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H.B. No. 2673

A BILL TO BE ENTITLED

AN ACT

relating to requirements for the use and transfer of electronic devices to students by a public school.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Subchapter C, Chapter 32, Education Code, is amended to read as follows:

SUBCHAPTER C. TRANSFER OF DATA PROCESSING EQUIPMENT AND ELECTRONIC DEVICES TO STUDENTS

SECTION 2. Section 32.101, Education Code, is amended to read as follows:

Sec. 32.101. DEFINITIONS [~~DEFINITION~~]. In this subchapter:

(1) "Data [,"data] processing" has the meaning assigned by Section 2054.003, Government Code.

(2) "Electronic device" means a device that is capable of connecting to a cellular network or the Internet, including:

(A) a computer;

(B) a smartphone; or

(C) a tablet.

(3) "Internet filter" means a software application that is capable of preventing an electronic device from accessing certain websites or displaying certain online material.

SECTION 3. Subchapter C, Chapter 32, Education Code, is amended by adding Section 32.1021 to read as follows:

Sec. 32.1021. STANDARDS. The agency shall adopt standards

1 for permissible electronic devices and software applications used  
2 by a school district or open-enrollment charter school. In adopting  
3 the standards, the agency must:

4 (1) minimize data collection conducted on students  
5 through electronic devices and software applications;

6 (2) ensure direct and informed parental consent is  
7 required for a student's use of a software application, other than a  
8 software application necessary for the administration of:

9 (A) an assessment instrument under Subchapter B,  
10 Chapter 39; or

11 (B) an assessment relating to college, career, or  
12 military readiness for which student performance is considered in  
13 evaluating a school district's performance under Section 39.054;

14 (3) ensure software applications do not conduct mental  
15 health assessments or other assessments unrelated to educational  
16 curricula that are intended to collect information about students  
17 without direct and informed parental consent;

18 (4) ensure that parents are provided the resources  
19 necessary to understand cybersecurity risks and online safety  
20 regarding their child's use of electronic devices in advance of the  
21 child's use of those devices at the child's school;

22 (5) specify periods of time during which an electronic  
23 device transferred to a student must be deactivated in the interest  
24 of student safety;

25 (6) consider necessary adjustments by age level to the  
26 use of electronic devices in the classroom to foster development of  
27 students' abilities regarding spending school time and completing

1 assignments without the use of an electronic device;

2 (7) consider appropriate restrictions on student  
3 access to social media websites or applications with an electronic  
4 device transferred to a student by a district or school;

5 (8) require a district or school, before using a  
6 social media application for an educational purpose, to determine  
7 that an alternative application that is more secure and provides  
8 the same educational functionality as the social media application  
9 is unavailable for that educational purpose;

10 (9) consider the required use of an Internet filter  
11 capable of notifying appropriate school administrators, who are  
12 then required to notify the student's parent, if a student accesses  
13 inappropriate or concerning content or words, including content  
14 related to:

- 15 (A) self-harm;
- 16 (B) suicide;
- 17 (C) violence to others; or
- 18 (D) illicit drugs;

19 (10) assign to the appropriate officer of a district  
20 or school the duty to receive complaints or concerns regarding  
21 student use of electronic devices, including cybersecurity and  
22 online safety concerns, from district or school staff, other  
23 students, or parents; and

24 (11) provide methods by which a district or school may  
25 ensure an operator, as that term is defined by Section 32.151, that  
26 contracts with the district or school to provide software  
27 applications complies with Subchapter D, Chapter 32.

1 SECTION 4. Section 32.104, Education Code, is amended to  
2 read as follows:

3 Sec. 32.104. REQUIREMENTS FOR TRANSFER. Before  
4 transferring data processing equipment or an electronic device to a  
5 student, a school district or open-enrollment charter school must:

6 (1) adopt rules governing transfers under this  
7 subchapter, including provisions for technical assistance to the  
8 student by the district or school;

9 (2) determine that the transfer serves a public  
10 purpose and benefits the district or school; ~~and~~

11 (3) remove from the equipment any offensive,  
12 confidential, or proprietary information, as determined by the  
13 district or school;

14 (4) adopt rules establishing programs promoting  
15 parents as partners in cybersecurity and online safety that involve  
16 parents in students' use of transferred equipment or electronic  
17 devices; and

18 (5) for the transfer of an electronic device to be used  
19 for an educational purpose, install an Internet filter that blocks  
20 and prohibits pornographic or obscene materials or applications,  
21 including from unsolicited pop-ups, installations, and downloads.

22 SECTION 5. This Act applies beginning with the 2023-2024  
23 school year.

24 SECTION 6. This Act takes effect immediately if it receives  
25 a vote of two-thirds of all the members elected to each house, as  
26 provided by Section 39, Article III, Texas Constitution. If this  
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2023.