

House Substitute for Substitute for SENATE BILL No. 281

By Committee on Education

2-12

AN ACT concerning education; relating to school districts and accredited nonpublic schools; prohibiting students from using personal electronic communication devices during school hours; prohibiting school employees from communicating with students via social media platforms for official school purposes and providing certain exceptions; requiring the adoption of policies and procedures related thereto.

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) Each board of education of a school district shall and the governing authority of an accredited nonpublic elementary or secondary school may adopt policies and procedures to govern the use of personal electronic communication devices by students during the normal hours of the school day, including in the classroom, passing periods and lunch time. Such policies and procedures shall:

(1) Prohibit students from using or accessing personal electronic communication devices;

(2) require that all personal electronic communication devices be turned off and securely locked or stowed away;

(3) set forth enforcement procedures and disciplinary actions for violations of such policies and procedures;

(4) authorize any student to use a personal electronic communication device only if the use is:

(A) (i) Required for the implementation of a student's individualized education program or 504 plan; or

(ii) approved by an individual licensed by the state board of healing arts to practice medicine and surgery or a mid-level practitioner as defined in K.S.A. 65-1626, and amendments thereto, as a medical necessity to support the health or well-being of the student; and

(B) the intervention of last resort such that there is no other reasonable alternative option available for such student; and

(5) authorize a student to contact the student's parent or person acting as parent through the use of a school telephone or other communications device that is designated and made available by the school for such purpose.

(b) The board of education of a school district and governing

1 authority of an accredited nonpublic elementary or secondary school may
2 adopt policies and procedures that limit or prohibit use of personal
3 electronic communication devices by students during school-sponsored
4 activities or events that occur outside of the normal hours of the school
5 day.

6 (c) As used in this section, "personal electronic communication
7 device" means any wireless electronic communication device that:

8 (1) Provides for voice, text or video communication between two or
9 more parties, including, but not limited to, a mobile or cellular phone,
10 tablet, computer, watch, wireless headphones or earbuds, text messaging
11 device or personal digital assistant; and

12 (2) is not owned or issued to students by the school district or
13 accredited nonpublic elementary or secondary school.

14 Sec. 2. (a) Each board of education of a school district shall and the
15 governing authority of an accredited nonpublic elementary or secondary
16 school may adopt policies and procedures to prohibit each employee of the
17 school district or accredited nonpublic elementary or secondary school
18 from privately or directly communicating with any student via a social
19 media platform, texting or telephone communication, except as otherwise
20 provided in subsection (b).

21 (b) (1) The board of education of a school district or governing
22 authority of an accredited nonpublic elementary or secondary school may
23 approve a social media platform to be used for official school purposes.
24 Any such social media platform shall be under the control of and
25 monitored by such school district or accredited nonpublic school.

26 (2) The provisions of subsection (a) shall not apply to any employee
27 and student if such employee is the parent or person acting as parent of
28 such student.

29 (c) As used in this section:

30 (1) "Official school purposes" means the broadcasting or posting of
31 public, one-way communications that pertain to school functions, activities
32 or events. "Official school purposes" does not include private
33 communications, direct communications or two-way communications with
34 any student.

35 (2) "Social media platform" means any online website, application,
36 computer software or other internet medium that permits a person to
37 become a registered user, establish an account or create a profile for the
38 purpose of allowing the person to create, share and view user-generated
39 content through such account or profile. "Social media platform" includes,
40 but is not limited to, snapchat, instagram, facebook, X and tiktok.

41 Sec. 3. (a) On or before September 1, 2026, each board of education
42 of a school district shall and the governing authority of an accredited
43 nonpublic elementary or secondary school may submit a certification that

1 such board of education or governing authority has adopted the policies
2 and procedures described in sections 1 and 2, and amendments thereto, to
3 the state board of education on a form and in the manner prescribed by the
4 state board.

5 (b) The state board of education may establish rules and regulations
6 or other guidance as the board determines necessary to carry out the
7 provisions of this section.

8 Sec. 4. No board of education of a school district or governing
9 authority of an accredited nonpublic elementary or secondary school that
10 has adopted the policies and procedures described in section 1, and
11 amendments thereto, shall be liable for any lost or damaged personal
12 electronic communication device that is carried onto school premises.

13 Sec. 5. The provisions of sections 1 through 4, and amendments
14 thereto, and any policies and procedures adopted thereunder, shall not
15 apply to any virtual school as defined in K.S.A. 72-3712, and amendments
16 thereto.

17 Sec. 6. This act shall take effect and be in force from and after its
18 publication in the statute book.