

Requested by Representative MCINTIRE

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2251**

1 On page 1 of the printed bill, delete lines 4 through 30 and delete page  
2 2 and insert:

3 **“SECTION 1.** ORS 336.840 is amended to read:

4 “336.840. [(1) *As used in this section, ‘independent communication’ means*  
5 *communication that does not require assistance or interpretation by an indi-*  
6 *vidual who is not part of the communication but that may require the use or*  
7 *assistance of an electronic device.*]

8 “[2) *Each district school board shall adopt policies for the use of personal*  
9 *electronic devices in the schools of the school district as provided by this sec-*  
10 *tion.*]

11 “[3) *A district school board shall adopt a policy for the use of personal*  
12 *electronic devices that support academic activities and independent communi-*  
13 *cations. The policy must provide that:*]

14 “[a) *Students may be allowed to use personal electronic devices that sup-*  
15 *port academic activities and independent communications.*]

16 “[b) *Unless otherwise specifically prohibited by the policy, students may*  
17 *not be denied the opportunity to use a personal electronic device that supports*  
18 *academic activities and independent communications.*]

19 “[4) *If a school district implements a curriculum that uses technology, the*  
20 *district school board shall adopt a policy that provides that:*]

21 “[a) *Students may be allowed, but are not required, to use their own per-*

1 *sonal electronic devices for the curriculum.]*

2 *“(b) Students who use their own personal electronic devices for the cur-*  
3 *riculum must be granted access to any applications or electronic materials that*  
4 *are available to students who do not use their own personal electronic devices*  
5 *for the curriculum.]*

6 *“(c) Students who use their own personal electronic devices for the curric-*  
7 *ulum must be granted access to applications and electronic materials free of*  
8 *charge if the applications and electronic materials are provided free of charge*  
9 *to students who do not use their own personal electronic devices for the cur-*  
10 *riculum.]*

11 *“(5) A policy adopted under subsection (3) or (4) of this section must in-*  
12 *clude a process and timeline for responding to a student’s request related to*  
13 *the use of a personal electronic device, including an appeals process.]*

14 **“(1) As used in this section:**

15 **“(a)(A) ‘Instructional time’ means the time during which students**  
16 **are engaged in regularly scheduled instruction, learning activities or**  
17 **learning assessments.**

18 **“(B) ‘Instructional time’ does not include:**

19 **“(i) Passing time between classes;**

20 **“(ii) Recess;**

21 **“(iii) Lunch periods or other meal or snack periods;**

22 **“(iv) Nonacademic assemblies or field trips; or**

23 **“(v) Optional school programs, including study periods or advisory**  
24 **periods when attendance is not required and instructional assistance**  
25 **is not provided.**

26 **“(b) ‘School district’ includes a school district and an education**  
27 **service district.**

28 **“(2) The governing body of each school district shall adopt a policy**  
29 **to govern the use of personal electronic devices by students of the**  
30 **school district. The policy must apply:**

1       “(a) During school hours; and  
2       “(b) While students are:  
3       “(A) At a school site; or  
4       “(B) Under the supervision and control of an employee of the school  
5       district.  
6       “(3) A policy adopted under subsection (2) of this section must:  
7       “(a) At a minimum, limit student use of personal electronic devices  
8       during instructional time.  
9       “(b) Allow students to use personal electronic devices to meet spe-  
10      cific student needs identified:  
11      “(A) In the student’s individualized education program, as defined  
12      in ORS 343.035;  
13      “(B) In an education plan developed for the student in accordance  
14      with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794; or  
15      “(C) As provided by any other exemptions identified by the govern-  
16      ing body of the school district in the policy.  
17      “(c) Allow students to use personal electronic devices in an emer-  
18      gency situation, as identified by the governing body of the school dis-  
19      trict in the policy.  
20      “(4) A policy adopted under subsection (2) of this section may allow  
21      students to use personal electronic devices that are in direct support  
22      of academic activities, when expressly permitted by a school district  
23      employee who has supervision and control of the student.  
24      “(5) If a school district implements a curriculum that uses tech-  
25      nology, the governing body of the school district shall provide in the  
26      policy adopted under subsection (2) of this section that students who  
27      use their own personal electronic devices for the curriculum must be  
28      granted access to applications and electronic materials free of charge  
29      if the applications and electronic materials are provided free of charge  
30      to students who do not use their own personal electronic devices for

1 **the curriculum.**

2 “(6) School districts must ensure that the [*policies adopted under sub-*  
3 *section (3) or (4) of this section are*] **policy adopted under subsection (2)**  
4 **of this section is** made available to:

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

7 “(b) Students and parents or guardians of students.

8 “(7) Nothing in the requirements of this section prevents [*a district school*  
9 *board*] **the governing body of a school district** from prohibiting:

10 “[*(a) Telephonic or electronic communications during regular school hours*  
11 *or during school events if the communications are not related to academic ac-*  
12 *tivities or independent communications;*]

13 “[*(b)*] **(a)** Communications using access to social media or to nonacademic  
14 sites [*during regular school hours or during school events;*]:

15 **“(A) During school hours; or**

16 **“(B) While students are:**

17 **“(i) At a school site; or**

18 **“(ii) Under the supervision and control of an employee of the school**  
19 **district;**

20 “[*(c)*] **(b)** The use of personal electronic devices for any purpose that does  
21 not support academic activities or [*independent communications*] **specific**  
22 **student needs identified as provided by subsection (3) of this section;**

23 or

24 “[*(d)*] **(c)** The use of personal electronic devices for entertainment pur-  
25 poses.

26 “(8) Nothing in this section authorizes [*a district school board*] **the gov-**  
27 **erning body of a school district**, or any employees of or volunteers for the  
28 school district or a school of the school district, to request, require or com-  
29 pel access to a student’s electronic mail or personal online accounts.”.

30