

By: Hull, Capriglione

H.B. No. 2673

Substitute the following for H.B. No. 2673:

By: Lozano

C.S.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 students' use of software applications;

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

12 (4) ensure that parents are provided the resources  
13 necessary to understand cybersecurity risks and online safety  
14 regarding their child's use of electronic devices;

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

18 (6) consider necessary adjustments by age level to the  
19 use of electronic devices in the classroom to foster development of  
20 students' abilities regarding spending school time and completing  
21 assignments without the use of an electronic device;

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

25 (8) require a district or school, before using a  
26 social media application for an educational purpose, to determine  
27 that an alternative application that is more secure and provides

1 the same educational functionality as the social media application  
2 is unavailable for that educational purpose;

3 (9) consider the required use of an Internet filter  
4 capable of notifying appropriate school administrators, who are  
5 then required to notify the student's parent, if a student accesses  
6 inappropriate or concerning content or words, including content  
7 related to:

8 (A) self-harm;

9 (B) suicide; or

10 (C) violence to others;

11 (10) assign to the appropriate officer of a district  
12 or school the duty to receive complaints or concerns regarding  
13 student use of electronic devices, including cybersecurity and  
14 online safety concerns, from district or school staff, other  
15 students, or parents; and

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

20 SECTION 4. Section 32.104, Education Code, is amended to  
21 read as follows:

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

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

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

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

6           (4) adopt rules establishing programs promoting  
7 parents as partners in cybersecurity and online safety that involve  
8 parents in students' use of transferred equipment or electronic  
9 devices; and

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

14          SECTION 5. This Act applies beginning with the 2023-2024  
15 school year.

16          SECTION 6. This Act takes effect immediately if it receives  
17 a vote of two-thirds of all the members elected to each house, as  
18 provided by Section 39, Article III, Texas Constitution. If this  
19 Act does not receive the vote necessary for immediate effect, this  
20 Act takes effect September 1, 2023.