

By: Gutierrez, Hartnett

H.B. No. 3018

A BILL TO BE ENTITLED

AN ACT

relating to a policy of a school district concerning possession or use of a telecommunications device by a student.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 37.082, Education Code, is amended to read as follows:

Sec. 37.082. POSSESSION OF TELECOMMUNICATIONS [~~PAGING~~] DEVICES. (a) The board of trustees of a school district may adopt a policy relating to the possession or use by a student of [~~prohibiting a student from possessing~~] a telecommunications [~~paging~~] device while on school property or while attending a school-sponsored or school-related activity on or off school property. The policy may establish disciplinary measures to be imposed for violation of the policy [~~prohibition~~] and may provide for the district to take possession [~~confiscation~~] of the telecommunications [~~paging~~] device from the student.

(b) A [~~The~~] policy adopted under Subsection (a) may provide for the district to[+]

[~~(1)~~] dispose of, in any reasonable manner, a telecommunications [~~confiscated paging~~] device taken from a student [~~in any reasonable manner~~] after having provided the student's parent [~~and the company whose name and address or telephone number appear on the device~~] 30 days' prior notice of the district's [~~its~~] intent to dispose of that device unless the device

1 is reclaimed in accordance with district policy before the end of
2 the 30-day period.

3 (b-1) The notice under Subsection (b):

4 (1) must [~~shall~~] include the serial number of the
5 telecommunications device;

6 (2) must include the location at which the device may
7 be reclaimed;

8 (3) must state the date by which the device must be
9 reclaimed;

10 (4) must state the administrative fee, if any, charged
11 for reclaiming the device; and

12 (5) may be made by telephone [~~, telegraph,~~] or in
13 writing, including by e-mailing written notice.

14 (b-2) A school district may [~~, and (2)~~] charge the owner
15 of the telecommunications device or the student's parent an
16 administrative fee not to exceed \$15 before the district [~~it~~]
17 releases the device.

18 (c) In this section, "telecommunications [~~paging~~] device"
19 means a [~~telecommunications~~] device designed primarily for the
20 purpose of making a phone call or of sending [~~that emits an audible~~
21 ~~signal, vibrates, displays~~] a message electronically [~~, or~~
22 ~~otherwise summons or delivers a communication to the~~
23 ~~possessor. The term does not include an amateur radio under the~~
24 ~~control of an operator who holds an amateur radio station license~~
25 ~~issued by the Federal Communications Commission].~~

26 SECTION 2. This Act applies beginning with the 2011-2012
27 school year.

1 SECTION 3. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2011.