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| BILL ANALYSIS |

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| C.S.H.B. 1481 |
| By: Fairly |
| Public Education |
| Committee Report (Substituted) |

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| **BACKGROUND AND PURPOSE** According to an article published by Johns Hopkins University, states such as Florida, Indiana, Ohio, South Carolina, and Louisiana have recently passed laws restricting cell phone use in schools, as research suggests that cell phone usage may be contributing to a mental health crisis among youth, affecting students' attention spans and stymying their social development. Furthermore, Pew Research Center found that 68 percent of adults in the United States support a ban on middle and high school students using cell phones during classes. The bill author has informed the committee that the increasing presence of personal devices in Texas schools poses concerns about their impact on student learning, safety, mental health, and overall school environment. C.S.H.B. 1481 aims to mitigate the negative effects of a student's use of personal communication devices by requiring public school districts and open-enrollment charter schools to prohibit different types of personal communication devices, including cell phones, in order to create a more focused, engaging, and safe learning environment for students. |
| **CRIMINAL JUSTICE IMPACT**It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision. |
| **RULEMAKING AUTHORITY** It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution. |
| **ANALYSIS** C.S.H.B. 1481 amends the Education Code to replace the statutory provisions authorizing the board of trustees of a public school district to adopt a policy prohibiting a student from possessing a paging device while on school property or while attending a school-sponsored or school-related activity on or off school property with a provision that instead requires the board of trustees of a school district or the governing body of an open-enrollment charter school to adopt, implement, and ensure the district or school complies with a written policy prohibiting a student from using a personal communication device, as defined by the bill, while on school property during the school day, requires the mandatory policy to establish disciplinary measures to be imposed for violation of the prohibition, and authorizes the mandatory policy to provide for confiscation of an applicable personal communication device. Moreover, the bill does the following:* removes the provisions that are applicable only to the discretionary policy regarding the confiscation, disposal, and release, after payment of an administrative fee, of a paging device;
* removes the definition of "paging device" and the specification expressly excluding from that term an amateur radio under the control of an operator who holds an amateur radio station license issued by the FCC; and
* makes the bill's mandatory policy applicable to a range of personal communication devices, which are defined by the bill as follows:
	+ a telephone;
	+ a cell phone such as a smartphone or flip phone;
	+ a tablet;
	+ a smartwatch;
	+ a radio device;
	+ a paging device; and
	+ any other electronic device capable of telecommunication or digital communication.

The bill expressly excludes from the applicability of the mandatory policy an electronic device provided to a student by a school district or open-enrollment charter school, and the bill expressly does not apply to an adult high school charter school program operated under applicable state law.C.S.H.B. 1481 authorizes the mandatory policy to provide for the district or charter school to do the following:* comply with the bill's provisions by prohibiting a student from bringing a personal communication device on school property or by designating a method for the storage of a student's personal communication device while the student is on school property during the school day; and
* dispose of a confiscated personal communication device in any reasonable manner after having provided the student's parent 90 days' prior notice in writing of the district's or school's intent to dispose of that device.

Furthermore, the bill requires the board or governing body, in adopting the mandatory policy, to authorize, as follows, the use of a personal communication device:* necessary to implement an individualized education program, a plan created under Section 504 of the federal Rehabilitation Act of 1973, or a similar program or plan;
* by a student with a documented need based on a directive from a qualified physician; or
* necessary to comply with a health or safety requirement imposed by law or as part of the district's or charter school's safety protocols.

The bill requires the Texas Education Agency to develop and publish on its website model language for the mandatory policy. C.S.H.B. 1481 requires the board of trustees of a district or the governing body of a charter school, as soon as practicable, but not later than the 90th day after the bill's effective date, to adopt the mandatory policy. |
| **EFFECTIVE DATE** On passage, or, if the bill does not receive the necessary vote, September 1, 2025. |
| **COMPARISON OF INTRODUCED AND SUBSTITUTE**While C.S.H.B. 1481 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.While both the introduced and the substitute provide for mandatory policies prohibiting the use of certain devices, they provide for such a policy in a different manner, with the introduced setting out a new statutory provision in the Education Code's health and safety provisions and the substitute extensively revising and repurposing an existing discretionary prohibition on the possession of a paging device located in the code's discipline and law and order provisions. They also differ as follows:* the introduced required the board of trustees and the governing body to adopt policies prohibiting students from using personal wireless communication devices during instructional time, but the substitute provides that the policy must prohibit student use of personal communication devices while on school property during the school day;
* the introduced defined a personal wireless communication device as any wireless electronic communication device capable of transmitting and/or receiving data, including cellular telephones, text messaging devices, laptop computers, and tablet computers, but the substitute defines a personal communication device as a telephone, cell phone such as a smartphone or flip phone, tablet, smartwatch, radio device, paging device, or any other electronic device capable of telecommunication or digital communication, excluding an electronic device provided to a student by the district or charter school;
* while the introduced excluded from its definition a device provided to students by a school for instructional purposes, the substitute excludes an electronic device provided to a student by a district or charter school without specification as to the device's purpose; and
* while the introduced required the policies to require that classrooms designate a secure, out-of-sight area for the storage of devices during instructional time, the substitute provides that the policy may either prohibit a student from bringing a device on school property or designate a method for the storage of a device while the student is on school property during the school day.

The substitute also includes the following that were not in the introduced:* a provision regarding the confiscation of a device and its disposal after written notice to the student's parent;
* a provision requiring the policy to establish disciplinary measures;
* a requirement for a board of trustees or governing body, in adopting the policy, to authorize the use of a device under certain circumstances;
* a requirement for TEA to develop and publish on its website model language for the policy;
* a provision expressly excluding an adult high school charter school program from applicability of the policy; and
* a deadline by which the board or governing body must adopt the policy.
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