

By: Middleton

H.B. No. 1892

A BILL TO BE ENTITLED

AN ACT

relating to a policy of a school district concerning possession of a telecommunications device.

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 \$15 before the district [~~it~~]
8 releases the device.

9 (b-3) A school district or any district employee is not
10 liable for any damage to a telecommunications device that occurs
11 during the period the district or district employee has possession
12 of the telecommunications device as allowed by a policy adopted
13 under this section.

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

23 SECTION 2. This Act applies beginning with the 2019-2020
24 school year.

25 SECTION 3. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2019.