

BILL ANALYSIS

C.S.H.B. 3018
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Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Cell phones and telecommunications devices may be confiscated on school campuses under certain circumstances but not withheld from their owners. According to interested parties, this withholding has happened in certain school districts. Among other provisions, C.S.H.B. 3018 seeks to provide for the return of a telecommunications device taken by a school district to its owner within a certain period.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3018 amends the Education Code to authorize the board of trustees of a school district to adopt a policy prohibiting a student from possessing a telecommunications device, rather than a paging device, while on school property or while attending a school-sponsored or school-related activity on or off school property. The bill authorizes the policy to provide for the district to take possession of the device from the student, rather than confiscate the device.

C.S.H.B. 3018 authorizes the policy to provide for the disposing of the device in any reasonable manner, unless the device is reclaimed before the end of the 30-day period following the district's provision of a notice of intent to dispose of the device to the student's parent and any company whose name and address or telephone number appear on the device. The bill requires the notice to include the location at which the device may be reclaimed, the date by which the device must be reclaimed, and the administrative fee, if any, charged for reclaiming the device, in addition to the device's serial number. The bill authorizes the notice to be made by e-mailing written notice and removes a provision authorizing the notice to be made by telegraph. The bill removes the definition of "paging device" and replaces it with the definition of "telecommunications device." The bill makes its provisions applicable beginning with the 2011-2012 school year and makes conforming and nonsubstantive changes.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 3018 contains provisions not included in the original authorizing the board of trustees of a school district to adopt a policy prohibiting a student from possessing a telecommunications device while on school property or while attending a school-sponsored or school-related activity, authorizing such a policy to provide for the district to take possession of the device from the student, and specifying that the provision for disposing of the device in the district policy is disposal in any reasonable manner. The substitute differs from the original in nonsubstantive

ways by making related conforming changes.

C.S.H.B. 3018 omits a provision included in the original making a district's authority to charge the owner of a device or the student's parent an administrative fee before releasing the device conditional on the district having confiscated a device from the student at least two previous times.

C.S.H.B. 3018 contains a provision not included in the original replacing the definition of "paging device" with the definition of "telecommunications device."