

Tex. Educ. Code § 32.1021

This document is current through the 2023 Regular Session; the 1st C.S.; the 2nd C.S.; the 3rd C.S. and the 4th C.S. of the 88th Legislature; and the November 7, 2023 general election results.

Texas Statutes & Codes Annotated by LexisNexis® > Education Code > Title 2 Public Education (Subts. A — I) > Subtitle F Curriculum, Programs, and Services (Chs. 28 — 36) > Chapter 32 Computers, Computer-Related Equipment, and Student Information Protection (Subchs. A — H) > Subchapter C Transfer of Data Processing Equipment and Electronic Devices to Students (§§ 32.101 — 32.106)

Sec. 32.1021. Standards.

The agency shall adopt standards for permissible electronic devices and software applications used by a school district or open-enrollment charter school. In adopting the standards, the agency must:

- (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, 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;
- (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 before the child uses an electronic device at the child's school;
- (5) specify periods of time during which an electronic device transferred to a student must 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 may ensure an operator, as that term is defined by Section 32.151, that contracts with the district or school to provide software applications complies with Subchapter D.

History

Acts 2023, 88th Leg., ch. 795 (H.B. 18), § 3.03, effective June 13, 2023.

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