

By: Campbell

S.B. No. 1459

A BILL TO BE ENTITLED

AN ACT

relating to public school policies regarding student possession of personal communication devices and Internet safety.

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

SECTION 1. Section 37.082, Education Code, is amended to read as follows:

Sec. 37.082. POSSESSION OF PERSONAL COMMUNICATION ~~[PAGING]~~ DEVICES. (a) Subject to Subsection (b), the ~~[The]~~ board of trustees of a school district and the governing body of an open-enrollment charter school shall ~~[may]~~ adopt a written policy prohibiting a student from possessing a personal communication ~~[paging]~~ device while on school property during the school day ~~[or while attending a school-sponsored or school-related activity on or off school property]~~. The policy shall ~~[may]~~ establish disciplinary measures to be imposed for violation of the prohibition ~~[and may provide for confiscation of the paging device]~~.

(b) In adopting the policy, the board of trustees or governing body:

(1) must authorize the possession of a personal communication device:

(A) 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;

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

3 (C) necessary to comply with any other
4 requirement imposed by law; and

5 (2) may authorize the possession of a personal
6 communication device:

7 (A) during instructional time for instructional
8 purposes;

9 (B) during noninstructional periods during the
10 school day, such as lunch; or

11 ~~[The policy may provide for the district to:~~

12 ~~[(1) dispose of a confiscated paging device in any~~
13 ~~reasonable manner after having provided the student's parent and~~
14 ~~the company whose name and address or telephone number appear on the~~
15 ~~device 30 days' prior notice of its intent to dispose of that~~
16 ~~device. The notice shall include the serial number of the device~~
17 ~~and may be made by telephone, telegraph, or in writing; and~~

18 ~~[(2) charge the owner of the device or the student's~~
19 ~~parent an administrative fee not to exceed \$15 before it releases~~
20 ~~the device].~~

21 (c) The board of trustees of a school district or the
22 governing body of an open-enrollment charter school shall adopt a
23 policy under this section at a public meeting. Notice of the meeting
24 must include the text of the proposed policy. Before adopting the
25 policy, the board or governing body must provide a reasonable
26 period for public comment regarding the policy.

27 (d) The board of trustees or governing body shall make the

1 policy adopted under this section publicly available on the
2 district's or school's Internet website and provide a copy of the
3 policy to parents or guardians of students in the district or
4 school.

5 (e) The agency shall develop a model policy that a school
6 district or open-enrollment charter school may use to comply with
7 the requirements of this section. The model policy must be based on
8 research and current best practices.

9 (f) In this section, "personal communication [paging]
10 device" means a telephone, cell phone such as a smartphone or flip
11 phone, tablet, computer, personal digital assistant, smartwatch,
12 radio device, paging device, or any other electronic
13 [telecommunications] device capable of telecommunication or
14 digital communication [that emits an audible signal, vibrates,
15 displays a message, or otherwise summons or delivers a
16 communication to the possessor]. The term does not include:

17 (1) an amateur radio under the control of an operator
18 who holds an amateur radio station license issued by the Federal
19 Communications Commission; or

20 (2) an electronic device provided to a student by a
21 school district or open-enrollment charter school.

22 SECTION 2.: Subchapter C, Chapter 37, Education Code, is
23 amended by adding Section 37.0821, to read as follows:

24 Sec. 37.0821. IMPLEMENTATION MONITORING. (a) Each school
25 district and charter school must establish an effective monitoring
26 plan to ensure the effectiveness and efficiency of policies under
27 this section. The plan must:

1 (1) outline procedures for monitoring compliance with
2 the Internet safety and personal communication device policies;

3 (2) provide for continuous regular reporting of
4 progress and implementation to the school board, parents, and the
5 Texas Education Agency;

6 (3) include performance metrics to evaluate the impact
7 of the policies on student safety and digital responsibility;

8 (4) allow for periodic review and updates to ensure
9 alignment with best practices and technological advancements.

10 SECTION 3. As soon as practicable after the effective date
11 of this Act, the Texas Education Agency shall develop the model
12 policy required by Section 37.082(e), Education Code, as added by
13 this Act.

14 SECTION 4. This Act applies beginning with the 2025-2026
15 school year.

16 SECTION 5. 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, 2025.