

LIFT STATE BAN ON CELL PHONES, PAGERS, ETC. IN SCHOOLS

House Bill 4218 (Substitute H-4) First Analysis (5-1-03)

Sponsor: Rep. Mary Ann Middaugh
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:

Currently under the Revised School Code, 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 4218 would amend the code to provide the following.

- The code's existing prohibition would remain in place until the end of the 2003-2004 school year, but a school board or the board of directors of a public school academy could adopt a local policy to the contrary during that year.
- Beginning with the 2004-2005 school year, the code's prohibition would no longer apply and the board of a school district or the board of directors of a public school academy could adopt and implement its own local policy concerning whether or not a student could carry a pocket pager, electronic communication device, or other personal communication device in school.

MCL 380.1303

FISCAL IMPLICATIONS:

The House Fiscal Agency notes that House Bill 4218 would have no state or local fiscal impact. (4-29-03)

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 on learning without casual or unproductive interruptions. Although this legislation would allow a school district to lift the statewide 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:

During the last legislative session, opponents of similar legislation pointed 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 observed that radio signals and/or electronic devices can activate bombs. Consequently, law enforcement agencies in Genesee County, for example, strongly recommended the prohibition of cellular telephones in schools when they advised school district officials as they drafted bomb threat protocols. During this legislative session, some offering testimony noted that new palm pilot technology enables students to send test questions to fellow students whose class sections for the same course meet later in the day. For these reasons, some are convinced that careful use policies for these electronic devices, if not an outright ban, should continue.

Response:

The bill does not require that school officials abandon all cellular phone prohibition policies. Instead, it lifts the statewide ban after the 2003-2004 school year, in order to allow each school district to customize its policy in a way that meets local needs and norms. In that way, school officials can continue to recognize the state's vital interest in the health, safety, and productive intellectual environment within school buildings, as well as respond to the risks posed by new and emerging technologies.

POSITIONS:

The Michigan Association of School Administrators supports the bill. (4-29-03)

The Michigan Association of School Boards supports the bill. (4-29-03)

The Michigan Association of Secondary School Principals supports the bill. (4-29-03)

The Michigan Federation of Teachers and School-related Personnel supports the bill. (4-29-03)

Oakland Schools supports the bill. (4-29-03)

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.