

AN ACT

relating to admission to and transition assistance within the public school system for school-age dependents of military personnel and other students.

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

SECTION 1. Subchapter A, Chapter 25, Education Code, is amended by adding Section 25.006 to read as follows:

Sec. 25.006. TRANSITION ASSISTANCE FOR MILITARY DEPENDENTS. (a) The legislature finds that:

(1) school-age dependents of military personnel are faced with numerous transitions during their formative years; and

(2) military dependents who move from one school to another during the high school years are faced with special challenges to learning and future achievement.

(b) In recognition of the challenges faced by military dependents and the importance of military families to our community and economy, the agency shall assist the transition of military students from one school to another by:

(1) improving the timely transfer of student records;

(2) developing systems to ease student transition during the first two weeks of enrollment at a new school;

(3) promoting practices that foster student access to extracurricular programs;

(4) establishing procedures to lessen the adverse

1 impact of student moves to a new school after the end of the  
2 student's junior year of high school;

3 (5) encouraging or maintaining partnerships between  
4 military bases and affected school districts;

5 (6) encouraging school districts to provide services  
6 for military students in transition when applying for admission to  
7 postsecondary study and when seeking sources of funding for  
8 postsecondary study; and

9 (7) providing other assistance as identified by the  
10 agency.

11 SECTION 2. Section 25.001(b), Education Code, is amended to  
12 read as follows:

13 (b) The board of trustees of a school district or its  
14 designee shall admit into the public schools of the district free of  
15 tuition a person who is over five and younger than 21 years of age on  
16 the first day of September of the school year in which admission is  
17 sought if:

18 (1) the person and either parent of the person reside  
19 in the school district;

20 (2) the person does not reside in the school district  
21 but a parent of the person resides in the school district and that  
22 parent is a joint managing conservator or the sole managing  
23 conservator or possessory conservator of the person;

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

27 (4) the person has established a separate residence

1 under Subsection (d);

2 (5) the person is homeless, as defined by 42 U.S.C.  
3 Section 11302, regardless of the residence of the person, of either  
4 parent of the person, or of the person's guardian or other person  
5 having lawful control of the person;

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

11 (7) the person resides at a residential facility  
12 located in the district; ~~or~~

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

16 (9) the person does not reside in the school district  
17 but the grandparent of the person:

18 (A) resides in the school district; and

19 (B) provides a substantial amount of  
20 after-school care for the person as determined by the board.

21 SECTION 3. Section 25.002, Education Code, is amended by  
22 amending Subsection (a) and adding Subsection (a-1) to read as  
23 follows:

24 (a) If ~~[Not later than the 30th day after the date]~~ a parent  
25 or other person with legal control of a child under a court order  
26 enrolls the child in a public school, the parent or other person or  
27 the school district in which the child most recently attended

1 school shall furnish to the school district:

2 (1) the child's birth certificate or another document  
3 suitable as proof of the child's identity;

4 (2) a copy of the child's records from the school the  
5 child most recently attended if the child has been previously  
6 enrolled in a school in this state or another state; and

7 (3) a record showing that the child has the  
8 immunizations as required under Section 38.001, in the case of a  
9 child required under that section to be immunized, proof as  
10 required by that section showing that the child is not required to  
11 be immunized, or proof that the child is entitled to provisional  
12 admission under that section and under rules adopted under that  
13 section.

14 (a-1) Information a school district furnishes under  
15 Subsections (a)(1) and (2) must be furnished by the district not  
16 later than the 10th working day after the date a request for the  
17 information is received by the district. Information a parent or  
18 other person with legal control of a child under a court order  
19 furnishes under Subsections (a)(1) and (2) must be furnished by the  
20 parent or other person not later than the 30th day after the date a  
21 child is enrolled in a public school. If a parent or other person  
22 with legal control of a child under a court order requests that a  
23 district transfer a child's student records, the district to which  
24 the request is made shall notify the parent or other person as soon  
25 as practicable that the parent or other person may request and  
26 receive an unofficial copy of the records for delivery in person to  
27 a school in another district.

1 SECTION 4. Sections 28.025(c) and (d), Education Code, are  
2 amended to read as follows:

3 (c) A person may receive a diploma if the person is eligible  
4 for a diploma under Section 28.0251. In other cases, a student may  
5 graduate and receive a diploma only if:

6 (1) the student successfully completes the curriculum  
7 requirements identified by the State Board of Education under  
8 Subsection (a) and complies with Section 39.025 [~~39.025(a)~~]; or

9 (2) the student successfully completes an  
10 individualized education program developed under Section 29.005.

11 (d) A school district may issue a certificate of coursework  
12 completion to a student who successfully completes the curriculum  
13 requirements identified by the State Board of Education under  
14 Subsection (a) but who fails to comply with Section 39.025  
15 [~~39.025(a)~~]. A school district may allow a student who receives a  
16 certificate to participate in a graduation ceremony with students  
17 receiving high school diplomas.

18 SECTION 5. Sections 30.104(b) and (c), Education Code, are  
19 amended to read as follows:

20 (b) A student may graduate and receive a diploma from a  
21 Texas Youth Commission educational program if:

22 (1) the student successfully completes the curriculum  
23 requirements identified by the State Board of Education under  
24 Section 28.025(a) and complies with Section 39.025 [~~39.025(a)~~]; or

25 (2) the student successfully completes the curriculum  
26 requirements under Section 28.025(a) as modified by an  
27 individualized education program developed under Section 29.005.

1 (c) A Texas Youth Commission educational program may issue a  
2 certificate of course-work completion to a student who successfully  
3 completes the curriculum requirements identified by the State Board  
4 of Education under Section 28.025(a) but who fails to comply with  
5 Section 39.025 [~~39.025(a)~~].

6 SECTION 6. Section 39.025, Education Code, is amended by  
7 adding Subsections (d) and (e) to read as follows:

8 (d) Notwithstanding Subsection (a), the commissioner by  
9 rule shall adopt one or more alternative nationally recognized norm  
10 referenced assessment instruments under this section to administer  
11 to a student to qualify for a high school diploma if the student  
12 enrolls after January 1 of the school year in which the student is  
13 otherwise eligible to graduate:

14 (1) for the first time in a public school in this  
15 state; or

16 (2) after an absence of at least four years from any  
17 public school in this state.

18 (e) The commissioner shall establish a required performance  
19 level for an assessment instrument adopted under Subsection (d)  
20 that is at least as rigorous as the performance level for the  
21 secondary exit-level assessment instrument for the same subject.

22 SECTION 7. Not later than January 1, 2006, the Texas  
23 Education Agency shall report the results of its efforts to  
24 implement Section 25.006, Education Code, as added by this Act, to  
25 the presiding officers of the Senate Committee on Veterans Affairs  
26 and Military Installations and the House of Representatives  
27 Committee on Defense Affairs and State-Federal Relations.

1           SECTION 8. This Act takes effect immediately if it receives  
2 a vote of two-thirds of all the members elected to each house, as  
3 provided by Section 39, Article III, Texas Constitution. If this  
4 Act does not receive the vote necessary for immediate effect, this  
5 Act takes effect September 1, 2005.

---

President of the Senate

---

Speaker of the House

I certify that H.B. No. 25 was passed by the House on April 6, 2005, by the following vote: Yeas 135, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 25 on May 16, 2005, by the following vote: Yeas 139, Nays 0, 2 present, not voting.

---

Chief Clerk of the House

I certify that H.B. No. 25 was passed by the Senate, with amendments, on May 12, 2005, by the following vote: Yeas 31, Nays 0.

---

Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

---

Governor