

By: Averitt

S.B. No. 1446

A BILL TO BE ENTITLED

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AN ACT

relating to public school admission and enrollment.

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

SECTION 1. Subsections (b) and (d), Section 25.001, Education Code, are amended to read as follows:

(b) The board of trustees of a school district or its designee shall admit into the public schools of the district free of tuition a person who is over five and younger than 21 years of age on 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, or is a homeless child or youth, as defined by 42 U.S.C. Section 11434a, regardless of the residence of the person,

1 of either parent of the person, or of the person's guardian or other
2 person having lawful control of the person;

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

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

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

13 (d) For a person under the age of 18 years to establish a
14 residence for the purpose of attending the public schools separate
15 and apart from the person's parent, guardian, or other person
16 having lawful control of the person under a court order, it must be
17 established that the person's presence in the school district is
18 not for the primary purpose of participation in extracurricular
19 activities. The board of trustees shall determine whether an
20 applicant for admission is a resident of the school district for
21 purposes of attending the public schools and may adopt reasonable
22 guidelines for making a determination as necessary to protect the
23 best interests of students. The board of trustees is not required
24 to admit a person under this subsection if the school district is
25 able to confirm that the person is eligible under this section to
26 enroll in another school district and the person:

27 (1) has engaged in conduct or misbehavior within the

1 preceding year that has resulted in:

2 (A) removal to a disciplinary alternative
3 education program; or

4 (B) expulsion;

5 (2) has engaged in delinquent conduct or conduct in
6 need of supervision and is on probation or other conditional
7 release for that conduct; ~~or~~

8 (3) has been convicted of a criminal offense and is on
9 community supervision ~~[probation]~~ or other conditional release; or

10 (4) has been subject to Subsection (h) on the basis of
11 information provided when the student previously enrolled in the
12 district.

13 SECTION 2. Subsection (f), Section 25.002, Education Code,
14 is amended to read as follows:

15 (f) ~~[Except as otherwise provided by this subsection, for a~~
16 ~~child to be enrolled in a public school, the child must be enrolled~~
17 ~~by the child's parent or by the child's guardian or other person~~
18 ~~with legal control of the child under a court order.]~~ A school
19 district shall record the name, address, and date of birth of the
20 person enrolling a child.

21 SECTION 3. Subchapter A, Chapter 25, Education Code, is
22 amended by adding Section 25.007 to read as follows:

23 Sec. 25.007. TUITION FOR STUDENTS HOLDING CERTAIN VISAS.

24 (a) If a student is required as a condition of obtaining or holding
25 a visa to reimburse the full, unsubsidized per capita cost of
26 providing the student's education for the period of the student's
27 attendance in a public school, a school district or open-enrollment

1 charter school may accept the reimbursement. A school district or
2 open-enrollment charter school may not deny admission to a student
3 for the failure to provide the reimbursement.

4 (b) The commissioner shall develop guidelines to be used by
5 school districts and open-enrollment charter schools in
6 determining the full, unsubsidized per capita cost of providing a
7 student's education. A school district or open-enrollment charter
8 school may not accept reimbursement in an amount greater than the
9 amount computed under the commissioner's guidelines unless the
10 commissioner approves the greater amount.

11 (c) The attendance of a student for whom a school district
12 or open-enrollment charter school accepts reimbursement under this
13 section is not counted for purposes of allocating state funds to the
14 district or school.

15 SECTION 4. Subsection (b), Section 29.153, Education Code,
16 is amended to read as follows:

17 (b) A child is eligible for enrollment in a prekindergarten
18 class under this section if the child is at least three years of age
19 and is:

20 (1) unable to speak and comprehend the English
21 language;

22 (2) educationally disadvantaged; or

23 (3) homeless, as defined by 42 U.S.C. Section 11302,
24 or is a homeless child or youth, as defined by 42 U.S.C. Section
25 11434a, regardless of the residence of the child, of either parent
26 of the child, or of the child's guardian or other person having
27 lawful control of the child.

1 SECTION 5. This Act applies beginning with the 2005-2006
2 school year.

3 SECTION 6. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2005.