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BILL ANALYSIS

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House Bill 4218 (Substitute H-4 as reported without amendment)
Sponsor: Representative Mary Ann Middaugh
House Committee: Education
Senate Committee: Education

Date Completed: 7-8-03

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; those percentages are no doubt higher now. In the last few years, two tragedies 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 the phones' 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 lift the prohibition against pupils' carrying pocket pagers, electronic communication devices, or other personal communication devices in school, beginning with the 2004-2005 school year. At that time, the board of a school district or the board of directors of a public school academy could adopt and implement its own policy concerning whether pupils could carry these devices.

Currently, school boards must prohibit pupils from carrying pocket pagers, electronic communication devices, or other personal communication devices in school, unless a board approves their use for health or other unusual reasons. Under the bill, this prohibition would apply until the end of the 2003-2004 school year, unless a board or board of directors adopted its own local policy to the contrary.

Under the Code, a board may develop penalties that it considers appropriate for a pupil who violates the prohibition. The bill also would allow a board or board of directors to develop penalties 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 blanket prohibition against cell phones and pagers in schools is outdated and should be changed. Because wireless communication

FISCAL IMPACT

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

Fiscal Analyst: Joe Carrasco

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 carry cell phones 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 could determine how to 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.

While many have argued that cell phones should be allowed for safety reasons, their use may not necessarily enhance safety. Students may use them to phone in bomb threats, for example, because cell calls cannot be traced by public officials. Cell phones could even detonate a real bomb if one were on campus. Further, cell phone use by students speeds up the spread of rumors and could delay effective public safety personnel response. In the case of a terrorist attack or other emergency, hundreds of students calling out at once actually could increase confusion or jam up phone lines. This could be particularly dangerous if cell phones were a back-up communications tool for school administrators and crisis teams. The law should remain as it is to allow for a safer, more productive learning environment.

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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.