

By: Hull

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 and the Internet, including:

(A) a computer;

(B) a smartphone; or

(C) a tablet.

(3) "Internet filter" means a software application installed on an electronic device that is capable of preventing the 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:

1 Sec. 32.1021. STANDARDS. The agency shall adopt standards
2 for permissible electronic devices and software applications used
3 by a school district or open-enrollment charter school. In adopting
4 the standards, the agency must:

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

7 (2) ensure direct and informed parental consent is
8 required for a students' use of software applications;

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

13 (4) ensure that parents are partners in cybersecurity
14 and are provided the resources necessary to fulfill that role;

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) consider the required use of an Internet filter
26 capable of notifying parents or appropriate school administrators
27 if a student accesses inappropriate or concerning content or words,

1 including content related to:

2 (A) self-harm;

3 (B) suicide; or

4 (C) violence to others;

5 (9) consider assigning to a cybersecurity coordinator
6 designated under Section 11.175 the duty to receive complaints or
7 concerns regarding student use of electronic devices from district
8 or school staff, other students, or parents; and

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

13 SECTION 4. Section 32.104, Education Code, is amended to
14 read as follows:

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

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

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

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

26 (4) adopt rules establishing programs promoting
27 parents as partners in cybersecurity and online safety that involve

1 parents in students' use of transferred equipment or electronic
2 devices; and

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

7 SECTION 5. This Act applies beginning with the 2023-2024
8 school year.

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