

By: Bumgarner

H.B. No. 109

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the admission to public schools of children unlawfully
3 present in the United States and the eligibility of those children
4 for the benefits of the available school fund and Foundation School
5 Program.

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

7 SECTION 1. Section 25.001, Education Code, is amended by
8 amending Subsections (a), (b), and (c) and adding Subsections
9 (a-1), (b-3), and (k) to read as follows:

10 (a) A citizen or national of the United States, or an alien
11 lawfully present in the United States, [person] who, on the first
12 day of September of any school year, is at least five years of age
13 and under 21 years of age, or is at least 21 years of age and under
14 26 years of age and is admitted by a school district to complete the
15 requirements for a high school diploma is entitled to the benefits
16 of the available school fund for that year. Any other citizen or
17 national of the United States or alien lawfully present in the
18 United States [person] enrolled in a prekindergarten class under
19 Section 29.153 is entitled to the benefits of the available school
20 fund.

21 (a-1) Notwithstanding Subsection (a), a person admitted by
22 a school district under Subsection (b-3) is entitled to the
23 benefits of the available school fund.

24 (b) The board of trustees of a school district or its

1 designee shall admit into the public schools of the district free of
2 tuition a person who is a citizen or national of the United States,
3 or an alien lawfully present in the United States, and is over five
4 and younger than 21 years of age on the first day of September of the
5 school year in which admission is sought, and may admit a person who
6 is at least 21 years of age and under 26 years of age for the purpose
7 of completing the requirements for a high school diploma, if:

8 (1) the person and either parent of the person reside
9 in the school district;

10 (2) the person does not reside in the school district
11 but a parent of the person resides in the school district and that
12 parent is a joint managing conservator or the sole managing
13 conservator or possessory conservator of the person;

14 (3) the person and the person's guardian or other
15 person having lawful control of the person under a court order
16 reside within the school district;

17 (4) the person has established a separate residence
18 under Subsection (d);

19 (5) the person is homeless, regardless of the
20 residence of the person, of either parent of the person, or of the
21 person's guardian or other person having lawful control of the
22 person;

23 (6) the person is a foreign exchange student placed
24 with a host family that resides in the school district by a
25 nationally recognized foreign exchange program, unless the school
26 district has applied for and been granted a waiver by the
27 commissioner under Subsection (e);

1 (7) the person resides at a residential facility
2 located in the district;

3 (8) the person resides in the school district and is 18
4 years of age or older or the person's disabilities of minority have
5 been removed;

6 (9) the person does not reside in the school district
7 but the grandparent of the person:

8 (A) resides in the school district; and

9 (B) provides a substantial amount of
10 after-school care for the person as determined by the board; or

11 (10) the person and either parent of the person reside
12 in a residence homestead, as defined by Section 11.13(j), Tax Code,
13 that is located on a parcel of property any part of which is located
14 in the school district.

15 (b-3) Notwithstanding Subsection (b), the board of trustees
16 of a school district or the board's designee shall admit into the
17 public schools of the district free of tuition a person who is not a
18 citizen or national of the United States, or an alien lawfully
19 present in the United States, and is over five and younger than 21
20 years of age on the first day of September of the school year in
21 which admission is sought, or is seeking admission to a
22 prekindergarten program under Section 29.153, if:

23 (1) the United States government has entered into an
24 agreement with this state to pay the cost of educating the person;
25 and

26 (2) the person is otherwise eligible for admission
27 under Subsection (b) or Section 29.153(b), as applicable.

1 (c) The board of trustees of a school district or the
2 board's designee may require evidence that a person is eligible to
3 attend the public schools of the district at the time the board or
4 its designee considers an application for admission of the person.
5 The board of trustees or its designee shall establish minimum proof
6 of residency, United States citizenship or nationality, or status
7 as an alien lawfully present in the United States acceptable to the
8 district. The board of trustees or its designee may make reasonable
9 inquiries to verify a person's eligibility for admission.

10 (k) The agency shall seek to enter into an agreement with
11 the United States government for the United States government to
12 pay the cost of educating persons described by Subsection (b-3). If
13 the agency and the United States government enter into such an
14 agreement, the agency shall:

15 (1) require each school district to report through the
16 Public Education Information Management System (PEIMS) the
17 information necessary to determine the amount of funding to which
18 the district is entitled under Chapters 46 and 48 for persons
19 admitted under Subsection (b-3);

20 (2) submit to the United States government for
21 reimbursement the total amount of funding determined under
22 Subdivision (1); and

23 (3) on receipt of reimbursement, distribute to each
24 school district the amount of funding to which the district is
25 entitled for persons admitted under Subsection (b-3).

26 SECTION 2. Section 48.003, Education Code, is amended by
27 adding Subsection (e) to read as follows:

1 (e) Notwithstanding Subsections (a) and (b), a student who
2 is not a citizen or national of the United States or an alien
3 lawfully present in the United States is not entitled to the
4 benefits of the Foundation School Program unless the student is
5 admitted by a school district under Section [25.001\(b-3\)](#).

6 SECTION 3. This Act applies beginning with the 2025-2026
7 school year.

8 SECTION 4. This Act takes effect on the 91st day after the
9 last day of the legislative session.