



Committee on Public Education

Libby Linebarger
Chairman

May 31, 1994

Attn: Attorney General Dan Morales
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209 West 14th & Colorado St.
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SJS
Good
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Dear Attorney General Morales:

Please consider issuing an official opinion on the following issues:

1. What precisely is a public school district allowed/required/advised to do with any or all paging devices confiscated under Section 21.309 of the Education Code? The section itself makes no provision and Article 3, Section 52 of the State Constitution and, perhaps, Section 23.30 of the code clearly complicate any district action subsequent to the confiscation. Would it be legally acceptable for the district to: (a) after issuing an appropriate and standard public notice, sell the devices to the highest bidder; or (b) dispose of them as if the devices were ordinary garbage; or (c) simply do nothing and keep them locked away forever?

2. Are there any unanswered legal questions surrounding a district's confiscation of a paging device only leased by, and not actually owned by any given student? Is the business/company owning the device entitled at all to its recovery given its innocence in the whole matter?

If you need further articulation of either or both of these issues, please contact Mitchell Satterwhite, Legislative Assistant to Representative G.E. "Buddy" West, at 512/463-0546. Your consideration of this request is greatly appreciated.

Sincerely,

Libby Linebarger
State Representative