

- SUBJECT:** District policies for student possession of telecommunications device
- COMMITTEE:** Public Education — committee substitute recommended
- VOTE:** 8 ayes — Eissler, Hochberg, Aycock, Dutton, Huberty, Shelton, Strama, Weber
0 nays
3 absent — Allen, Guillen, T. Smith
- WITNESSES:** (*On original version:*)
For — Dan Garza

Against — (*Registered, but did not testify:* Julie Haney, Texas Association of Community Schools (TACS))
- BACKGROUND:** Ch. 37 of the Education Code governs discipline and order in public schools. Sec. 37.082 allows school districts to create policies prohibiting students from having paging devices. School districts can create disciplinary measures to punish any violations and can confiscate the paging devices. A paging device is defined as a telecommunications device that emits audible signals, vibrates, displays messages, or somehow delivers communication to the person possessing it.

After providing 30 days' notice to dispose of the device to the student's parent or the company whose contact information appears on the device, a school district can dispose of it. The notice can be written or telephoned and must include the serial number of the device. The parent may be required to pay a fee of no more than \$15 before being able to obtain the device.
- DIGEST:** CSHB 3018 would specify that sec. 37.082 applied to telecommunications devices, and that the school district could establish a policy to take possession of the device from the student.

School districts could provide 30 days' notice of their intent to dispose of the device to parents or any company whose contact information appeared on the device. The telecommunications device could be disposed of in a

reasonable manner, unless it was reclaimed before the end of the 30-day period. The school district would have to include specific information in the notice, such as:

- the serial number of the telecommunications device;
- the location where the device could be reclaimed;
- the date by which it would have to be reclaimed; and
- the fee required, if any, to reclaim the device.

The school district's notice could be telephoned or sent in writing, including by e-mail.

The bill would change the code's definition to apply specifically to a telecommunications device, instead of a pager. A telecommunications device under the bill would mean a device designed primarily for the purpose of making phone calls or sending electronic messages.

CSHB 3018 would apply beginning with the 2011-2012 school year. The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2011.