

1-1 By: Delisi, Escobar, Anderson, et al. H.B. No. 25
1-2 (Senate Sponsor - Van de Putte)
1-3 (In the Senate - Received from the House April 7, 2005;
1-4 April 11, 2005, read first time and referred to Committee on
1-5 Education; May 4, 2005, reported favorably, as amended, by the
1-6 following vote: Yeas 8, Nays 0; May 4, 2005, sent to printer.)

1-7 COMMITTEE AMENDMENT NO. 1 By: Van de Putte

1-8 Amend H.B. No. 25 as follows:
1-9 (1) In SECTION 3 of the bill, in added Section 25.002(a-1),
1-10 Education Code (Engrossed version, page 2, line 53 and lines
1-11 56-57), strike "Subsection (a)" each place it appears and
1-12 substitute "Subsections (a)(1) and (2)".
1-13 (2) In SECTION 3 of the bill, in added Section 25.002(a-1),
1-14 Education Code (Engrossed version, page 2, line 54), between "10th"
1-15 and "day", insert "working".
1-16 (3) In SECTION 3 of the bill, in added Section 25.002(a-1),
1-17 Education Code (Engrossed version, page 2, line 54), between "for"
1-18 and "information", insert "the".
1-19 (4) In SECTION 3 of the bill, in added Section 25.002(a-1),
1-20 Education Code (Engrossed version, page 2, line 55), strike
1-21 "school".

1-22 A BILL TO BE ENTITLED
1-23 AN ACT

1-24 relating to admission to and transition assistance within the
1-25 public school system for school-age dependents of military
1-26 personnel and other students.

1-27 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-28 SECTION 1. Subchapter A, Chapter 25, Education Code, is
1-29 amended by adding Section 25.006 to read as follows:

1-30 Sec. 25.006. TRANSITION ASSISTANCE FOR MILITARY
1-31 DEPENDENTS. (a) The legislature finds that:

1-32 (1) school-age dependents of military personnel are
1-33 faced with numerous transitions during their formative years; and

1-34 (2) military dependents who move from one school to
1-35 another during the high school years are faced with special
1-36 challenges to learning and future achievement.

1-37 (b) In recognition of the challenges faced by military
1-38 dependents and the importance of military families to our community
1-39 and economy, the agency shall assist the transition of military
1-40 students from one school to another by:

1-41 (1) improving the timely transfer of student records;

1-42 (2) developing systems to ease student transition
1-43 during the first two weeks of enrollment at a new school;

1-44 (3) promoting practices that foster student access to
1-45 extracurricular programs;

1-46 (4) establishing procedures to lessen the adverse
1-47 impact of student moves to a new school after the end of the
1-48 student's junior year of high school;

1-49 (5) encouraging or maintaining partnerships between
1-50 military bases and affected school districts;

1-51 (6) encouraging school districts to provide services
1-52 for military students in transition when applying for admission to
1-53 postsecondary study and when seeking sources of funding for
1-54 postsecondary study; and

1-55 (7) providing other assistance as identified by the
1-56 agency.

1-57 SECTION 2. Section 25.001(b), Education Code, is amended to
1-58 read as follows:

1-59 (b) The board of trustees of a school district or its
1-60 designee shall admit into the public schools of the district free of
1-61 tuition a person who is over five and younger than 21 years of age on
1-62 the first day of September of the school year in which admission is

sought if:

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

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

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

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

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

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

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

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

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

(A) resides in the school district; and

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

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

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

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

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

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

(a-1) Information a school district furnishes under Subsection (a) must be furnished by the district not later than the 10th day after the date a request for information is received by the school district. Information a parent or other person with legal control of a child under a court order furnishes under Subsection (a) must be furnished by the parent or other person not later than the 30th day after the date a child is enrolled in a public school. If a parent or other person with legal control of a child under a court order requests that a district transfer a child's student records, the district to which the request is made shall notify the parent or other person as soon as practicable that the parent or other person may request and receive an unofficial copy of the records for delivery in person to a school in another district.

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

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

3-1 (1) the student successfully completes the curriculum
3-2 requirements identified by the State Board of Education under
3-3 Subsection (a) and complies with Section 39.025 [~~39.025(a)~~]; or

3-4 (2) the student successfully completes an
3-5 individualized education program developed under Section 29.005.

3-6 (d) A school district may issue a certificate of coursework
3-7 completion to a student who successfully completes the curriculum
3-8 requirements identified by the State Board of Education under
3-9 Subsection (a) but who fails to comply with Section 39.025
3-10 [~~39.025(a)~~]. A school district may allow a student who receives a
3-11 certificate to participate in a graduation ceremony with students
3-12 receiving high school diplomas.

3-13 SECTION 5. Sections 30.104(b) and (c), Education Code, are
3-14 amended to read as follows:

3-15 (b) A student may graduate and receive a diploma from a
3-16 Texas Youth Commission educational program if:

3-17 (1) the student successfully completes the curriculum
3-18 requirements identified by the State Board of Education under
3-19 Section 28.025(a) and complies with Section 39.025 [~~39.025(a)~~]; or

3-20 (2) the student successfully completes the curriculum
3-21 requirements under Section 28.025(a) as modified by an
3-22 individualized education program developed under Section 29.005.

3-23 (c) A Texas Youth Commission educational program may issue a
3-24 certificate of course-work completion to a student who successfully
3-25 completes the curriculum requirements identified by the State Board
3-26 of Education under Section 28.025(a) but who fails to comply with
3-27 Section 39.025 [~~39.025(a)~~].

3-28 SECTION 6. Section 39.025, Education Code, is amended by
3-29 adding Subsections (d) and (e) to read as follows:

3-30 (d) Notwithstanding Subsection (a), the commissioner by
3-31 rule shall adopt one or more alternative nationally recognized norm
3-32 referenced assessment instruments under this section to administer
3-33 to a student to qualify for a high school diploma if the student
3-34 enrolls after January 1 of the school year in which the student is
3-35 otherwise eligible to graduate:

3-36 (1) for the first time in a public school in this
3-37 state; or

3-38 (2) after an absence of at least four years from any
3-39 public school in this state.

3-40 (e) The commissioner shall establish a required performance
3-41 level for an assessment instrument adopted under Subsection (d)
3-42 that is at least as rigorous as the performance level for the
3-43 secondary exit-level assessment instrument for the same subject.

3-44 SECTION 7. Not later than January 1, 2006, the Texas
3-45 Education Agency shall report the results of its efforts to
3-46 implement Section 25.006, Education Code, as added by this Act, to
3-47 the presiding officers of the Senate Committee on Veterans Affairs
3-48 and Military Installations and the House of Representatives
3-49 Committee on Defense Affairs and State-Federal Relations.

3-50 SECTION 8. This Act takes effect immediately if it receives
3-51 a vote of two-thirds of all the members elected to each house, as
3-52 provided by Section 39, Article III, Texas Constitution. If this
3-53 Act does not receive the vote necessary for immediate effect, this
3-54 Act takes effect September 1, 2005.

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