Required Personal Communication Device and Social Media Policies; Senate Sub. for HB 2299

Senate Sub. for HB 2299 requires each school district and accredited nonpublic school, as defined in the bill, to adopt policies and procedures regarding the use of personal electronic communication devices (personal devices) and social media platforms. The bill also provides indemnity for lost or damaged devices, exempts virtual schools, and adds provisions regarding nonpublic school accreditation and the rights of certain accredited nonpublic schools.

Personal Electronic Communication Device Policies

Required Policy

The bill requires each school district and accredited nonpublic school, defined as a nonpublic school accredited by the State Board of Education (State Board), to adopt policies and procedures regarding student use of personal devices during the school day, to:

- Prohibit student access and use of personal devices during the school day;
- Require all personal devices to be turned off and securely stored in a location that is:
    - Not on the student's person; and
    - Inaccessible;
- Authorize students to not bring personal devices to school by leaving the devices at home or in a vehicle, even if such vehicle is on school grounds;
- Set enforcement procedures and disciplinary actions for violations of the policies and procedures;
- Authorize students to use personal devices during the school day if such use is:
    - Required to implement a student's individualized education plan (IEP) or 504 plan or approved by a licensed physician as a medical necessity to support the health or well-being of the student; and
    - The intervention of last resort after determining there is no other reasonable alternative option available for such student; and
- Designate and make available a school telephone or other communication device that a student is allowed to use to contact a parent or person acting as parent.

[*Note:* A "504 plan" is a document required under Section 504 of the Rehabilitation Act of 1973 regarding accommodations for students with disabilities.]

Optional Policy

The bill also permits school districts and accredited nonpublic schools to adopt policies and procedures to limit or prohibit student use of personal devices during school-sponsored events or events occurring outside of the school day.

Exemptions

The bill exempts any time associated with a student's travel to or from a learning experience not located on the school premises from both the required and optional policies and procedures discussed previously. Such learning experiences include any:

- Postsecondary educational course;
- Career technical education course;
- Work-based learning program; or
- Other alternative educational opportunity.

Definitions

The bill defines three terms used in the bill:

- "Accredited nonpublic elementary or secondary school" means a nonpublic elementary or secondary school that is accredited by the State Board. "Accredited nonpublic elementary or secondary school" includes any nonpublic elementary or secondary school that is dually accredited by the State Board and an accrediting entity other than the State Board;

- "Personal electronic communication device" means any wireless electronic communication device that:

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

    - Is not owned or issued to students by the school district or accredited nonpublic elementary and secondary school; and

- "School day" means the time from the start of school until dismissal at the end of the day on the school premises, including, but not limited to, in any classroom, structured or unstructured learning setting, recess, lunch, or passing period.

Social Media Policies

Required Policy

The bill requires all school districts and accredited nonpublic schools to adopt policies and procedures to prohibit school employees from:

- Privately or directly communicating with any students via social media platforms; and

- Requiring the use of social media for any assignment or extracurricular activity.

The bill allows school districts and accredited nonpublic schools to approve a social media platform to be used for official school purposes, which is defined:

- To mean the broadcasting or posting of public, one-way communications that pertain to school functions, activities, or events; and

- To exclude private communications, direct communications, or two-way communications with any student.

Definition of Social Media Platform

The bill defines the term "social media platform" to mean an online website or application that permits a person to become a registered user and create an account or profile for the primary purpose of creating, sharing, or interacting with user-generated content that is publicly viewable by users. Such term includes, but is not limited to, Snapchat, Instagram, Facebook, X, and TikTok.

The bill also states that the term "social media platform" does not include:

- Any online website or application whose primary purpose is educational;

- Any platform approved by the board of education or governing authority of an accredited nonpublic school that:
    - Is owned, licensed, or contractually controlled by the school district or nonpublic school;
    - Allows for required user accounts;
    - Allows communications to be monitored, archived, retained, or audited in compliance with policy or law;
    - Is accessible to parents or guardians; and
    - Is used by employees in accordance with policy;

- Email;

- Direct messaging services that only share messages between a sender and named recipient and do not display or post messages publicly or to users not identified as recipients by the sender of the message; and

- Any online product or service that does not have school-specific features or identifiers and the predominant purpose is to post educational materials, news, or resources, and user comments or other interactive functionality is incidental to such predominant purpose.

Certification Requirement

The bill requires the governing body of each school district and accredited nonpublic school to certify to the State Board, on or before September 1, 2026, that it has adopted the policies and procedures required by the bill. The certification will be submitted in a form and manner prescribed by the State Board.

Indemnity Provision

The bill states that no school district, accredited nonpublic school, or employees or agents thereof are liable for any damage to or storage of personal electronic devices brought to school.

Virtual Schools

The bill states that none of the policies and procedures required by the bill apply to any virtual school as defined in the Virtual School Act.

Accredited Nonpublic Schools

General Definition

The bill states that whenever the terms "accredited nonpublic school," "accredited nonpublic elementary or secondary school," "accredited nonpublic high school," "accredited private schools," or words of like effect are referred to or designated by statute in Chapter 72 of the Kansas Statutes Annotated, and amendments thereto, those references or designations mean a nonpublic school accredited by the State Board unless otherwise indicated in that statute.

School District Accreditation System

The bill amends a statute regarding the school district accreditation system to state that:

- Accreditation by the State Board is voluntary for nonpublic schools operating in Kansas;

- Nonpublic schools accredited by the State Board may also be accredited by a regional or national accrediting agency; and

- Nonpublic schools accredited by a regional or national accrediting agency, recognized by the State Board, are to be entitled to the same rights as nonpublic schools accredited by the State Board.

The bill also states that such regional or national accrediting agencies recognized by the State Board on or before March 1, 2026, cannot lose recognition without approval of the Legislature.

Kansas State High School Activities Association

The bill amends law regarding the Kansas State High School Activities Association to require the organization to recognize and accept accreditation of nonpublic schools that are accredited by a regional or national accrediting agency.