

CHAPTER 162

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 25-1135

BY REPRESENTATIVE(S) Lukens and Bradfield, Martinez, Phillips, Stewart K., Bacon, Brown, Camacho, Duran, English, Hamrick, Lindsay, Mauro, McCormick, Rutinel, Story, Valdez, McCluskie, Bird;
also SENATOR(S) Marchman and Frizell, Amabile, Ball, Bridges, Cutter, Kipp, Liston, Michaelson Jenet, Roberts.

AN ACT**CONCERNING REQUIRING THE ADOPTION OF A POLICY REGARDING STUDENT COMMUNICATION DEVICES IN SCHOOLS.**

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. (1) The general assembly finds that:

(a) Research demonstrates that student cell phone use during the school day can create significant distractions that result in higher rates of cyberbullying and negative effects on student academic performance and mental health;

(b) Nearly two-thirds of teenagers in the United States report using social media every day, and one-third of teenagers report using social media "almost constantly";

(c) A longitudinal cohort study of American adolescents found that adolescents who spent more than 3 hours per day on social media had double the risk of experiencing poor mental health outcomes, including symptoms of anxiety and depression; and

(d) A majority of parents and legal guardians of adolescents report that they are worried that their child's use of social media could lead to poor mental health outcomes, including anxiety, depression, and low self-esteem; harassment or bullying; social and peer pressure; and exposure to explicit content.

(2) Therefore, the general assembly declares it necessary for each charter school and local board of education to adopt and implement a policy concerning student communication device possession and use during the school day for the health, safety, and welfare of students.

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

SECTION 2. In Colorado Revised Statutes, **add** 22-1-149 as follows:

22-1-149. Policy for student possession and use of communication devices - exemption - definitions. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a)(I) "COMMUNICATION DEVICE" MEANS A DEVICE THAT IS CAPABLE OF MAKING AND RECEIVING CALLS, SENDING AND RECEIVING TEXT MESSAGES, OR ACCESSING THE INTERNET.

(II) "COMMUNICATION DEVICE" INCLUDES A CELL PHONE OR WATCH WITH THE CAPABILITIES DESCRIBED IN SUBSECTION (1)(a)(I) OF THIS SECTION.

(III) "COMMUNICATION DEVICE" DOES NOT INCLUDE A DEVICE, SUCH AS A LAPTOP OR TABLET:

(A) MADE AVAILABLE TO A STUDENT BY THE SCHOOL OR THE SCHOOL DISTRICT; OR

(B) USED BY THE STUDENT AS REQUIRED BY THE SCHOOL OR THE SCHOOL DISTRICT.

(b) "POLICY" MEANS THE POLICY CONCERNING STUDENT COMMUNICATION DEVICE POSSESSION AND USE DURING THE SCHOOL DAY ADOPTED AND IMPLEMENTED PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION.

(c) "SCHOOL DAY" MEANS THE TIME PERIOD WHEN A PUBLIC SCHOOL PROVIDES EDUCATIONAL SERVICES TO STUDENTS WHO ARE ENROLLED IN A PUBLIC SCHOOL.

(2) ON OR BEFORE JANUARY 5, 2026, THE DEPARTMENT OF EDUCATION SHALL MAKE PUBLICLY AVAILABLE A COLLECTION OF ACCESSIBLE RESOURCES AND RESEARCH THAT MAY ASSIST IN THE DEVELOPMENT OF POLICIES PURSUANT TO THIS SECTION.

(3)(a) ON OR BEFORE JULY 1, 2026, THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND, AND EACH INSTITUTE CHARTER SCHOOL, DISTRICT CHARTER SCHOOL, AND LOCAL BOARD OF EDUCATION FOR ITS SCHOOLS THAT ARE NOT DISTRICT CHARTER SCHOOLS SHALL ADOPT AND IMPLEMENT A POLICY CONCERNING STUDENT COMMUNICATION DEVICE POSSESSION AND USE DURING THE SCHOOL DAY. AT A MINIMUM, THE POLICY MUST DESCRIBE:

(I) THE PROHIBITIONS, IF ANY, AND EXCEPTIONS, IF ANY, REGARDING STUDENT COMMUNICATION DEVICE POSSESSION DURING THE SCHOOL DAY; AND

(II) THE PROHIBITIONS, IF ANY, AND EXCEPTIONS, IF ANY, OF STUDENT COMMUNICATION DEVICE USE DURING THE SCHOOL DAY.

(b) NOTWITHSTANDING SUBSECTION (3)(a) OF THIS SECTION, THE POLICY MUST NOT PROHIBIT A STUDENT FROM POSSESSING AND USING A COMMUNICATION DEVICE DURING THE SCHOOL DAY IF THE POSSESSION AND USE ARE NECESSARY AS AN EFFECTIVE COMMUNICATION ACCOMMODATION PURSUANT TO THE FEDERAL

"AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ.; TO COMPLY WITH THE STUDENT'S INDIVIDUALIZED EDUCATION PROGRAM, AS DEFINED IN SECTION 22-20-103, OR THE STUDENT'S SECTION 504 PLAN, AS DEFINED IN SECTION 22-20-123; OR TO MONITOR OR ADDRESS THE STUDENT'S MEDICAL CONDITION.

(4) IN DEVELOPING THE POLICY, THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND, CHARTER SCHOOL, OR LOCAL BOARD OF EDUCATION MAY:

(a) LIMIT STUDENT COMMUNICATION DEVICE POSSESSION AND USE DURING THE SCHOOL DAY;

(b) CONSIDER STUDENT COMMUNICATION DEVICE POSSESSION AND USE FOR PREVENTION OR RESPONSE TO AN EMERGENCY;

(c) CONSIDER PROHIBITIONS AND EXCEPTIONS FOR STUDENT COMMUNICATION DEVICE POSSESSION AND USE THAT ARE SPECIFIC TO ELEMENTARY SCHOOL STUDENTS, MIDDLE SCHOOL STUDENTS, AND HIGH SCHOOL STUDENTS AND THAT ARE APPROPRIATE BASED ON THE AGES AND DEVELOPMENTAL MATURITY OF STUDENTS WHO ATTEND EACH TYPE OF SCHOOL;

(d) CONSIDER EXCEPTIONS THAT ALLOW STUDENT COMMUNICATION DEVICE POSSESSION AND USE DURING THE SCHOOL DAY FOR INSTRUCTIONAL PURPOSES OR TO MAKE A SAFE2TELL REPORT;

(e) CONSIDER COMMENTS FROM THE PUBLIC AND FROM STAFF;

(f) CONSIDER TRAINING NECESSARY FOR STAFF WHO ARE REQUIRED TO UNDERSTAND AND ENFORCE THE POLICY AND STAFF'S CAPACITY TO COMPLETE THE TRAINING OR ANY NEW REQUIREMENTS ASSOCIATED WITH THE POLICY;

(g) CONSIDER CONSULTING WITH STAFF WHO ARE OR A LOCAL EDUCATION ASSOCIATION THAT IS REQUIRED TO UNDERSTAND AND ENFORCE THE POLICY PRIOR TO ITS IMPLEMENTATION;

(h) CONSIDER UNINTENDED BURDENS, INCLUDING ADDITIONAL COSTS ASSOCIATED WITH THE POLICY;

(i) CONSIDER ANY AVAILABLE EVIDENCE-BASED RESOURCES AND RESEARCH CONCERNING STUDENT COMMUNICATION DEVICE POSSESSION AND USE DURING THE SCHOOL DAY;

(j) CONSIDER STUDENT COMMUNICATION DEVICE POSSESSION AND USE ON AND OFF OF SCHOOL GROUNDS DURING THE SCHOOL DAY, INCLUDING APPLICABILITY FOR AN ONLINE SCHOOL, ONLINE PROGRAM, OR ONLINE COURSE; AND

(k) CONSIDER ISSUES RELATED TO MEDIA LITERACY AND SOCIAL AND EMOTIONAL LEARNING.

(5) ON OR BEFORE JULY 1, 2026, THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND, AND EACH CHARTER SCHOOL AND LOCAL BOARD OF EDUCATION SHALL POST ITS POLICY ON ITS WEBSITE.

(6) THIS SECTION DOES NOT APPLY TO THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND, A CHARTER SCHOOL, OR A LOCAL BOARD OF EDUCATION IF THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND, THE CHARTER SCHOOL, OR THE LOCAL BOARD OF EDUCATION ADOPTS AND IMPLEMENTS A POLICY REGARDING THE POSSESSION AND USE OF COMMUNICATION DEVICES OR CELL PHONES ON OR BEFORE AUGUST 31, 2025.

SECTION 3. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 1, 2025