

House Bill 3458

Sponsored by Representative BOICE

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: Directs each district school board to adopt a policy related to the use of student cell phones. (Flesch Readability Score: 65.1).

Directs the Department of Education to develop model policies related to the use of student cellular telephones and other personal electronic devices.

Requires each district school board to adopt a policy that, at a minimum, complies with the least restrictive model policy developed by the department. Provides that a school district may be considered nonstandard for failure to comply with the requirements for the adoption of a policy.

A BILL FOR AN ACT

1
2 Relating to school policies regarding student use of personal electronic devices; amending ORS
3 336.840.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 336.840 is amended to read:

6 336.840. (1) As used in this section, "independent communication" means communication that
7 does not require assistance or interpretation by an individual who is not part of the communication
8 but that may require the use or assistance of an electronic device.

9 (2)(a) Each district school board shall adopt policies for the use of personal electronic devices
10 in the schools of the school district as provided by this section.

11 **(b) Any policy that relates to the use of student cellular telephones and other personal**
12 **electronic devices must, at a minimum, comply with the least restrictive model policy de-**
13 **veloped by the Department of Education as provided by subsection (8) of this section. A**
14 **school district that does not comply with this paragraph is considered nonstandard under**
15 **ORS 327.103.**

16 (3) A district school board shall adopt a policy for the use of personal electronic devices that
17 support academic activities and independent communications. The policy must provide that:

18 (a) Students may be allowed to use personal electronic devices that support academic activities
19 and independent communications.

20 (b) Unless otherwise specifically prohibited by the policy, students may not be denied the op-
21 portunity to use a personal electronic device that supports academic activities and independent
22 communications.

23 (4) If a school district implements a curriculum that uses technology, the district school board
24 shall adopt a policy that provides that:

25 (a) Students may be allowed, but are not required, to use their own personal electronic devices
26 for the curriculum.

27 (b) Students who use their own personal electronic devices for the curriculum must be granted
28 access to any applications or electronic materials that are available to students who do not use

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 their own personal electronic devices for the curriculum.

2 (c) Students who use their own personal electronic devices for the curriculum must be granted
3 access to applications and electronic materials free of charge if the applications and electronic ma-
4 terials are provided free of charge to students who do not use their own personal electronic devices
5 for the curriculum.

6 (5) A policy adopted under subsection (3) or (4) of this section must include a process and
7 timeline for responding to a student's request related to the use of a personal electronic device, in-
8 cluding an appeals process.

9 (6) School districts must ensure that the policies adopted under subsection (3) or (4) of this
10 section are made available to:

11 (a) School district personnel whose duties may require them to assist students with personal
12 electronic devices; and

13 (b) Students and parents or guardians of students.

14 (7) Nothing in the requirements of this section prevents a district school board from prohibiting:

15 (a) Telephonic or electronic communications during regular school hours or during school events
16 if the communications are not related to academic activities or independent communications;

17 (b) Communications using access to social media or to nonacademic sites during regular school
18 hours or during school events;

19 (c) The use of personal electronic devices for any purpose that does not support academic ac-
20 tivities or independent communications; or

21 (d) The use of personal electronic devices for entertainment purposes.

22 **(8) The Department of Education shall develop two or more model policies related to the**
23 **use of student cellular telephones and other personal electronic devices. The policies must**
24 **provide different levels of restrictiveness and must allow a district school board to decide**
25 **which level of restrictiveness to adopt.**

26 [(8)] (9) Nothing in this section authorizes a district school board, or any employees of or vol-
27 unteers for the school district or a school of the school district, to request, require or compel access
28 to a student's electronic mail or personal online accounts.

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