

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 379 Technology in K-12 Public Schools
SPONSOR(S): Choice & Innovation Subcommittee, Yeager and others
TIED BILLS: None **IDEN./SIM. BILLS:** SB 52

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Choice & Innovation Subcommittee	17 Y, 0 N, As CS	McDaniel	Sleap
2) Education & Employment Committee	19 Y, 0 N	McDaniel	Hassell

SUMMARY ANALYSIS

The bill prescribes specific measures a district school board must undertake to protect instructional time and protect students while using district owned devices and networks.

The bill requires a district school board to prohibit any device used by a student from accessing a website, application, or software that does not have an Internet safety policy. The safety policy must address access by minors to inappropriate content and restricting access to such content, safety and security of minors using district electronic communications, unauthorized access by minors to data or information, and unauthorized disclosure, use, or dissemination of a minors' personal information.

District school boards must implement Internet website filtering to prevent a student's device from connecting to social media sites using district-owned computer servers, and prohibits TikTok on district-owned devices or as a platform used to communicate or promote any school, school-sponsored club, extracurricular organization, or athletic team.

Students in grades 6 through 12 must receive instruction on the social, emotional, and physical effects of social media. The instruction must include information on the negative effects of social media on mental health, including addiction; the distribution of misinformation; how social media manipulates behavior; the permanency of material shared online; how to maintain personal security and identify cyberbullying, predatory behavior, and human trafficking; and how to report suspicious behavior online. The Department of Education must make the instructional materials used to provide this instruction available online and a district school board must notify parents of the material's availability.

To ensure instructional time free from distraction, district school boards must adopt rules prohibiting the use of wireless communications devices during instructional time and may authorize a teacher to withhold a student's device.

To align with the provisions made under the bill, the authority of a teacher to establish classroom rules of conduct is expanded to include the authority to designate an area for wireless communications devices during instructional time.

The bill has an indeterminate fiscal impact. See Fiscal Comments.

The bill has an effective date of July 1, 2023.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Social Media

In 2023, 86 percent of the global population will own a smartphone, equating to 6.92 billion smartphone users worldwide.¹ The United States (U.S.) has the highest smartphone penetration market with 81.6 percent of its population, or 270 million people, owning a smartphone.² According to Common Sense Media, by the age of 12, 69 percent of kids own a smartphone.³

Screen media is defined as television viewing, computer or electronic game playing, or use of portable screen-based devices, i.e. cell phones.⁴ On average, tweens, or 8- to 12-year-olds, use five and a half hours of screen media per day, while teens, or 13- to 18-year-olds, use eight and a half hours.⁵

The top screen media activities are the following:

- watching video content, including TV shows and online videos;
- gaming on consoles, portable players, computers or mobile devices;
- social media; and
- browsing websites.⁶

Teens have indicated a preference for YouTube⁷ over other social media platforms such as Facebook, Instagram, and TikTok, and the platform is used by 95 percent of teens. TikTok has risen in popularity since its debut and is now a top social media platform for teens, with 67 percent reporting using the platform.

The increased time spent on devices by tweens and teens has given rise to cyberbullying.⁸ The most common places where cyberbullying occurs are:

- social media such as Facebook, Instagram, Snapchat, and TikTok;
- text messaging and messaging apps;
- instant messaging, direct messaging, and online chatting over the Internet;
- online forums, chat rooms, and message boards;
- email; and
- online gaming communities.⁹

¹ Bankmycell, *How many smartphones are in the world?*, <https://www.bankmycell.com/blog/how-many-phones-are-in-the-world> (last visited Feb. 21, 2023).

² *Id.*

³ Common Sense, *The Common Sense Census: Media Use by Tweens and Teens, 2019*, at 5, available at

<https://www.commonsensemedia.org/sites/default/files/research/report/2019-census-8-to-18-full-report-updated.pdf>.

⁴ National Library of Medicine, *Childhood Obesity*, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3746292/> (last visited Feb. 21, 2023).

⁵ Common Sense, *The Common Sense Census: Media Use by Tweens and Teens, 2021*, at 3, available at

https://www.commonsensemedia.org/sites/default/files/research/report/8-18-census-integrated-report-final-web_0.pdf. These findings on total amount of screen media used do not mean that kids exclusively devote this time each day to screen media for two reasons.

First, they spend some proportion of time using multiple screens at once (e.g., scrolling social media while watching television).

Second, they often watch or use screen media while they are doing other things, like riding in a car or eating breakfast. *Id.*

⁶ *Id.* at 23.

⁷ The Pew Research Center, *Teens, Social Media and Technology 2022*, <https://www.pewresearch.org/Internet/2022/08/10/teens-social-media-and-technology-2022/> (last visited Feb. 21, 2023).

⁸ Security.org, *Cyberbullying: Twenty Crucial Statistics for 2023*, <https://www.security.org/resources/cyberbullying-facts-statistics/> (last visited Feb. 21, 2023).

⁹ Stop Bullying, *What is Cyberbullying*, <https://www.stopbullying.gov/cyberbullying/what-is-it> (last visited Feb. 21, 2023).

YouTube is the most likely social network for cyberbullying, with 79 percent, followed by Snapchat (69 percent), TikTok (64 percent), and Facebook (49 percent).¹⁰

Not only has the rise in social media use shown an increase in cyberbullying, but impacts on mental health are also reported. In comparison to 2012, twice as many teens and tweens felt lonely in 2018, with girls reporting higher levels of loneliness than boys. Eighth graders who are heavy users of social media have a 27 percent higher risk of depression than kids who exceed the average time playing sports or hanging out with friends.¹¹ An observational study among adolescents showed that spending more than a few hours per week using screen media correlated negatively with self-reported happiness, life satisfaction and self-esteem, whereas time spent on non-screen activities correlated positively with psychological well-being.¹²

The Center for Disease Control (CDC) found the suicide rate for children ages 10 to 14 doubled from 2007 to 2014, at the same time social media usage surged.¹³ Teens' use of electronic devices for at least five hours daily more than doubled, from 8 percent in 2009 to 19 percent in 2015. These teens were 70 percent more likely to have suicidal thoughts or actions than those who reported one hour of daily use.¹⁴ The CDC Teen Mental Health Report showed teen girls in the U.S. are experiencing increased sadness and violence. A reported 30 percent seriously considered attempting suicide, up from nearly 60 percent from a decade ago.¹⁵

The use of social media may also pose a data security risk. Studies on social media and potential data security risks found YouTube and TikTok track users' personal data more than any other social media applications.¹⁶ Google-owned company YouTube collects personal data to serve the consumer relevant ads. According to the study, TikTok permits third-party trackers to collect user personal data.¹⁷ TikTok's data collection methods include the ability to collect user contact lists, access calendars, scan hard drives including external ones, and geolocate devices on an hourly basis.¹⁸ In 2020, the U.S. government opened a national security review of the acquisition of TikTok by a Chinese company. The Federal Trade Commission fined TikTok \$5.7 million for violating the Children's Online Privacy Protection Act.¹⁹

¹⁰ *Id.*

¹¹ Aways for the Day, *Results of Screenagers' Survey of Cell Phone Policies and Parental Preferences in Middle Schools*, <https://www.awayfortheday.org/research> (last visited Feb. 21, 2023).

¹² National Library of Medicine, *Smartphones, social media use and youth mental health*, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7012622/> (last visited Feb. 21, 2023).

¹³ Nicholas Kardaras, PhD., *The Adverse Psychological and Pedagogical Impact of Screens on Students*, presentation before the Education & Employment Committee (Feb. 16, 2023), at 8, available at <https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3240&Session=2023&DocumentType=Meeting+Packets&FileName=eec+2-16-23.pdf>.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ Tom Huddleston, Jr., *TikTok shares your data more than any other social media app – and it's unclear where it goes, study says*, <https://www.cnn.com/2022/02/08/tiktok-shares-your-data-more-than-any-other-social-media-app-study.html> (last visited Feb. 21, 2023).

¹⁷ *Id.*

¹⁸ The Guardian, *TikTok has been accused of 'aggressive' data harvesting. Is your information at risk?*, <https://www.theguardian.com/technology/2022/jul/19/tiktok-has-been-accused-of-aggressive-data-harvesting-is-your-information-at-risk> (last visited Feb. 21, 2023).

¹⁹ Federal Trade Commission, *Video Social Networking App Musical.ly Agrees to Settle FTC Allegations That it Violated Children's Privacy Law*, <https://www.ftc.gov/news-events/news/press-releases/2019/02/video-social-networking-app-musically-agrees-settle-ftc-allegations-it-violated-childrens-privacy> (last visited Feb. 23, 2023). The Children's Online Privacy Protection Act prohibits unfair or deceptive acts or practices in connection with the collection, use, and/or disclosure of personal information from and about children on the Internet. See also 15 U.S.C. § 312.

Cell Phones

Research indicates that removing cell phones from classrooms is likely to reduce students' inclination to check their devices, play games, text, and surf the Internet, thereby enhancing their ability to concentrate and enhancing their academic performance as a result of greater material intake and retention.²⁰

Following a ban on cell phones, researchers found that student standardized test scores increased by around 6 percent on average and by more than 14 percent for low-performing kids, according to research examining the impact of cell phones on students' academic performance.²¹ The results suggest that low-achieving students are more likely to be distracted by the presence of mobile phones, while high achievers can focus in the classroom, regardless of whether phones are present.²²

Most U.S. school districts have policies or practices to limit phone use during the day, especially in class, however policies vary by state, district and school.²³ In the U.S., 85 percent of schools do not restrict phones during lunch or recess periods. Sixteen percent of middle schools and 25 percent of high schools do not restrict phone use in classrooms.²⁴ As of 2020, nearly 77 percent of schools prohibited non-academic use of cell phones or smartphones during school hours.²⁵

Under Florida law, as a part of a district school board's responsibility for control of students, a board must adopt rules for the control, attendance, discipline, in-school suspension, suspension, and expulsion of students and decide all cases recommended for expulsion and maintain a code of student conduct.²⁶ The law provides that a student may possess a wireless communications device while on school property or in attendance at a school function,²⁷ however, a district school board has the authority to adopt rules governing the use of the device by a student while on school property or in attendance at a school function within the district's code of student conduct.²⁸

Children's Online Privacy Protection Act

The Children's Internet Protection Act (CIPA) was enacted by Congress in 2000 to address concerns about children's access to obscene or harmful content over the Internet.²⁹ CIPA imposes certain requirements on schools and libraries that receive discounts for Internet access or internal connections through an E-rate program.³⁰ Schools and libraries subject to CIPA may not receive the discounts offered by the E-rate program unless they certify that they have an Internet safety policy that includes

²⁰ See Smale et al., *Cell Phones, Student Rights, and School Safety: Finding the Right Balance*, 195 CANADIAN JOURNAL OF EDUCATIONAL ADMINISTRATION AND POLICY 49, 50 (2021).

²¹ See Beland & Murphy, *Ill Communication: Technology, distraction & student performance*, 41 LABOUR ECONOMICS 61, 62 (2016).

²² Nicholas Kardaras, PhD., *The Adverse Psychological and Pedagogical Impact of Screens on Students*, presentation before the Education & Employment Committee (Feb. 16, 2023), at 28, available at <https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3240&Session=2023&DocumentType=Meeting+Packets&FileName=eec+2-16-23.pdf>.

²³ The Center Square, *Cell phone bans in public schools are trending nationwide*, https://www.thecentersquare.com/national/cell-phone-bans-in-public-schools-are-trending-nationwide/article_6cd34ae0-5492-11ed-998b-eb633c856964.html (last visited Feb. 21, 2023).

²⁴ Away for the Day, *Studies on the impact of cell phones on academics*, at 3, available at <https://static1.squarespace.com/static/5a69fe629f8dce3218418fe2/t/6316562074c45411df2ba035/1662408224236/ACADEMIC+IMPACT.pdf>.

²⁵ The Center Square, *Cell phone bans in public schools are trending nationwide*, https://www.thecentersquare.com/national/cell-phone-bans-in-public-schools-are-trending-nationwide/article_6cd34ae0-5492-11ed-998b-eb633c856964.html (last visited Feb. 21, 2023).

²⁶ Section 1003.02(1)(c), F.S. see also s. 1006.07, F.S.

²⁷ Section 1006.07(2)(f), F.S.

²⁸ *Id.*

²⁹ Federal Communications Commission, *Children's Internet Protection Act (CIPA)*, <https://www.fcc.gov/consumers/guides/childrens-Internet-protection-act> (last visited Feb. 21, 2023).

³⁰ *Id.* An E-rate program is a program that makes certain communications services and products more affordable for eligible schools and libraries. *Id.*

technology protection measures. The protection measures must block or filter Internet access to pictures that are obscene, child pornography, or harmful to minors on computers accessed by minors.³¹

Schools and libraries subject to CIPA are required to adopt and implement an Internet safety policy addressing:

- access by minors to inappropriate matter on the Internet;
- the safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications;
- unauthorized access, including ‘hacking’, and other unlawful activities by minors online;
- unauthorized disclosure, use, and dissemination of personal information regarding minors; and
- measures restricting minors’ access to materials harmful to them.³²

District School Board Operations

District school boards are constitutionally and statutorily charged with the operation and control of public K-12 education within their school districts. A district school board must establish, organize, and operate their public K-12 schools and educational programs, employees and facilities.³³ Their responsibilities include staff development, public K-12 school student education including education for exceptional students and students in juvenile justice programs, special programs, adult education programs, and career education programs.³⁴ A district school board is responsible for providing for the proper accounting for all students of school age, for the attendance and control of students at school, and for proper attention to health, safety, and other matters relating to the welfare of students, in the following areas:

- admission, classification, promotion, and graduation of students;
- enforcement of attendance laws;
- control of students;
- courses of study and instructional materials;
- transportation;
- facilities and school plant;
- school operation;
- records and reports;
- parental notification of acceleration options; and
- return on investment.³⁵

Teacher Authority

Under the law and within the framework of a district school board’s code of student conduct, teachers and other instructional personnel have the authority to undertake specific actions to manage student behavior to ensure the safety of all students and provide the opportunity to learn in an orderly and disciplined classroom.³⁶ Such actions include, but are not limited to, the following:

- establishing classroom rules of conduct;³⁷
- establishing and implementing consequences, designed to change behavior, for infractions of classroom rules;³⁸ and
- having disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students removed from the classroom for behavior management intervention.³⁹

Required Instruction

³¹ *Id.*

³² *Id.*

³³ Section 1003.02, F.S.

³⁴ *Id.*

³⁵ Section 1003.02(1)(a)-(j), F.S.

³⁶ Section 1003.32(1), F.S.

³⁷ Section 1003.32(1)(a), F.S.

³⁸ Section 1003.32(1)(b), F.S.

³⁹ Section 1003.32(1)(c), F.S.

Each district school board must provide all courses required for middle grades promotion, high school graduation, and appropriate instruction designed to ensure that students meet State Board of Education adopted standards⁴⁰ in the following subject areas:

- reading and other language arts;
- mathematics;
- science;
- social studies;
- foreign languages;
- health and physical education; and
- the arts.⁴¹

In addition, the law identifies specific topics a teacher must teach.⁴² One such topic is comprehensive age-appropriate and developmentally appropriate K-12 instruction on health education that addresses concepts of community health, consumer health, environmental health, and family life, including:

- injury prevention and safety;
- Internet safety;
- nutrition;
- personal health;
- prevention and control of disease;
- substance use and abuse; and
- prevention of child sexual abuse, exploitation, and human trafficking.⁴³

Teachers must teach the topics specified in law efficiently and faithfully, using books and materials meeting the highest standards for professionalism and historical accuracy, following the prescribed courses of study, and employing approved methods of instruction.⁴⁴ Unless otherwise specified, the law generally does not prescribe grade level, instructional hours, or instructional materials requirements for these topics.

Effect of Proposed Changes

The bill prescribes specific measures a district school board must undertake to protect instructional time and increase the safety of students while using district owned devices and networks.

Under the bill, a district school board must prohibit devices which are using district-owned computer servers, and district-owned devices from accessing any website, web application, or software that does not have an Internet safety policy that addresses all of the following:

- access by minors to inappropriate subject matter and harmful materials on the Internet and measures restricting minors' access to such subject matter and materials;
- the safety and security of minors when using e-mail, chat rooms, and other forms of direct district electronic communications;
- unauthorized access by minors to data or information, including "hacking", and other unlawful online activities;
- unauthorized disclosure, use, or dissemination of minors' personal information.

Additionally, the bill requires a district school board to implement Internet website filtering to prevent a student's device from connecting to social media sites using district-owned computer servers, and prohibits the use of TikTok or any successor application or service on district-owned devices or as a

⁴⁰ In 2020, the State Board of Education adopted new standards for English language arts and mathematics, called the Benchmarks for Excellent Student Thinking (B.E.S.T.) Standards. The English language arts standards implementation began with the 2021-2022 school year and implementation of the math standards began in the 2022-2023 school year. Rule 6A-1.09401, F.A.C.

⁴¹ Section 1003.42(1)(a), F.S.

⁴² Section 1003.42(2)(a)-(t), F.S.

⁴³ Section 1003.42(2)(n)1.a.-g., F.S.

⁴⁴ Section 1003.42(2), F.S.

platform to communicate or promote any district school, school-sponsored club, extracurricular organization, or athletic team.

The bill amends the required instruction on health education Internet safety so that students in grades 6 through 12 receive instruction on the social, emotional, and physical effects of social media. The instruction must include, but is not limited to, the following:

- information on the negative effects of social media on mental health, including addiction;
- the distribution of misinformation on social media;
- how social media manipulates behavior;
- the permanency of material shared online;
- how to maintain personal security and identify cyberbullying, predatory behavior, and human trafficking online; and
- how to report suspicious behavior online.

The bill requires the Department of Education to make the instructional materials used to provide this instruction available online and district school boards must notify parents of the material's availability.

To provide instructional time free from distraction, the bill requires rules adopted by a district school board, which govern the use of wireless communications devices by students on school property, to prohibit the use of such devices during instructional time and may authorize a teacher to withhold a student's device.

To align with the provisions made under the bill, the authority of a teacher to establish classroom rules of conduct is expanded to include designating an area for wireless communications devices during instructional time.

B. SECTION DIRECTORY:

Section 1. Amends s. 1003.02, F.S., prohibiting certain devices from accessing websites, web applications, and software that fail to have specified Internet safety policies; providing for the filtering of Internet websites on student devices using district-owned computer servers for a specified purpose; prohibiting the use of specified platforms on certain devices and for specified school district purposes.

Section 2. Amends s. 1003.32, F.S., authorizing teachers and other instructional personnel to designate an area for wireless communications during instructional time.

Section 3. Amends s. 1003.42, F.S., revising the requirements for K-12 instruction on health education to include specified instruction relating to social media for students in certain grades and providing requirements for such instruction.

Section 4. Amends s. 1006.07, F.S., requiring school districts' codes of student conduct to prohibit the use of specified devices during instructional time and authorize teachers to withhold specified devices.

Section 5. Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

There may be an indeterminate fiscal impact to school districts to create and incorporate age-appropriate and developmentally appropriate instruction on social media safety, and prohibit and prevent students from accessing social media platforms through the use of Internet access provided by the school district.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On March 8, 2023, the Choice & Innovation Subcommittee adopted a proposed committee substitute (PCS) and reported the bill favorably as a committee substitute. The PCS differed from HB 379 in the following ways:

- provides for the filtering of Internet websites so that a student device cannot connect to social media sites using district-owned computer servers;
- modifies existing required instruction on health education Internet safety so that students in grades 6 through 12 receive instruction on the social, emotional, and physical effects of social media;
- requires the DOE to make social media instructional materials available online and district school boards must notify parents of the material's availability;
- prohibits the use of the TikTok platform or any successor application or service on district-owned devices, or as a platform to communicate or promote any district school, school-sponsored club, extracurricular organization, or athletic team;
- requires rules adopted by a district school board, which govern the use of wireless communications devices by students on school property, to prohibit the use of such devices during instructional time and may authorize a teacher to withhold a student's device;
- expands the authority of the teacher to establish classroom rules of conduct to include designating an area for wireless communications devices during instructional time; and

- requires district school boards to prohibit devices using district-owned computer servers and district-owned devices from accessing any website, web application, or software that does not have an Internet safety policy that addresses specified protections for minors.

The bill analysis is drafted to the committee substitute adopted by the Choice & Innovation Subcommittee.