

**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~~ {**shall**} 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{; and

(6) authorize a student to access and use the student's personal

1 **electronic communication device during a designated open-lunch**
2 **period when the student will leave the school grounds during such**
3 **designated open-lunch period}.**

4 (b) The board of education of a school district and governing
5 authority of an accredited nonpublic elementary or secondary school may
6 adopt policies and procedures that limit or prohibit use of personal
7 electronic communication devices by students during school-sponsored
8 activities or events that occur outside of the normal hours of the school
9 day.

10 (c) As used in this section:

11 **{(1) "Accredited nonpublic elementary or secondary school"**
12 **means any nonpublic elementary or secondary school that is**
13 **accredited by the state board of education.**

14 **(2) }**"Personal electronic communication device" means any wireless
15 electronic communication device that:

16 **{(A)}** Provides for voice, text or video communication between
17 two or more parties, including, but not limited to, a mobile or cellular
18 phone, tablet, computer, watch, wireless headphones or earbuds, text
19 messaging device or personal digital assistant; and

20 **{(B)}** is not owned or issued to students by the school district or
21 accredited nonpublic elementary or secondary school.

22 Sec. 2. (a) Each board of education of a school district ~~shall~~ and the
23 governing authority of an accredited nonpublic elementary or secondary
24 school ~~may~~ **{shall}** adopt policies and procedures to prohibit each
25 employee of the school district or accredited nonpublic elementary or
26 secondary school from privately or directly communicating with any
27 student via a social media platform, texting or telephone communication,
28 except as otherwise provided in subsection (b).

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

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

37 (c) **{Nothing in this section shall prohibit a board of education of**
38 **a school district or governing authority of an accredited nonpublic**
39 **elementary or secondary school from approving and using an email**
40 **platform or other similar communication platform to send**
41 **communications to and receive communications from students. Any**
42 **such email platform or other similar communication platform shall be**
43 **under the control of and monitored by such school district or**

1 **accredited nonpublic school.**

2 (d) }As used in this section:

3 (1) {"**Accredited nonpublic elementary or secondary school"**
4 **means the same as defined in section 1, and amendments thereto.**

5 (2) }"Official school purposes" means the broadcasting or posting of
6 public, one-way communications that pertain to school functions, activities
7 or events. "Official school purposes" does not include private
8 communications, direct communications or two-way communications with
9 any student.

10 ~~(2)}~~**{(3)}** "Social media platform" means any online website,
11 application, computer software or other internet medium that permits a
12 person to become a registered user, establish an account or create a profile
13 for the purpose of allowing the person to create, share and view user-
14 generated content through such account or profile. "Social media platform"
15 includes, but is not limited to, snapchat, instagram, facebook, X and tiktok.

16 Sec. 3. (a) On or before September 1, 2026, each board of education
17 of a school district ~~shall~~ and the governing authority of an accredited
18 nonpublic elementary or secondary school ~~may~~ **{as defined in section 1,**
19 **and amendments thereto, shall}** submit a certification that such board of
20 education or governing authority has adopted the policies and procedures
21 described in sections 1 and 2, and amendments thereto, to the state board
22 of education on a form and in the manner prescribed by the state board.

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

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

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

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