

By: Toth

H.B. No. 3160

A BILL TO BE ENTITLED

AN ACT

relating to Internet safety and technology protection policies in public schools and libraries.

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

SECTION 1. Subchapter A, Chapter 38, Education Code, is amended by adding Section 38.0233 to read as follows:

Sec. 38.0233. INTERNET SAFETY AND TECHNOLOGY PROTECTION POLICY. (a) The board of trustees of a school district or the governing body of an open-enrollment charter school shall adopt an Internet safety and technology protection policy to protect a student accessing the Internet or using online instructional materials, technology, subscriptions, or other online resources or services, including online school library resources or subscriptions. The policy must:

(1) require the district or school to comply with the Children's Internet Protection Act (Pub. L. No. 106-554);

(2) require a vendor of online instructional materials, technology, subscriptions, or other online resources or services purchased by the district or school for access or use by a student to certify compliance with the federal prohibition against the transfer of obscene materials to minors under 18 U.S.C. Section 1470 and the sale, distribution, or display of harmful material to a minor under Section 43.24, Penal Code; and

(3) create a procedure that allows the public to:

1 (A) report concerns related to access of the
2 Internet or use of online instructional materials, technology,
3 subscriptions, or other online resources or services by district or
4 school students; and

5 (B) receive a response to those concerns from the
6 district or school.

7 (b) A school district or open-enrollment charter school
8 shall annually submit a report to the agency regarding concerns
9 reported to the district or school under the procedure developed
10 under Subsection (a)(3). The agency shall annually publish the
11 reports received under this section for each district or school on
12 the agency's Internet website.

13 (c) A school district, an open-enrollment charter school,
14 and the agency shall use all available legal and contractual
15 enforcement options to ensure compliance with this section.
16 Notwithstanding any other law, the commissioner shall withhold from
17 a school district or open-enrollment charter school that is not in
18 compliance with Subsections (a) and (b) the district's or school's
19 entitlement under Chapters 46 and 48 until the district or school
20 comes into compliance.

21 (d) The commissioner shall adopt rules as necessary to
22 implement this section.

23 SECTION 2. Chapter 441, Government Code, is amended by
24 adding Subchapter O to read as follows:

25 SUBCHAPTER O. INTERNET SAFETY AND TECHNOLOGY PROTECTION POLICY

26 Sec. 441.251. DEFINITION. In this subchapter, "public
27 library" has the meaning assigned by Section 441.122.

1 Sec. 441.252. INTERNET SAFETY AND TECHNOLOGY PROTECTION
2 POLICY. (a) A public library shall adopt an Internet safety and
3 technology protection policy to protect a minor accessing the
4 Internet or online library resources or services, including
5 subscriptions. The policy must:

6 (1) require the library to comply with the Children's
7 Internet Protection Act (Pub. L. No. 106-554);

8 (2) require a vendor of online resources or services
9 purchased by the library for access or use by a minor to certify
10 compliance with the federal prohibition against the transfer of
11 obscene materials to minors under 18 U.S.C. Section 1470 and the
12 sale, distribution, or display of harmful material to a minor under
13 Section 43.24, Penal Code; and

14 (3) create a procedure for the public to:

15 (A) report concerns related to a minor's access
16 of the Internet or use of online library resources or services
17 through the library; and

18 (B) receive a response to those concerns from the
19 library.

20 (b) A public library shall annually submit a report to the
21 commission regarding concerns reported to the library under the
22 procedure developed under Subsection (a)(3). The commission shall
23 annually publish the reports received under this section for each
24 public library on the commission's Internet website.

25 (c) A public library and the commission shall use all
26 available legal and contractual enforcement options to ensure
27 compliance with this section. A public library not in compliance

1 with Subsections (a) and (b) is ineligible for state funding.

2 (d) The commission shall adopt rules as necessary to
3 implement this section.

4 SECTION 3. As soon as practicable after the effective date
5 of this Act:

6 (1) each school district and open-enrollment charter
7 school shall adopt an Internet safety and technology protection
8 policy as required by Section 38.0233, Education Code, as added by
9 this Act; and

10 (2) each public library shall adopt an Internet safety
11 and technology protection policy as required by Section 411.252,
12 Government Code, as added by this Act.

13 SECTION 4. As soon as practicable after the effective date
14 of this Act:

15 (1) the commissioner of education shall adopt rules
16 for the administration of Section 38.0233, Education Code, as added
17 by this Act; and

18 (2) The Texas State Library and Archives Commission
19 shall adopt rules for the administration of Section 411.252,
20 Government Code, as added by this Act.

21 SECTION 5. This Act takes effect September 1, 2025.