

By: Paxton

S.B. No. 418

A BILL TO BE ENTITLED

AN ACT

relating to the transfer of public school students between certain school districts.

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

SECTION 1. Section 25.035, Education Code, is amended to read as follows:

Sec. 25.035. TRANSFERS BETWEEN DISTRICTS OR COUNTIES. (a) The boards of trustees of two or more ~~[adjoining]~~ school districts or the boards of county school trustees of two or more ~~[adjoining]~~ counties may, ~~[by agreement and]~~ in accordance with Sections 25.032, 25.033, and 25.034, arrange for the transfer and assignment of any student from the jurisdiction of one board to that of another. ~~[In the case of the transfer and assignment of a student under this section, the participating governing boards shall also agree to the transfer of school funds or other payments proportionate to the transfer of attendance.]~~

(b) A school district may deny approval of a transfer under this section if:

(1) the district or a school in the district to which a student seeks to transfer is at full student capacity or has more requests for transfers than available positions;

(2) at the time a student seeks to transfer, the student is suspended or expelled by the district in which the student is enrolled; or

1           (3) approving the transfer would supersede a  
2 court-ordered desegregation plan.

3           (c) A school district that has more applicants for transfer  
4 under this section than available positions must fill the available  
5 positions by lottery and must give priority to applicants in the  
6 following order:

7           (1) students receiving special education services  
8 under Subchapter A, Chapter 29;

9           (2) students who are dependents of military personnel;

10           (3) students who are dependents of law enforcement  
11 personnel;

12           (4) students in foster care;

13           (5) students who are the subject of court-ordered  
14 modification of an order establishing conservatorship or  
15 possession and access;

16           (6) students who are siblings of a student who is  
17 enrolled in the receiving district at the time the student seeks to  
18 transfer;

19           (7) students who are dependents of an employee of the  
20 receiving district; and

21           (8) students residing in the receiving district.

22           (d) A student who transfers to another school district under  
23 this section may not be charged tuition. The student is included in  
24 the average daily attendance of the district to which the student  
25 transfers, beginning on the date the student begins attending  
26 classes at that district.

27           (e) A receiving school district may, but is not required to,

1 provide transportation to a student who transfers to the receiving  
2 district under this section.

3 (f) A receiving school district may revoke, at any time  
4 during the school year, the approval of the student's transfer if  
5 the student:

6 (1) fails to comply with a condition specified in the  
7 agreement that is:

8 (A) a circumstance specified in the student code  
9 of conduct under Section 37.001(a)(1);

10 (B) a condition specified in the student code of  
11 conduct under Section 37.001(a)(2);

12 (C) conduct for which a student is required or  
13 permitted to be removed from class and placed in a disciplinary  
14 alternative education program under Section 37.006; or

15 (D) conduct for which a student is required or  
16 permitted to be expelled from school under Section 37.007; or

17 (2) fails to maintain a specified school attendance  
18 rate.

19 SECTION 2. This Act applies beginning with the 2023-2024  
20 school year.

21 SECTION 3. 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, 2023.