

Senate Fiscal Agency  
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**SFA****BILL ANALYSIS**

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House Bill 4991 (Substitute H-1 as reported without amendment)

Sponsor: Representative Wayne Kuipers

House Committee: Education

Senate Committee: Education

Date Completed: 6-17-02

### **RATIONALE**

In the late 1980s, pocket pagers were expensive, novel items, used primarily by doctors and drug dealers. In an effort to deter drug trade in public schools, as well as cut down on distractions in the classroom, the Legislature passed Public Act 215 of 1988. The Act amended the School Code to prohibit school boards from permitting students to carry pocket pagers or electronic communication devices while in school. When the Revised School Code was enacted in 1995, cell phones had become more popular than pagers, and the new Code extended the ban to "other personal communication" devices. The Code also permits school officials to set penalties for students who violate the prohibition.

Since 1995, the number of teens owning cell phones has increased significantly. According to an article in the *Detroit News* (12-26-01), about 25% of teen-age girls and 15% of boys had their own wireless phones in 2000. Two recent tragedies have highlighted the number of students who carry cell phones. In April 1999, students trapped in classrooms at Columbine High School used their phones to communicate with police and parents about what was happening inside the building. On September 11, 2001, parents and students in New York City and Washington, D.C. used wireless phones to contact each other following the terrorist attacks in those cities. Because of their increasing popularity and practical use in emergencies, some people believe that schools should be authorized to adopt policies permitting cell phone use on school property.

### **CONTENT**

**The bill would amend the Revised School Code to allow a school board to adopt its**

**own policy permitting students to carry pocket pagers, electronic communication devices, or other personal communication devices in schools.**

Currently, school boards must prohibit pupils from carrying these devices. Under the bill, this prohibition would apply unless a school board adopted its own local policy to the contrary. Also, the Code provides that a board may develop penalties that it considers appropriate for pupils who violate the prohibition. The bill also would allow a school board to develop penalties appropriate for violators of its own policy.

MCL 380.1303

### **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

#### **Supporting Argument**

The prohibition against cell phones in schools is outdated and should be changed. Because wireless communication devices are a way of life for a significant number of people, their use is no longer a reliable indicator of illegal activity. (Evidently, the ban did little to deter drug use, in any case.) Rather, many parents purchase cell phones for their children to make it easier to stay in touch. Students can use them to ask their parents for a ride home, to let them know about a change of plans, or to communicate their whereabouts in case of an emergency. Parents report that being able to communicate readily with their children gives them peace of mind.

In addition, the current ban against cell phones is said to be sporadically enforced.

Although possession of cell phones is prohibited on school property, their popularity has made many teachers and administrators reluctant to punish students who keep them turned off in their bags or purses. It is likely that teachers and principals themselves have cell phones on them while at school.

For many families, the cell phone has become a necessity, and the current law does not reflect this shift in culture. The law should be updated so that each school can determine how it will handle cell phone use at school.

### **Opposing Argument**

Many people find cell phone use in restaurants and at concerts a disruptive nuisance. Imagine, then, the phones' potential for disturbance in the classroom. The learning environment should be free from ringing phones and students sending text messages back and forth via their phones.

Keeping the law as it is sends a clear, unified message to students and administrators: no cell phones on campus. A school in Illinois illustrates the confusion that results when schools go to more relaxed policies. According to an article in the *Detroit Free Press* (1-21-02), Adlai E. Stevenson High School in suburban Illinois now allows cell phone use after school finishes at 3:25 p.m. and on weekends. If school finishes before 3:25 (because of final exams, for example), students are not allowed to use their phones to call home for a ride. Some do, of course, and are puzzled by the rationale used to punish them. Allowing cell phone use some of the time creates confusion and inconsistent enforcement.

While many have argued that cell phones should be allowed for safety reasons, their use may not necessarily enhance safety. Students can use them to phone in bomb threats, for example. Or, in the case of a terrorist attack or other emergency, hundreds of students calling out at once could actually increase confusion or jam up phone lines. The law should remain as it is to allow for a safer, more productive learning environment.

**Response:** Because the bill would permit each school to adopt its own policy regarding cell phone use (or do nothing, for the current law to apply), clearer and more consistent rules could result. The process of planning, adopting, and communicating a policy to

members of a school community would increase ownership in the policy and allow for more rational rules and penalties. For example, disruption in classrooms would not be a factor if students knew their phones would be confiscated when used during instruction time.

Legislative Analyst: Claire Layman

### **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Kathryn Summers-Coty

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.