

By: Averitt

S.B. No. 1446

A BILL TO BE ENTITLED

AN ACT

relating to public school admission and enrollment.

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. TUITION FOR STUDENTS HOLDING CERTAIN VISAS.

(a) If a student is required as a condition of obtaining or holding a visa to reimburse the full, unsubsidized per capita cost of providing the student's education for the period of the student's attendance in a public school, a school district or open-enrollment charter school may accept the reimbursement, but a school district or open-enrollment charter school may not deny admission to a student for the failure to provide such reimbursement.

(b) The commissioner shall develop guidelines to be used by districts in determining the full, unsubsidized per capita cost of providing a student's education. A district may not accept reimbursement in an amount greater than the amount computed under the commissioner's guidelines unless the commissioner approves the greater amount.

(c) The attendance of a student for whom a district accepts reimbursement under this section is not counted for purposes of allocating state funds to the district.

SECTION 2. Subsections (b) and (d), Section 25.001, Education Code, are amended to read as follows:

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

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

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

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

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

17 (5) the person is homeless, as defined by 42 U.S.C.
18 Section 11302, or is a homeless child or youth, as defined by 42
19 U.S.C. Section 11434a, regardless of the residence of the person,
20 of either parent of the person, or of the person's guardian or other
21 person having lawful control of the person;

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

27 (7) the person resides at a residential facility

1 located in the district; or

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

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

19 (1) has engaged in conduct or misbehavior within the
20 preceding year that has resulted in:

21 (A) removal to a disciplinary alternative
22 education program; or

23 (B) expulsion;

24 (2) has engaged in delinquent conduct or conduct in
25 need of supervision and is on probation or other conditional
26 release for that conduct; or

27 (3) has been convicted of a criminal offense and is on

1 probation or other conditional release.

2 SECTION 3. Subsection (f), Section 25.002, Education Code,
3 is amended to read as follows:

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

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

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

15 (1) unable to speak and comprehend the English
16 language;

17 (2) educationally disadvantaged; or

18 (3) homeless, as defined by 42 U.S.C. Section 11302,
19 or is a homeless child or youth, as defined by 42 U.S.C. Section
20 11434a, regardless of the residence of the child, of either parent
21 of the child, or of the child's guardian or other person having
22 lawful control of the child.

23 SECTION 5. This Act takes effect September 1, 2005.