

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

SENATE BILL NO. 108
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Education
on _____)
(Patron Prior to Substitute—Senator Pekarsky)

A BILL to amend and reenact § 22.1-79.3:1 of the Code of Virginia, relating to school boards; student cell phone and smart device possession and use policies; restriction and prohibition.

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-79.3:1 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-79.3:1. Student cell phone and smart device possession and use policies; development and implementation.

A. As used in this section:

"Bell to bell" means after the first bell rings at the start of the school day to begin instructional time until the dismissal bell rings at the end of the school day. "Bell to bell" includes lunch and time in between class periods.

"Smart device" means any personal electronic device that can connect to the Internet and wirelessly collect, process, and transmit data, including smart watches and tablets.

B. Each school board shall develop and each public elementary and secondary school shall implement age-appropriate and developmentally appropriate policies relating to student cell phone and smart device possession and use on school property from bell to bell. Such policies shall:

1. Except as provided in subdivision 4, restrict student cell phone and smart device possession and *prohibit student cell phone and smart device* use on school property from bell to bell;

2. To the extent that student cell phone or smart device possession and use is otherwise permitted on school property before or after bell to bell, regulate such possession and use with the objective of reducing any distractions in or disruptions to the learning environment, including bullying and harassment;

3. Ensure that implementation and enforcement of such policies (i) is the responsibility of the school administration; (ii) minimizes, to the extent possible, any conflict with the instructional responsibilities of teachers or any disturbance to instructional time; and (iii) does not involve any school resource officer, as defined in § 9.1-101, that may be employed in any school in the school division;

4. Permit any student, pursuant to an Individualized Education Plan, § 504 Plan, individualized health care plan, *diabetes medical management plan*, or Limited English Proficiency plan, to possess and use a cell

32 phone or smart device on school property, including in the classroom, from bell to bell to monitor or address
33 a health concern or as an accommodation or assistive technology support; and

34 5. Expressly prohibit any student from being suspended or expelled as a consequence of any violation of
35 such policies.

36 C. No violation of any student cell phone and smart device possession and use policy developed or
37 implemented in accordance with subsection B shall alone constitute sufficient cause for a student's
38 suspension or expulsion from attendance at school pursuant to § 22.1-277. Any violation of any such student
39 cell phone and smart device possession and use policy that involves, coincides with, or results in an instance
40 of disruptive behavior, as that term is defined in § 22.1-276.01, shall be addressed in accordance with the
41 regulations on codes of student conduct adopted by each school board pursuant to subsection B of
42 § 22.1-279.6.