

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

**Introduced**

### **Senate Bill 457**

By Senators Smith (Mr. President) and Woelfel

[By Request of the Executive]

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

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,  
2 designated §18-2-46, relating to the limitation of cell phones in classrooms; providing  
3 exceptions; and requiring the State Board of Education to promulgate legislative rules to  
4 implement this section.

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

## **ARTICLE 2. STATE BOARD OF EDUCATION.**

### **§18-2-46. Limitation on cell phones in classrooms; rule-making.**

1 (a) Student cell phones shall not be seen, heard, or in use while the student is in the  
2 classroom, while school is in session. Student cell phones must be physically detached from the  
3 student's body by being placed in a backpack, purse, in a collective pouch in the classroom, or in  
4 the student's assigned locker. Ringers must be silenced in the classroom.

5 (b) Students are not allowed to have headphones or earbuds on or in their ears during  
6 instructional time. Headphones and earbuds must be physically detached from the student's body  
7 by being placed in a backpack, purse, in a collective pouch in the classroom, or in the student's  
8 assigned locker.

9 (c) Students are allowed to wear smartwatches throughout the school day: *Provided*, that,  
10 the smartwatch does not distract from the classroom environment. Students are not allowed to  
11 use smartwatches for communication purposes while in the classroom, while school is in session.

12 (d) Students may possess and use cell phones, headphones, earbuds, and smartwatches  
13 during passing time between class periods, during assigned lunch, and during other times when  
14 students are in common areas during non-instructional time.

15 (e) Teachers shall afford students the opportunity to detach from their devices by placing  
16 their devices in a collective pouch, or other similar means, in the classroom. Teachers are  
17 authorized to confiscate devices in order to ensure compliance with this section: *Provided*, that  
18 any confiscated device is returned to the student by the end of the school day.

19 (f) Use of cell phones and other communication devices are permitted in cases of

20 emergencies, to comply with the Americans with Disabilities Act of 1990, 42 U.S.C. §12101 *et*  
21 *seq.*, and the West Virginia Human Rights Act, West Virginia Code §5-11-1 *et seq.*, and at other  
22 times when expressly authorized by the teacher or an administrator.

23 (g) This section applies only to students in elementary and secondary schools.

24 (h) In accordance with the provisions of §29A-3B-1 of this code, the State Board of  
25 Education shall promulgate, adopt, amend or repeal legislative rules to

26 (1) Implement the provisions of this section; and

27 (2) Provide and establish standards for county school boards to create additional policies  
28 and procedures necessary to implement this section and the State Board of Education's related  
29 rules.

NOTE: The purpose of this bill is to prohibit students from possessing cell phone in the classroom, and to require the State Board of Education to promulgate legislative rules to implement this prohibition.

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