

**Department of Planning and Budget
2025 General Assembly Session
State Fiscal Impact Statement**

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ORIGINAL

Bill Number: SB738ER

Patron: Pekarsky

Bill Title: Public elementary and secondary schools; student cell phone possession and use policies.

Bill Summary: Directs each school board to develop and each public elementary and secondary school to implement age-appropriate and developmentally appropriate policies relating to the possession and use of cell phones and smart devices by students on school property during regular school hours. The bill requires such policies to (i) restrict, to the fullest extent possible, student cell phone and smart device possession and use in the classroom during regular school hours; (ii) aim to reduce or prevent any distraction in or disruption to the learning environment, including bullying or harassment, that could be caused or facilitated by student cell phone or smart device possession and use on school property during regular school hours; (iii) ensure that implementation and enforcement of the policy is the responsibility of the administration, minimizes, to the extent possible, any conflict with the instructional responsibilities of teachers or any disruption to instructional time, and does not involve any school resource officer; (iv) include exceptions to such policies permitting any student, pursuant to an Individualized Education Plan or Section 504 Plan or if otherwise deemed appropriate by the school board, to possess and use a cell phone or smart device on school property, including in the classroom, during regular school hours to monitor or address a health concern; and (v) expressly prohibit any student from being suspended or expelled as a consequence of any violation of such policies. Finally, the bill clarifies that (a) no violation of any such student cell phone and smart device possession and use policy shall alone constitute sufficient cause for a student's suspension or expulsion from attendance at school and (b) that any such violation that involves, coincides with, or results in an instance of disruptive behavior, as that term is defined in applicable law, shall be addressed in accordance with the regulations on codes of student conduct adopted by each school board pursuant to applicable law.

Budget Amendment Necessary: No

Items Impacted: None

Explanation: There is no anticipated state fiscal impact as a result of the provisions of this bill. Any impact to local school divisions is indeterminate.

Fiscal Summary: See below.

General Fund Expenditure Impact:

| <u>Agency</u> | <u>FY2025</u> | <u>FY2026</u> | <u>FY2027</u> | <u>FY2028</u> | <u>FY2029</u> | <u>FY2030</u> |
|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| None | | | | | | |
| TOTAL | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |

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Fiscal Analysis: The provisions of this bill place requirements on local school boards to develop and implement policies, therefore there is no anticipated state impact. Any impact to local school divisions is indeterminate.

Other: This bill is a companion to HB1961.