

By: Raymond

H.B. No. 3580

A BILL TO BE ENTITLED

AN ACT

relating to a policy of a school district concerning possession 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 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 prohibition and may provide for confiscation of the telecommunications [~~paging~~] device.

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

[~~(1)~~] dispose of a confiscated telecommunications [~~paging~~] device in any reasonable manner after having provided the student's parent and any [~~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 is reclaimed in accordance with this section before the end of the 30-day period.

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

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

3           (2) may be made by telephone[, ~~telegraph,~~] or in  
4 writing.

5           (b-2) A school district may [~~, and (2)~~] charge the owner  
6 of the telecommunications device or the student's parent an  
7 administrative fee not to exceed \$50 [~~\$15~~] before the district [~~it~~]  
8 releases the device.

9           (c) In this section, "telecommunications [~~paging~~] device"  
10 means a [~~telecommunications~~] device designed primarily for the  
11 purpose of making a phone call or of sending [~~that emits an audible~~  
12 ~~signal, vibrates, displays~~] a message electronically. The term  
13 includes a smartphone. [~~, or otherwise summons or delivers a~~  
14 ~~communication to the possessor. The term does not include an~~  
15 ~~amateur radio under the control of an operator who holds an amateur~~  
16 ~~radio station license issued by the Federal Communications~~  
17 ~~Commission.~~]

18           SECTION 2. This Act applies beginning with the 2017-2018  
19 school year.

20           SECTION 3. This Act takes effect immediately if it receives  
21 a vote of two-thirds of all the members elected to each house, as  
22 provided by Section 39, Article III, Texas Constitution. If this  
23 Act does not receive the vote necessary for immediate effect, this  
24 Act takes effect September 1, 2017.