

ENGROSSED LEGISLATIVE BILL 140

Introduced by Sanders, 45; at the request of the Governor; Hardin, 48; Conrad, 46.

A BILL FOR AN ACT relating to schools; to require each school board of a public school district to develop and adopt a policy relating to use of electronic communication devices by students as prescribed; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. (1) For purposes of this section:

(a) Cell phone means a mobile or cellular telephone; and

(b) Electronic communication device means any device which transmits by electronic means any writing, sound, visual image, or data of any nature to another electronic communication device. Electronic communication device includes a cell phone.

(2)(a) Prior to school year 2025-26, each school board of a public school district shall adopt a policy that establishes rules and standards concerning use of electronic communication devices by students while on school property or attending a school instructional function. The development of the policy shall include stakeholder participation to ensure that such policies are responsive to the unique needs and desires of students, parents, and educators in each community. Such policy:

(i) Shall, except as provided in subdivision (b) of this subsection, prohibit the use of an electronic communication device by students while on school property or attending a school instructional function; and

(ii) May include student discipline and enforcement mechanisms that limit access to electronic communication devices by students only if the school board adopts such policy as part of the rules and standards adopted in accordance with the requirements of section 79-262.

(b) A policy adopted pursuant to this section shall not prohibit a student from using an electronic communication device while on school property or

attending a school instructional function under any of the following circumstances:

(i) When required by a student's individualized education program developed under the Special Education Act and any rules and regulations adopted or promulgated pursuant to the act or a plan developed under section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C. 794;

(ii) When authorized by the school district for educational purposes during instructional time;

(iii) In the case of an emergency or perceived threat of danger;

(iv) When necessary to monitor or manage a student's health care; or

(v) When determined appropriate by the school board or otherwise allowed by an appropriate school employee.

(3) This section should not be interpreted to authorize monitoring, collecting, or otherwise accessing any information on an electronic communication device not owned by or provided for academic use by the school district.

Sec. 2. Since an emergency exists, this act takes effect when passed and approved according to law.

PRESIDENT OF THE LEGISLATURE

THIS IS TO CERTIFY that the within LB 140 was passed by the One Hundred Ninth Legislature of Nebraska at its First Session on the day of 20.....

CLERK OF THE LEGISLATURE

Approved:

..... 20....., o'clockM.

GOVERNOR