

By: Bell of Montgomery

H.B. No. 1258

A BILL TO BE ENTITLED

AN ACT

relating to public school policies regarding student possession of personal communication devices; authorizing a fee.

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

SECTION 1. This Act may be cited as the Smart Students Not Devices Act.

SECTION 2. Section 37.082, Education Code, is amended to read as follows:

Sec. 37.082. POSSESSION OF PERSONAL COMMUNICATION [~~PAGING~~] DEVICES. (a) Subject to Subsection (d), the [~~The~~] board of trustees of a school district or the governing body of an open-enrollment charter school shall [~~may~~] adopt a policy prohibiting a student from possessing a personal communication [~~paging~~] device while on school property during the school day [~~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 [~~paging~~] device.

(b) Except as provided by Subsection (d), the [~~The~~] policy shall [~~may provide for the district to~~]:

(1) require a student who brings a personal communication device on school property to turn the device off and store the device in a designated storage locker for the duration of the school day including, as applicable, during lunch, recess,

1 passing periods, or free periods; and

2 (2) provide for the confiscation and secure storage of
3 a personal communication device of a student who does not comply
4 with the requirement of Subdivision (1) while the student is on
5 school property during the school day and the return of the device
6 to the student's parent or guardian at the conclusion of the school
7 day.

8 (c) The policy may provide for the district or school to
9 ~~[dispose of a confiscated paging device in any reasonable manner~~
10 ~~after having provided the student's parent and the company whose~~
11 ~~name and address or telephone number appear on the device 30 days'~~
12 ~~prior notice of its intent to dispose of that device. The notice~~
13 ~~shall include the serial number of the device and may be made by~~
14 ~~telephone, telegraph, or in writing; and~~

15 ~~[(2)]~~ charge the ~~[owner of the device or the]~~ student's
16 parent or guardian an administrative fee not to exceed \$15 before
17 the district or school ~~[it]~~ releases a confiscated personal
18 communication ~~[the]~~ device.

19 (d) In adopting the policy, the board of trustees or
20 governing body must authorize the possession of a personal
21 communication device:

22 (1) necessary to implement an individualized
23 education program, a plan created under Section 504, Rehabilitation
24 Act of 1973 (29 U.S.C. Section 794), or a similar program or plan;

25 (2) by a student with a documented need based on a
26 directive from the student's physician; or

27 (3) necessary to comply with a requirement imposed by

1 law.

2 (e) A school district or open-enrollment charter school is
3 not liable for damage to or loss or theft of a personal
4 communication device confiscated under a policy under this section.

5 (f) [~~e~~] In this section, "personal communication [~~paging~~
6 device" means a telephone, cell phone such as a smartphone or flip
7 phone, tablet, smartwatch, wearable health tracker, radio device,
8 set of earbuds or headphones, paging device, handheld video game
9 console, or any other electronic [~~telecommunications~~] device
10 capable of telecommunication or digital communication [~~that emits~~
11 an audible signal, vibrates, displays a message, or otherwise
12 summons or delivers a communication to the possessor]. The term
13 does not include:

14 (1) an amateur radio under the control of an operator
15 who holds an amateur radio station license issued by the Federal
16 Communications Commission; or

17 (2) an electronic device provided to a student by a
18 school district or open-enrollment charter school.

19 SECTION 3. This Act applies beginning with the 2025-2026
20 school year.

21 SECTION 4. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2025.