

By: Fairly, Patterson, Talarico, Buckley,
et al.

H.B. No. 1481

Substitute the following for H.B. No. 1481:

By: Buckley

C.S.H.B. No. 1481

A BILL TO BE ENTITLED

AN ACT

relating to school district and open-enrollment charter school
policies regarding student use of personal communication devices.

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. STUDENT USE ~~[POSSESSION]~~ OF PERSONAL
COMMUNICATION ~~[PAGING]~~ DEVICES. (a) Notwithstanding any other law
and subject to Subsection (c), the ~~[The]~~ board of trustees of a
school district or the governing body of an open-enrollment charter
school shall ~~[may]~~ adopt, implement, and ensure the district or
school complies with a written policy prohibiting a student from
using ~~[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 must ~~[may]~~ establish disciplinary measures
to be imposed for violation of the prohibition and may provide for
confiscation of the personal communication ~~[paging]~~ device.

(b) The policy may provide for the school district or
open-enrollment charter school to:

(1) comply with this section by:

(A) prohibiting a student from bringing a
personal communication device on school property; or

(B) designating a method for the storage of a

1 student's personal communication device while the student is on
2 school property during the school day; and

3 (2) dispose of a confiscated personal communication
4 [paging] device in any reasonable manner after having provided the
5 student's parent 90 [and the company whose name and address or
6 telephone number appear on the device 30] days' prior notice in
7 writing of the district's or school's [its] intent to dispose of
8 that device. [The notice shall include the serial number of the
9 device and may be made by telephone, telegraph, or in writing; and

10 [(2) charge the owner of the device or the student's
11 parent an administrative fee not to exceed \$15 before it releases
12 the device.]

13 (c) In adopting the policy, the board of trustees of a
14 school district or governing body of an open-enrollment charter
15 school must authorize the use of a personal communication device:

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

19 (2) by a student with a documented need based on a
20 directive from a qualified physician; or

21 (3) necessary to comply with a health or safety
22 requirement imposed by law or as part of the district's or school's
23 safety protocols.

24 (d) In this section, "personal communication [paging]
25 device" means a telephone, cell phone such as a smartphone or flip
26 phone, tablet, smartwatch, radio device, paging device, or any
27 other electronic [telecommunications] device capable of

1 telecommunication or digital communication [~~that emits an audible~~
2 ~~signal, vibrates, displays a message, or otherwise summons or~~
3 ~~delivers a communication to the possessor~~]. The term does not
4 include an electronic device provided to a student by a school
5 district or open-enrollment charter school [~~an amateur radio under~~
6 ~~the control of an operator who holds an amateur radio station~~
7 ~~license issued by the Federal Communications Commission~~].

8 (e) The agency shall develop and publish on the agency's
9 Internet website model language for the policy required under this
10 section.

11 (f) This section does not apply to an adult education
12 program operated under a charter granted under Subchapter G,
13 Chapter 12.

14 SECTION 2. As soon as practicable, but not later than the
15 90th day after the effective date of this Act, the board of trustees
16 of a school district or the governing body of an open-enrollment
17 charter school shall adopt the policy required by Section 37.082,
18 Education Code, as amended by this Act.

19 SECTION 3. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2025.