

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 140

Introduced by Sanders, 45; at the request of the Governor.

Read first time January 13, 2025

Committee: Education

- 1 A BILL FOR AN ACT relating to schools; to require each school board of a
- 2 public school district to develop and adopt a policy relating to use
- 3 of electronic communication devices by students as prescribed; and
- 4 to declare an emergency.
- 5 Be it enacted by the people of the State of Nebraska,

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

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

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

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

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

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

21 (b) A policy adopted pursuant to this section shall not prohibit a
22 student from using an electronic communication device while on school
23 property or attending a school function under any of the following
24 circumstances:

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

29 (ii) When authorized by a teacher for educational purposes during
30 instructional time;

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

1 (iv) When necessary to monitor or manage a student's health care; or
2 (v) When determined appropriate by the school board or otherwise
3 allowed by an appropriate school employee.

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

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