By:  Creighton, et al. S.B. No. 2365

(In the Senate - Filed March 12, 2025; March 25, 2025, read first time and referred to Committee on Education K-16; April 7, 2025, reported adversely, with favorable Committee Substitute by the following vote: Yeas 10, Nays 0; April 7, 2025, sent to printer.)

COMMITTEE VOTE

                    Yea Nay Absent  PNV

Creighton         X

Campbell             X

Bettencourt          X

Hagenbuch            X

Hinojosa of Nueces   X

King                 X

Menéndez             X

Middleton            X

Parker               X

Paxton               X

West                           X

COMMITTEE SUBSTITUTE FOR S.B. No. 2365 By:  Hinojosa of Nueces

A BILL TO BE ENTITLED

AN ACT

relating to a policy prohibiting the use of personal wireless communication devices by public school students during instructional time.

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

SECTION 1.  Subchapter A, Chapter 38, Education Code, is amended by adding Section 38.0232 to read as follows:

Sec. 38.0232.  STUDENT USE OF PERSONAL WIRELESS COMMUNICATION DEVICES DURING INSTRUCTIONAL TIME PROHIBITED. (a) In this section, "personal wireless communication device" means an electronic device, other than a device issued to an enrolled student by a school district or open-enrollment charter school, that is capable of transmitting or receiving data, such as text messages, including:

(1)  a laptop computer;

(2)  a cell phone, such as a smartphone; or

(3)  a tablet.

(b)  Notwithstanding Section 38.0231, the board of trustees of a school district and the governing body of an open-enrollment charter school shall adopt a policy prohibiting a student in the district or school from using a personal wireless communication device during instructional time.

(c)  In adopting the policy, the board of trustees or governing body must authorize the use of a personal wireless communication device:

(1)  necessary to implement an individualized education program, a plan created under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), or a similar program or plan;

(2)  by a student with a documented need based on a directive from a qualified physician; or

(3)  necessary to comply with a health or safety requirement imposed by law or included in the district's or school's safety protocols.

SECTION 2.  This Act applies beginning with the 2025-2026 school year.

SECTION 3.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2025.

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