

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

**Introduced**

### **Senate Bill 432**

By Senator Stuart

[Introduced February 13, 2025; referred  
to the Committee on Education]

1 A BILL to amend and reenact §18-1-1 of the Code of West Virginia, 1931, as amended; and to  
2 amend the code by adding a new section, designated §18-5-52, relating to requiring county  
3 boards of education to adopt policies intended to limit the use of personal cell phones and  
4 other electronic communications devices during instruction periods except for medical,  
5 educational, and emergency purposes; defining "electronic communications devices"; and  
6 reorganizing existing definitions.

*Be it enacted by the Legislature of West Virginia:*

## **ARTICLE 2. DEFINITIONS; LIMITATIONS OF CHAPTER; GOALS FOR EDUCATION.**

### **§18-1-1.**

### **Definitions.**

1 The following words used in this chapter and in any proceedings pursuant thereto have the  
2 meanings ascribed to them unless the context clearly indicates a different meaning:

3 ~~(a) "School" means the students and teachers assembled in one or more buildings,~~  
4 ~~organized as a unit;~~

5 ~~(b) "Local educational agency" means a public board of education or other public authority~~  
6 ~~legally constituted within the State of West Virginia for either administrative control or direction of,~~  
7 ~~or to perform a service function for, public elementary or secondary schools in a city, county,~~  
8 ~~township, school district, or other political subdivision of the State, as authorized by West Virginia~~  
9 ~~Code, including county school districts, schools and facilities under the supervision of the West~~  
10 ~~Virginia Board of Education (WVBE), and public charter schools;~~

11 ~~(c) "District" means county school district and is subsumed under the category of local~~  
12 ~~educational agency;~~

13 ~~(d) "State board" means the West Virginia Board of Education;~~

14 ~~(e) "County board" or "board" means a county board of education and is subsumed under~~  
15 ~~the category of local educational agency;~~

16 ~~(f) "State superintendent" means the state superintendent of Schools;~~

17 ~~(g) "County superintendent" or "superintendent" means a local educational agency~~

superintendent of schools;

(h) ~~"Teacher" means a teacher, supervisor, principal, superintendent, public school librarian or any other person regularly employed for instructional purposes in a public school in this state;~~

(i) ~~"Service person" or "service personnel", whether singular or plural, means any nonteaching school employee who is not included in the meaning of "teacher" as defined in this section, and who serves the school or schools as a whole, in a nonprofessional capacity, including such areas as secretarial, custodial, maintenance, transportation, school lunch and aides. Any reference to "service employee" or "service employees" in this chapter or chapter eighteen-a of this code means service person or service personnel as defined in this section;~~

(j) ~~"Social worker" means a nonteaching school employee who, at a minimum, possesses an undergraduate degree in social work from an accredited institution of higher learning and who provides various professional social work services, activities or methods as defined by the state board for the benefit of students;~~

(k) ~~"Regular full-time employee" means any person employed by a local educational agency who has a regular position or job throughout his or her employment term, without regard to hours or method of pay;~~

(l) ~~"Career clusters" means broad groupings of related occupations;~~

(m) ~~"Work-based learning" means a structured activity that correlates with and is mutually supportive of the school-based learning of the student and includes specific objectives to be learned by the student as a result of the activity;~~

(n) ~~"School-age juvenile" means any individual who is entitled to attend or who, if not placed in a residential facility, would be entitled to attend public schools in accordance with: (1) Section five, article two of this chapter; (2) sections fifteen and eighteen, article five of this chapter; or (3) section one, article twenty of this chapter;~~

(o) ~~"Student with a disability" means an exceptional child, other than gifted and exceptional~~

~~gifted, pursuant to section one, article twenty of this chapter;~~

~~(p) "Casual deficit" means a deficit of not more than three percent of the approved levy estimate or a deficit that is nonrecurring from year to year; and~~

~~(q) "Athletic director" means a person employed by a local educational agency to work in a school's athletic program pursuant to section one-a, article two, chapter eighteen-a of this code.~~

(1) "Athletic director" means a person employed by a local educational agency to work in a school's athletic program pursuant to §18A-2-1a of this code.

(2) "Career clusters" means broad groupings of related occupations;

(3) "Casual deficit" means a deficit of not more than three percent of the approved levy estimate or a deficit that is nonrecurring from year to year;

(4) "County board" or "board" means a county board of education and is subsumed under the category of local educational agency;

(5) "County superintendent" or "superintendent" means a local educational agency superintendent of schools;

(6) "District" means county school district and is subsumed under the category of local educational agency;

(7) "Electronic communication device" means any device that is powered by batteries or electricity and that is capable of receiving, transmitting, or receiving and transmitting communications between two or more persons or a communication from or to a person. Electronic communication devices include, but are not limited to, cell phones, smart phones, smart watches, and tablets;

(8) "Local educational agency" means a public board of education or other public authority legally constituted within the state of West Virginia for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of the state, as authorized by West Virginia Code, including county school districts, schools and facilities under the supervision of the West

Virginia Board of Education (WVBE), and public charter schools;

(9) "Regular full-time employee" means any person employed by a local educational agency who has a regular position or job throughout his or her employment term, without regard to hours or method of pay;

(10) "School" means the students and teachers assembled in one or more buildings, organized as a unit;

(11) "School-age juvenile" means any individual who is entitled to attend or who, if not placed in a residential facility, would be entitled to attend public schools in accordance with §18-2-5, §18-5-15, and §18-5-18 of this code or §18-20-1 of this code;

(12) "Service person" or "service personnel", whether singular or plural, means any nonteaching school employee who is not included in the meaning of "teacher" as defined in this section, and who serves the school or schools as a whole, in a nonprofessional capacity, including such areas as secretarial, custodial, maintenance, transportation, school lunch and aides. Any reference to "service employee" or "service employees" in §18-1-1 *et seq.* or §18A-1-1 *et seq.* of this code means service person or service personnel as defined in this section;

(13) "Social worker" means a nonteaching school employee who, at a minimum, possesses an undergraduate degree in social work from an accredited institution of higher learning and who provides various professional social work services, activities or methods as defined by the state board for the benefit of students;

(14) "State board" means the West Virginia Board of Education;

(15) "State superintendent" means the State Superintendent of Schools;

(16) "Student with a disability" means an exceptional child, other than gifted and exceptional gifted, pursuant to §18-20-1 of this code;

(17) "Teacher" means a teacher, supervisor, principal, superintendent, public school librarian or any other person regularly employed for instructional purposes in a public school in this state; and

(18) "Work-based learning" means a structured activity that correlates with and is mutually supportive of the school-based learning of the student and includes specific objectives to be learned by the student as a result of the activity.

## **ARTICLE 5. COUNTY BOARD OF EDUCATION.**

### **§18-5-52. Policies to maximize use of instructional time.**

(a) No later than August 1, 2025, each county board shall adopt policies that promote maximizing the use of instructional time. The policies shall address the following objectives, at a minimum:

(1) Emphasize that student use of personal cell phones and other electronic communication devices should be limited as much as possible during school hours;

(2) Reduce distractions caused by student use of personal cell phones and other electronic communication devices in classroom settings; and

(3) If determined appropriate by the county board:

(A) Require that students' personal cell phones and other electronic devices be placed in "airplane mode," "flight mode," or any other mode that disables all wireless communication to and from the device during instruction time except when such devices are actively being used for student learning, to monitor or address a health concern, or accommodate an individualized education plan; and

(B) Permit students to use personal cell phones and other electronic communication devices only for student learning, to monitor or address a health concern, or accommodate an individualized education plan.

(b) County boards may, but are not required to, prohibit all use of personal cell phones and electronic communication devices by students except as necessary to monitor or address a health concern or to accommodate an individualized education program.

(c) Any county board that adopted a policy that meets the requirements of this section prior to the effective date of this amendment shall be considered to have met the requirements set forth

22 in this section for so long as that policy remains in effect.

23 (d) Any county board that adopts a policy under this section after the effective date of this  
24 amendment shall do so at a public meeting of the county board.

25 (e) Each county board shall make the policies required by this section publicly available  
26 and post it prominently on its publicly accessible website, if it has one.

27 (f) No later than July 1, 2025, the state board shall adopt a model policy that meets the  
28 requirements of this section. To the extent possible, the model policy shall take into account  
29 available research concerning the effect of the use of cell phones and other electronic  
30 communication devices by students in school settings. County boards may, but are not required to,  
31 adopt the model policy.

32 (g) Nothing in this section may be construed as prohibiting or permitting county boards to  
33 prohibit a student from using a personal cell phone or other electronic communication device in the  
34 case of an emergency or in response to a perceived threat of danger to the student or any other  
35 student.

NOTE: The purpose of this bill is to require county school boards to adopt policies intended to limit the use of personal cell phones and other electronic communication devices in public schools for purposes other than educational, medical, and emergency purposes.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.