

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.

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.