

By: Gutierrez

H.B. No. 3014

A BILL TO BE ENTITLED

1 AN ACT
2 relating to a policy of a school district concerning possession of a
3 telecommunications device by a student.

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

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

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

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

18 [~~(1)~~] dispose of, in any reasonable manner, a
19 telecommunications [~~confiscated paging~~] device taken from a
20 student [~~in any reasonable manner~~] after having provided the
21 student's parent and any [~~the~~] company whose name and address or
22 telephone number appear on the device 30 days' prior notice of the
23 district's [~~its~~] intent to dispose of that device unless the device
24 is reclaimed in accordance with this section before the end of the

1 30-day period.

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

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

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

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

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

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

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

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

25 SECTION 2. This Act applies beginning with the 2013-2014
26 school year.

27 SECTION 3. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2013.