



**House
Legislative
Analysis
Section**

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CELL PHONE POLICY

House Bill 4991 as passed by the House Second Analysis (3-7-02)

Sponsor: Rep. Wayne Kuipers
Committee: Education

THE APPARENT PROBLEM:

Michigan law prohibits students from carrying personal communication devices in school. The law was first adopted in 1988, because, according to an analysis prepared by the House Legislative Analysis at that time, "the practice is associated with drug trafficking, and the state should make life as difficult as possible for those engaged in the illegal drug trade." The policy was expanded in 1995.

More specifically, Public Act 215 of 1988 (Senate Bill 822) prohibited school board members from adopting policies to allow students to carry either pocket pagers or electronic communication devices while in school, unless there were health or other exceptional reasons to do so. In 1995, the proscription was broadened when the legislature added "other personal communication devices" to the then seven-year old ban. The more comprehensive prohibition was adopted when Public Act 289 (more commonly called the Revised School Code) was enacted. The law also allows school officials to set penalties when the prohibition is violated by students.

Since the state adopted the comprehensive ban in 1995, the number and users of cell phones and other electronic communication devices have proliferated so as to be nearly ubiquitous. Further, users of the electronic devices include students of all ages, nearly all of whom use the equipment for legitimate and fully legal purposes. For these and other reasons, legislation has been introduced that would allow school districts to adopt local cell phone use policies.

THE CONTENT OF THE BILL:

House Bill 4991 would amend the Revised School Code to specify that unless the board of a school district adopted its own local policy to the contrary, a student would not be permitted to carry a pocket pager, electronic communication device, or other personal communication device in school, except for health or other unusual reasons approved by the board. Under the bill, a board could develop

penalties that it considered appropriate for a student who violated the local policy.

Currently under the law, the board of a school district cannot permit any student to carry a pocket pager, electronic communication device, or other personal communication device in school, except for health or other unusual reasons approved by the board. Further, the law allows the board to develop penalties that it considers appropriate for students who violate this prohibition. House Bill 4991 would eliminate the total prohibition.

MCL 380.1303

FISCAL IMPLICATIONS:

The House Fiscal Agency notes that House Bill 4991 has no fiscal impact. (3-6-02)

ARGUMENTS:

For:

Given the change in social and cultural norms, the in-school ban against the use of cell phones and other electronic devices in an effort to deter the sale and use of illicit drugs seems antiquated and excessive. The statewide ban should be lifted, and school officials granted the discretion to adopt local policies that meet local needs. Certainly school environments should allow students an opportunity to focus their attention of learning without casual or unproductive interruptions. Although this legislation would allow a school district to lift its ban, it also would enable school officials to impose rules and regulations that more carefully govern the use of cell phones and electronic devices on school campuses.

Against:

Opponents of the legislation point out that the reason the cell phone ban was adopted remains; illegal transactions continue to be conducted by young drug traffickers in and near schools. Further, they observe that radio signals and/or electronic devices can

activate bombs; consequently, law enforcement agencies strongly advise the prohibition of cellular telephones in school district bomb threat policies and protocols. Opponents of the bill say that the state's vital interest in the health, safety, and productive intellectual environment within school buildings dictates a continuation of the policy that bans their use in school.

POSITIONS:

The Department of Education supports the bill. (3-1-02)

The Michigan Association of Secondary School Principals supports the bill. (2-28-02)

Analyst: J. Hunault

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.