

BILL ANALYSIS

Senate Research Center

H.B. 2673
By: Hull et al. (Paxton)
Education
5/17/2023
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Many local education agencies (LEAs) would like to turn to the Texas Education Agency (TEA) for guidance regarding school-issued devices. Currently, TEA does not have rulemaking authority to provide guidelines or requirements to LEAs on such devices, which has led to a patchwork in LEA policies. Additionally, parents have expressed concern that they are unaware of the capabilities of school-issued devices and want to ensure they are meeting certain safety standards regarding access to content as well as to their child's data.

The proposed legislation seeks to address these issues by providing LEAs with requirements for the issuance of school devices while providing parents with a level of security about the safety of these devices. The legislation would also ensure that parents are included in certain cybersecurity measures and provide for a school or district officer to receive complaints regarding device use.

H.B. 2673 amends current law relating to requirements for the use and transfer of electronic devices to students by a public school.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Subchapter C, Chapter 32, Education Code, to read as follows:

SUBCHAPTER C. TRANSFER OF DATA PROCESSING EQUIPMENT AND ELECTRONIC DEVICES TO STUDENTS

SECTION 2. Amends Section 32.101, Education Code, as follows:

Sec. 32.101. New heading: DEFINITIONS. Defines "electronic device" and "Internet filter." Makes nonsubstantive changes.

SECTION 3. Amends Subchapter C, Chapter 32, Education Code, by adding Section 32.1021, as follows:

Sec. 32.1021. STANDARDS. Requires the Texas Education Agency (TEA) to adopt standards for permissible electronic devices and software applications used by a school district or open-enrollment charter school. Requires TEA, in adopting the standards, to:

- (1) minimize data collection conducted on students through electronic devices and software applications;
- (2) ensure direct and informed parental consent is required for a student's use of a software application, other than a software application necessary for the administration of:

(A) an assessment instrument under Subchapter B (Assessment of Academic Skills), Chapter 39; or

(B) an assessment relating to college, career, or military readiness for which student performance is considered in evaluating a school district's performance under Section 39.054 (Methods and Standards for Evaluating Performance);

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

(4) ensure that parents are provided the resources necessary to understand cybersecurity risks and online safety regarding their child's use of electronic devices in advance of the child's use of those devices at the child's school;

(5) specify periods of time during which an electronic device transferred to a student is required to be deactivated in the interest of student safety;

(6) consider necessary adjustments by age level to the use of electronic devices in the classroom to foster development of students' abilities regarding spending school time and completing assignments without the use of an electronic device;

(7) consider appropriate restrictions on student access to social media websites or applications with an electronic device transferred to a student by a district or school;

(8) require a district or school, before using a social media application for an educational purpose, to determine that an alternative application that is more secure and provides the same educational functionality as the social media application is unavailable for that educational purpose;

(9) consider the required use of an Internet filter capable of notifying appropriate school administrators, who are then required to notify the student's parent, if a student accesses inappropriate or concerning content or words, including content related to:

(A) self-harm;

(B) suicide;

(C) violence to others; or

(D) illicit drugs;

(10) assign to the appropriate officer of a district or school the duty to receive complaints or concerns regarding student use of electronic devices, including cybersecurity and online safety concerns, from district or school staff, other students, or parents; and

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

SECTION 4. Amends Section 32.104, Education Code, as follows:

Sec. 32.104. REQUIREMENTS FOR TRANSFER. Requires a school district or open-enrollment charter school, before transferring data processing equipment or an electronic device to a student, to meet certain criteria, including adopt rules establishing programs

promoting parents as partners in cybersecurity and online safety that involve parents in students' use of transferred equipment or electronic devices and for the transfer of an electronic device to be used for an educational purpose, install an Internet filter that blocks and prohibits pornographic or obscene materials or applications, including from unsolicited pop-ups, installations, and downloads. Makes nonsubstantive changes.

SECTION 5. Provides that this Act applies beginning with the 2023–2024 school year.

SECTION 6. Effective date: upon passage or September 1, 2023.