use of electronic devices during instructional and noninstructional time, with appropriate exceptions outlined in compliance with the law. We would support HB 1160 over SB 2300.

Based on the foregoing reasons, NDSBA asks this Committee to issue a **do not pass** recommendation on SB 2300. Thank you for your time.