

By: Mercer

H.B. No. 36

A BILL TO BE ENTITLED

AN ACT

relating to the transfer of public school students who are the victims of certain criminal conduct or the siblings of the victims.

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

SECTION 1. Subchapter B, Chapter 25, Education Code, is amended by adding Section 25.0341 to read as follows:

Sec. 25.0341. TRANSFER OF VICTIMS OR SIBLINGS. (a) This section applies only to:

(1) a student who is the victim of conduct described by Section 37.006(a)(2)(B) or 37.007(a)(2)(A) committed by another student who, at the time the conduct occurred, was assigned to the same campus as the victim; or

(2) a sibling of a student described by Subdivision (1) who is assigned to the same campus as the student described by Subdivision (1).

(b) On the request of a parent or other person with authority to act on behalf of a student who is a victim or a victim's sibling to whom this section applies, the board of trustees of the school district shall transfer the victim or sibling to a district campus other than:

(1) the campus to which the victim or sibling was assigned at the time the conduct occurred; or

(2) the campus to which the student who committed the conduct is assigned, if that student has been assigned to a

1 different campus since the conduct occurred.

2 (c) A transfer under this section must be to a campus
3 agreeable to the parent or other person with authority to act on
4 behalf of the student.

5 (d) If a school district has only one school serving the
6 grade level in which the victim or the victim's sibling is enrolled,
7 on request of the victim's or sibling's parent or other person with
8 authority to act on behalf of the victim or sibling, the district
9 shall attempt to enter an agreement with a neighboring district to
10 transfer the victim or sibling to a school in the neighboring
11 district. This section does not require a school district to
12 transfer a student to another district.

13 (e) This section applies regardless of whether the conduct
14 occurred on or off of school property.

15 (f) Section 25.034 does not apply to a transfer under this
16 section.

17 SECTION 2. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect on the 91st day after the last day of the
22 legislative session.