



## **HB 1160 AND SB 2354 GUIDANCE: STUDENT USE OF TECHNOLOGY (ELECTRONIC DEVICE BAN)**

This past session, the North Dakota Legislature passed HB 1160 and SB 2354, which prohibits students from using personal electronic communication devices during instructional time. One main goal of these bills is to remove unnecessary, non-educational distractions that can be caused by students' use of smart phones, smart watches, tablets, etc. By prohibiting and limiting the use of personal electronic devices during the school day, students will have more opportunities to engage in meaningful interactions, collaborate with peers, and cultivate the essential skills necessary for academic and life-long success.

HB 1160 and SB 2354 require districts to create a policy that requires all personal electronic communication devices to be silenced or turned off, securely stowed away, and inaccessible to students during instructional time. However, schools may limit or allow students access to personal electronic communication devices outside of instructional time, during a school-related activity. Exceptions must be made when a licensed medical provider determines the device possession or use is necessary for the "health or well-being of the student," or when possession or use of a device is required by the student's individual education program under the IDEA, Section 504, or a plan developed in accordance with state or federal law requiring accommodation. Exceptions may also be made for school-owned devices, school-approved devices, and portable devices that meet the definition of a medical device under federal law. If a student needs to contact a parent or guardian during the school day, HB 1160 and SB 2354 require schools to make a telephone available for such student use.

HB 1160 and SB 2354 require strict compliance with policy by students and school employees. When determining the appropriate response to violations, districts must consider the totality of the circumstances surrounding the violation. Each district must determine appropriate enforcement provisions to ensure compliance.

One of the primary challenges districts may face in implementing this policy is defining what qualifies as a device being "securely stowed away," as the standard may vary by district and even between schools within the same district. Regardless of the method, all storage solutions must ensure that personal electronic devices are powered off or silenced and completely inaccessible to students throughout the entirety of the school day,



including during class, passing time, and other periods considered part of instructional time. Examples of acceptable storage methods could include:

- The device is powered off or silenced and placed in a backpack, purse, or locker where it is not visible and cannot be accessed during the school day.
- The device is stored in a designated classroom phone holder, pouch, or storage bin provided by the teacher, where it remains untouched until the end of class.
- The device is sealed in a personal pouch or sleeve that remains with the student but cannot be opened or accessed without visibly violating the policy.
- The device is checked in with office staff or stored in a locked storage container installed in the school office or another secure area, to be retrieved only at the end of the school day.
- In classrooms where backpacks are not permitted, the device is stored in a teacher-designated drawer, cubby, or other secured location upon entering the room.

Districts may implement one or more of these procedures, but all should be structured in a way that prevents student access to devices during any portion of instructional time, including time between classes, recess, and lunch periods except as specifically authorized.

Previously, NDSBA recommended that districts use template policy FFI (Student Use of Personal Technology) to prohibit certain use of personal technology while on school property. However, this policy was geared toward specific types of inappropriate use, such as bullying, cheating, and accessing or transmitting inappropriate material. The policy did not incorporate a total ban on student use of personal technology as required by HB 1160 and SB 2354. Therefore, FFI needed to be completely restructured. Template Policy FFI is now titled “Personal Electronic Communication Devices-Prohibition During Instructional Time”, and was moved from a Recommend policy to a Required policy. If your district has the previous version of FFI, NDSBA recommends rescinding it and adopting the new version. Policy Services members may access template policy FFI through the policy services website. If you are not a member, please contact NDSBA for information on how to join. Upon adoption and implementation of a policy in accordance with HB 1160 and SB 2354, the law requires school districts to (a) ensure the policy is communicated to students, parents, and authorized caregivers; and (b) publish the policy in student and personnel handbooks.



Should you have any questions regarding HB 1160, SB 2354, or student use of personal electronic devices during school, please contact NDSBA or your school district legal counsel.