STATE OF NEW YORK

10685

IN SENATE

August 21, 2026

Introduced by Sens. GOUNARDES, BAILEY, SCARCELLA-SPANTON -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the education law, in relation to enacting the "fostering optimal classroom use of screens (FOCUS) act"

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. This act shall be known and may be cited as the "fostering optimal classroom use of screens (FOCUS) act".

§ 2. The education law is amended by adding a new article 2-B to read as follows:

ARTICLE 2-B
FOCUS ACT

Section 30. Definitions.
31. Screen time limitations.
32. Right to analog learning.
33. Standards for school-issued devices.
34. Prohibited practices.
35. Educational technology registry.
36. Updated learning standards.
37. Construction.
38. Rulemaking.
39. Enforcement.

§ 30. Definitions. For the purposes of this article, the following terms shall have the following meanings:

1. "AI companion" shall mean as defined in subdivision four of section seventeen hundred of the general business law.

2. "Artificial intelligence" shall mean as defined in subdivision one of section seventeen hundred of the general business law.

3. "Caregiver" shall mean a pupil's parent, legal guardian, or person in parental relation to a pupil.

4. "Caregiver opt-in" shall mean when a caregiver has given clear, unambiguous, and informed consent to a school.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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5. "Computer lab or cart model" shall mean when a set of stationary or mobile internet-enabled or electronic devices are routinely accessed by different pupils for a fixed amount of time under supervision of a teacher or other school personnel for an academic purpose on school grounds. "Computer lab or cart model" does not include one-to-one devices.

6. "Computer science and digital fluency learning standards" shall mean the computer science education standards required under part R of chapter fifty-six of the laws of two thousand eighteen which were promulgated by the department and approved by the board of regents.

7. "Conversational artificial intelligence" or "conversational AI" shall mean a class of artificial intelligence models whose primary purpose is to stimulate human conversation with a user through verbal communication.

8. "Device provider" shall mean a person, business, or other legal entity that provides an electronic device to a school for use by a pupil in a school setting.

9. "Digital citizenship" shall mean a diverse set of skills that allows a user to navigate modern technology and the internet, including the norms of appropriate, responsible, and healthy user behavior.

10. "Educational technology" shall mean a software application, website, or online service that is intended to be used by pupils for educational purposes within a school setting.

11. "Educational technology provider" shall mean a person, business, or other legal entity that provides educational technology to a school or user.

12. "Gaming platform" shall mean any software application, website, or online service that enables a user to create, control, manipulate, or interact with a digital game or immersive digital gaming environment. "Gaming platform" shall not include educational technology as defined in subdivision ten of this section.

13. "Generative artificial intelligence" or "generative AI" shall mean as defined in subdivision two of section seventeen hundred of the general business law.

14. "Internet-enabled device" shall mean any smartphone, tablet, smartwatch, or other hardware device capable of connecting to the Internet.

15. "Media" shall have the same meaning as set forth in subdivision five of section fifteen hundred of the general business law.

16. "Media literacy" shall mean the ability to critically analyze information presented in digital and mass media, including the ability to investigate such media's origins, credibility, and accuracy, the intended purpose of such media, the likely influence of such media on user behavior, and the likely impact of such media on user health.

17. "Messaging platform" shall mean any software application, website, or online service that enables a user to publicly or privately message other internet users. "Messaging platform" shall not include an educational technology platform that allows a user to message or interact with fellow pupils, teachers, or school personnel within the context of the educational purpose of such platform.

18. "One-to-one" shall mean when a school issues a pupil their own dedicated internet-enabled or electronic device for personal use. "One-to-one" shall not include devices accessed in a computer lab or cart model.

19. "Operating system" shall mean the system software that manages the hardware of an internet-enabled or electronic device and allows programs and applications to run on such device.

20. "Operator" shall mean any person, partnership, association, firm, or business entity, or any member, affiliate, subsidiary or beneficial owner thereof, who provides a software application, website, or online service to a user.

21. "Personally identifiable information" shall mean as defined in paragraph d of subdivision one of section two-d of this title.

22. "School" shall mean school districts, charter schools, and boards of cooperative educational services.

23. "School grounds" shall mean as defined in paragraph (c) of subdivision one of section twenty-eight hundred three of this chapter.

24. "School setting" shall refer to the use of an internet-enabled or electronic device by a pupil to complete an educational assignment, assessment, activity, or other official school task, regardless of whether such pupil is physically located on school grounds at the time of such use.

25. "School-issued device" shall mean any internet-enabled or electronic device, as defined in subdivision fifteen of this section, that a school provides to an individual pupil for use in a school setting.

26. "Significant modification" and variations thereof shall mean when an educational technology provider makes an update to such provider's educational technology that materially changes its functionality, purpose, performance, or ability to comply with any of the registration requirements of subdivision two of section thirty-five of this article.

27. "Social media platform" shall mean as defined in subdivision five of section eleven hundred of the general business law.

28. "Synthetic content" shall mean media that has been digitally created or altered by artificial intelligence.

29. "User" shall mean a user of a software application, website, or online service or device that is not acting as an operator or the agent or affiliate of an operator of such application, website, or service.

§ 31. Screen time limitations. Each school shall adopt a written policy limiting access to internet-enabled and electronic devices as follows:

1. For pre-kindergarten through grade five, such policy shall stipulate that the school shall provide no school-issued devices to pupils and shall generally prohibit access by such pupils to internet-enabled and electronic devices otherwise available on school grounds.

2. For grades six through eight, pupils shall be allowed to access school-issued devices using only a computer lab or cart model. Such device use shall be actively supervised by school personnel.

3. (a) For grades nine through twelve, schools may provide pupils:

(i) school-issued devices under a computer lab or cart model; and

(ii) one-to-one school-issued devices with caregiver opt-in.

Provided, however, that if a school wishes to provide a pupil with such one-to-one device for use at a location other than school grounds such as the pupil's home, the school must obtain separate caregiver opt-in for such off-premises use.

(b) Provided, further, that at the time a school seeks caregiver opt-in for a one-to-one device, the school shall provide such caregiver with:

(i) a description of the device;

(ii) a detailed list and description of the software applications downloaded on such device and how the pupil will be expected to use such applications;

(iii) any platforms, applications, or features that have been blocked from such device, as provided in section thirty-three of this article; and

(iv) a description of the alternative analog methods that a school shall provide for completing assignments under section thirty-two of this article.

§ 32. Right to analog learning. 1. For pre-kindergarten through grade eight, homework assignments shall not require access to the internet, an internet-enabled or electronic device, or educational technology. For grades nine through twelve, teachers shall minimize the requirement for pupils to access the internet, an internet-enabled or electronic device, or educational technology by structuring the assignments in such a way that pupils can complete assignments by alternative non-digital means wherever feasible.

2. Teachers shall prioritize non-digital teaching methods for in-class instruction over digital methods wherever feasible and shall attempt to minimize the need for school-issued devices in the classroom.

3. (a) Schools shall adopt a written policy stipulating that caregivers, prior to the commencement of the school year, shall be provided a specific list and description of:

(i) the school-issued devices that will be disbursed to pupils in the coming school year;

(ii) any hardware components that may accompany such devices;

(iii) all software applications that such devices will be equipped with and how pupils will be expected to use such applications;

(iv) a general description of the findings of the latest medical and sociological research from government publications and peer-reviewed scholarly articles on the impacts on youth of excessive screen time, educational technology, AI companions, generative AI, conversational AI, and other relevant information, as such findings have been provided to the school by the department. The information described in subparagraphs (i) through (iii) of this paragraph shall also be published in a clear and conspicuous location on a school's website.

(b) (i) The written policy shall detail a process by which a pupil, or a caregiver on behalf of their child pupil, can refuse to use a school-issued device in order to complete an activity, assignment, assessment, or other task where a reasonably alternative non-digital method for completing such activity, assignment, assessment, or task exists. Such right of refusal shall include the right to prepare for standardized tests or other mandatory local, state, or federal assessments via non-digital means as well as to complete such tests or assessments themselves via non-digital means.

(ii) This paragraph shall not apply to activities, assignments, assessments, or tasks where the use of the school-issued device or other related technology is inherent to the learning objective of the activity, assignment, assessment, or task, including activities, assignments, assessments, and tasks undertaken pursuant to the computer science and digital fluency learning standards.

4. Schools shall be barred from penalizing or retaliating against any pupil who has exercised or whose caregiver has exercised their rights under subdivision three of this section.

§ 33. Standards for school-issued devices. 1. No school may distribute any school-issued device to a pupil that contains, either embedded in

the operating system of the device or as part of an application that may be downloaded onto or integrated with such device:

(a) A social media platform;

(b) A gaming platform;

(c) A messaging platform;

(d) An AI companion;

(e) Generative artificial intelligence;

(f) Conversational artificial intelligence, provided, however, that nothing in this article shall be construed to prohibit conversational artificial intelligence that is deployed as an assistive technology for a user with disabilities; or

(g) A hardware camera.

Such school shall further ensure that a device is unable to download or integrate with any of the online services described in paragraphs (a) through (f) of this subdivision prior to the distribution of such school-issued device to a pupil.

2. School-issued devices and any applications downloaded or integrated with such devices shall only display instructional media. Such devices and applications shall not allow pupils to search for media that is unrelated to the instructional content and purpose of the application.

§ 34. Prohibited practices. In addition to the requirements of section thirty-three of this article, school personnel shall be prohibited from utilizing a social media platform, as defined in subdivision twenty-seven of section thirty of this article, for official school correspondence with a pupil. Pupils shall not be required to create an account on a social media platform in order to participate in any classroom activities, group discussions, assignments, tests, or other official business conducted by a school.

§ 35. Educational technology registry. 1. All educational technology providers intending to offer such provider's educational technology to a school in this state shall register with the attorney general as described in subdivision two of this section. Such registry shall be published online in a clear and conspicuous manner, and copies of such registry shall be provided to schools and caregivers upon request.

2. In registering, an educational technology provider must self-attest:

(a) That such provider's educational technology is designed for instructional use at the grade level of the pupils that will be using such technology;

(b) That such provider has published clear and accessible product information about such provider's educational technology in a manner that a person at a seventh grade reading level can comprehend;

(c) That such provider is able to meet the requirements of section two-d of this title, section 1232-g of title 20 of the United States code, the family educational rights and privacy act, chapter 91 of title 15 of the United States code, the children's online privacy protection act, and all implementing regulations for such statutes;

(d) That the provider is able to meet the requirements of any contract or written agreement that the provider would enter into with an educational agency, as required in section two-d of this title;

(e) That such provider's educational technology is capable of preventing the download of, installment of, or integration with the prohibited online services and components described in paragraphs (a) through (g) of subdivision one of section thirty-three of this article;

(f) That such provider's educational technology does not allow users to search for media that is unrelated to the instructional content and underlying purpose of the educational technology;

(g) That such provider's educational technology does not include features that would reduce a user's focus or distract from the instructional goal of the educational technology; and

(h) That such provider's educational technology has been proven in at least one independent study to lead to improved academic performance in users related to specific curriculum objectives.

Providers must further notify the attorney general of any significant modifications to such provider's educational technology and shall be required to re-register such modified versions of the technology on the registry created under this section.

3. Schools may only offer, deploy, or provide educational technology to a pupil that is included in the registry.

4. The attorney general shall, in conjunction with the commissioner, regularly review and update the registration requirements under this section as needed.

5. The attorney general may require providers to pay a registration fee to defray the operating expenses, including all direct and indirect costs, of administering the registry and certification process created by this section.

6. (a) The attorney general shall maintain a website to receive complaints, information, or referrals from members of the public concerning an educational technology provider's alleged compliance or noncompliance with the provisions of this article.

(b) Whenever the attorney general finds that an educational technology provider has falsely attested that such provider meets the registration requirements of subdivision two of this section, has failed to notify the attorney general of a significant modification to such provider's educational technology and that such modification has resulted in the educational technology no longer meeting the registration requirements of subdivision two of this section, or has otherwise intentionally subverted the purpose of this section, the attorney general may bring an action under section thirty-nine of this article.

§ 36. Updated learning standards. 1. The commissioner shall recommend an update of the computer science and digital fluency learning standards approved by the board of regents in order that such standards may incorporate the following concepts:

(a) The potential physical and mental health consequences of excessive time spent on internet-enabled or electronic devices for young users;

(b) The potential physical and mental health consequences of prolonged use of social media platforms for young users, including any research-supported correlations between prolonged use and anxiety, depression, body dysmorphia, low self-esteem, disruptions in sleep patterns, changes in cognitive development, analytical skills, contextual thinking, attention span, memory formation, and any other physical or behavioral patterns;

(c) Best practices for how to safely navigate gaming platforms, social media platforms, messaging platforms, and other software applications that enable public or private communication between a minor and another user;

(d) Digital citizenship;

(e) Media literacy, with a particular emphasis on such literacy in the context of synthetic content; and

(f) Any other topic deemed relevant by the commissioner.

2. Within one year of the effective date of this article, the commissioner shall provide updated draft model kindergarten through twelve computer science and digital fluency learning standards to the board of regents for approval.

§ 37. Construction. 1. Nothing in this article shall be construed to override or conflict with the provisions of section twenty-eight hundred three of this chapter.

2. Nothing in this article shall constrain a school's ability to provide or require the use of an internet-enabled device or other related technology where such provision or use is inherent to the learning objective of an activity, assignment, assessment or task, including any activities, assignments, assessments, or tasks that are undertaken pursuant to computer science and digital fluency learning standards.

3. Nothing in this article shall be construed to prohibit the use of a school-issued device where such use is included in a pupil's individualized education program or plan developed pursuant to section five hundred four of the federal rehabilitation act of 1973, 29 U.S.C. 794, or otherwise as an assistive tool to facilitate accessibility for users with disabilities.

4. Nothing in this article shall constrain a school's ability to provide or require the use of an internet-enabled or electronic device or other related technology for translation services.

5. The provisions of this article supplement, and do not diminish or replace, any other basis of liability or requirement established by section two-d of this title or any other applicable state or federal statute.

§ 38. Rulemaking. The commissioner shall promulgate regulations establishing procedures to implement the provisions of this article.

§ 39. Enforcement. Whenever it appears to the attorney general that any educational technology provider or any device provider has knowingly subverted the purposes of section thirty-three or thirty-five of this article, and/or section two-d of this title, the attorney general may bring an action or special proceeding in the name and on behalf of the people of the state of New York to enjoin any violation of such section, to obtain restitution of any moneys or property obtained directly or indirectly by such violation including, but not limited to, the destruction of unlawfully obtained data, to obtain damages caused directly or indirectly by such violation, to obtain civil penalties of up to fifteen thousand dollars per violation, and to obtain any other and further relief as the court may deem proper, including preliminary relief.

§ 3. Paragraph k of subdivision 1 of section 2-d of the education law, as added by section 1 of subpart L of part AA of chapter 56 of the laws of 2014, is amended and seven new paragraphs l, m, n, o, p, q and r are added to read as follows:

k. "Third party contractor" shall mean any person or entity, other than an educational agency, that receives student data or teacher or principal data from an educational agency pursuant to a contract or other written agreement for purposes of providing services to such educational agency, including but not limited to data management or storage services, conducting studies for or on behalf of such educational agency, or audit or evaluation of publicly funded programs. Such term shall include an educational partnership organization that receives student and/or teacher or principal data from a school district to carry out its responsibilities pursuant to section two hundred eleven-e of this title and is not an educational agency as defined in paragraph c of

this subdivision, and a not-for-profit corporation or other non-profit organization, other than an educational agency. **Such term shall further include educational technology providers and device providers.**

l. "Process", "processing," and variations thereof shall mean as defined in subdivision five of section eight hundred ninety-nine-ee of the general business law.

m. "Educational technology provider" shall mean as defined in subdivision eleven of section thirty of this title.

n. "Device provider" shall mean as defined in subdivision eight of section thirty of this title.

o. "User" shall mean as defined in subdivision twenty-nine of section thirty of this title.

p. "Training artificial intelligence" shall mean developing, testing, validating, or modifying an artificial intelligence model or service.

q. "Artificial intelligence" shall mean as defined in subdivision one of section seventeen hundred of the general business law.

r. "Student user" shall refer to a student who is a user.

§ 4. Paragraph c of subdivision 3 of section 2-d of the education law, as added by section 1 of subpart L of part AA of chapter 56 of the laws of 2014, is amended to read as follows:

c. The parents bill of rights for data privacy and security shall include supplemental information for each contract an educational agency enters into with a third party contractor where the third party contractor receives student data or teacher or principal data. Such supplemental information shall be developed by the educational agency and shall include:

(1) the exclusive purposes for which the student data or teacher or principal data will be used;

(2) how the third party contractor will ensure that the subcontractors, persons or entities that the third party contractor will share the student data or teacher or principal data with, if any, will abide by data protection and security requirements;

(3) when the agreement expires and what happens to the student data or teacher or principal data upon expiration of the agreement;

(4) if and how a parent, student, eligible student, teacher or principal may challenge the accuracy of the student data or teacher or principal data that is collected; [~~and~~]

(5) where the student data or teacher or principal data will be stored (described in such a manner as to protect data security), and the security protections taken to ensure such data will be protected, including whether such data will be encrypted[~~.~~]**; and**

(6) how a third party contractor that is an educational technology provider or device provider will ensure that a student user's personally identifiable information will be processed solely for the strictly necessary purposes delineated in paragraph g of subdivision five of this section.

§ 5. Subdivision 5 of section 2-d of the education law is amended by adding two new paragraphs g and h to read as follows:

g. In addition to the prohibition in paragraph f of subdivision four of this section, third party contractors who are educational technology providers or device providers are permitted to process the personally identifiable information of a student user only where and to the extent such processing is strictly necessary for the following purposes:

(1) providing or maintaining a specific product or service requested by the student;

(2) conducting the provider's internal business operations, provided, however, that for the purposes of this subparagraph internal business operations shall not include any activities related to marketing, advertising, research and development, providing products or services to other third parties, prompting students or other users to use the educational technology or device when it is not in use, or training artificial intelligence;

(3) identifying and repairing technical errors that impair existing or intended functionality;

(4) protecting against malicious, fraudulent, or illegal activity;

(5) investigating, establishing, exercising, preparing for, or defending legal claims;

(6) complying with federal, state, or local laws, rules, or regulations;

(7) complying with a civil, criminal, or regulatory inquiry, investigation, subpoena, or summons by federal, state, local, or other governmental authorities;

(8) detecting, responding to, or preventing security incidents or threats; or

(9) protecting the vital interests of a natural person.

h. Each third party contractor that enters into a contract or other written agreement with an educational agency on or after the effective date of this paragraph shall include a provision in such contract or agreement that explicitly allows an educational agency to terminate the contract or agreement:

(1) within ninety days of an educational agency providing written notice to such contractor, and

(2) immediately, upon a finding that such contractor has violated any of the provisions of this section or of section thirty-three or thirty-five of this title.

§ 6. Severability. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

§ 7. This act shall take effect on the first of August after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.