

1-1 By: Averitt S.B. No. 1446  
1-2 (In the Senate - Filed March 10, 2005; March 21, 2005, read  
1-3 first time and referred to Committee on Education; April 18, 2005,  
1-4 reported adversely, with favorable Committee Substitute by the  
1-5 following vote: Yeas 7, Nays 0; April 18, 2005, sent to printer.)

1-6 COMMITTEE SUBSTITUTE FOR S.B. No. 1446 By: Averitt

1-7 A BILL TO BE ENTITLED  
1-8 AN ACT

1-9 relating to public school admission and enrollment.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subsections (b) and (d), Section 25.001,  
1-12 Education Code, are amended to read as follows:

1-13 (b) The board of trustees of a school district or its  
1-14 designee shall admit into the public schools of the district free of  
1-15 tuition a person who is over five and younger than 21 years of age on  
1-16 the first day of September of the school year in which admission is  
1-17 sought if:

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

1-20 (2) the person does not reside in the school district  
1-21 but a parent of the person resides in the school district and that  
1-22 parent is a joint managing conservator or the sole managing  
1-23 conservator or possessory conservator of the person;

1-24 (3) the person and the person's guardian or other  
1-25 person having lawful control of the person under a court order  
1-26 reside within the school district;

1-27 (4) the person has established a separate residence  
1-28 under Subsection (d);

1-29 (5) the person is homeless, as defined by 42 U.S.C.  
1-30 Section 11302, or is a homeless child or youth, as defined by 42  
1-31 U.S.C. Section 11434a, regardless of the residence of the person,  
1-32 of either parent of the person, or of the person's guardian or other  
1-33 person having lawful control of the person;

1-34 (6) the person is a foreign exchange student placed  
1-35 with a host family that resides in the school district by a  
1-36 nationally recognized foreign exchange program, unless the school  
1-37 district has applied for and been granted a waiver by the  
1-38 commissioner under Subsection (e);

1-39 (7) the person resides at a residential facility  
1-40 located in the district; or

1-41 (8) the person resides in the school district and is 18  
1-42 years of age or older or the person's disabilities of minority have  
1-43 been removed.

1-44 (d) For a person under the age of 18 years to establish a  
1-45 residence for the purpose of attending the public schools separate  
1-46 and apart from the person's parent, guardian, or other person  
1-47 having lawful control of the person under a court order, it must be  
1-48 established that the person's presence in the school district is  
1-49 not for the primary purpose of participation in extracurricular  
1-50 activities. The board of trustees shall determine whether an  
1-51 applicant for admission is a resident of the school district for  
1-52 purposes of attending the public schools and may adopt reasonable  
1-53 guidelines for making a determination as necessary to protect the  
1-54 best interests of students. The board of trustees is not required  
1-55 to admit a person under this subsection if the school district is  
1-56 able to confirm that the person is eligible under this section to  
1-57 enroll in another school district and the person:

1-58 (1) has engaged in conduct or misbehavior within the  
1-59 preceding year that has resulted in:

1-60 (A) removal to a disciplinary alternative  
1-61 education program; or

1-62 (B) expulsion;

1-63 (2) has engaged in delinquent conduct or conduct in

2-1 need of supervision and is on probation or other conditional  
2-2 release for that conduct; ~~[or]~~

2-3 (3) has been convicted of a criminal offense and is on  
2-4 community supervision ~~[probation]~~ or other conditional release; or

2-5 (4) has been subject to Subsection (h) on the basis of  
2-6 information provided when the student previously enrolled in the  
2-7 district.

2-8 SECTION 2. Subsection (f), Section 25.002, Education Code,  
2-9 is amended to read as follows:

2-10 (f) ~~[Except as otherwise provided by this subsection, for a~~  
2-11 ~~child to be enrolled in a public school, the child must be enrolled~~  
2-12 ~~by the child's parent or by the child's guardian or other person~~  
2-13 ~~with legal control of the child under a court order.]~~ A school  
2-14 district shall record the name, address, and date of birth of the  
2-15 person enrolling a child.

2-16 SECTION 3. Subchapter A, Chapter 25, Education Code, is  
2-17 amended by adding Section 25.007 to read as follows:

2-18 Sec. 25.007. TUITION FOR STUDENTS HOLDING CERTAIN VISAS.

2-19 (a) If a student is required as a condition of obtaining or holding  
2-20 a visa to reimburse the full, unsubsidized per capita cost of  
2-21 providing the student's education for the period of the student's  
2-22 attendance in a public school, a school district or open-enrollment  
2-23 charter school may accept the reimbursement. A school district or  
2-24 open-enrollment charter school may not deny admission to a student  
2-25 for the failure to provide the reimbursement.

2-26 (b) The commissioner shall develop guidelines to be used by  
2-27 school districts and open-enrollment charter schools in  
2-28 determining the full, unsubsidized per capita cost of providing a  
2-29 student's education. A school district or open-enrollment charter  
2-30 school may not accept reimbursement in an amount greater than the  
2-31 amount computed under the commissioner's guidelines unless the  
2-32 commissioner approves the greater amount.

2-33 (c) The attendance of a student for whom a school district  
2-34 or open-enrollment charter school accepts reimbursement under this  
2-35 section is not counted for purposes of allocating state funds to the  
2-36 district or school.

2-37 SECTION 4. Subsection (b), Section 29.153, Education Code,  
2-38 is amended to read as follows:

2-39 (b) A child is eligible for enrollment in a prekindergarten  
2-40 class under this section if the child is at least three years of age  
2-41 and is:

2-42 (1) unable to speak and comprehend the English  
2-43 language;

2-44 (2) educationally disadvantaged; or

2-45 (3) homeless, as defined by 42 U.S.C. Section 11302,  
2-46 or is a homeless child or youth, as defined by 42 U.S.C. Section  
2-47 11434a, regardless of the residence of the child, of either parent  
2-48 of the child, or of the child's guardian or other person having  
2-49 lawful control of the child.

2-50 SECTION 5. This Act applies beginning with the 2005-2006  
2-51 school year.

2-52 SECTION 6. This Act takes effect immediately if it receives  
2-53 a vote of two-thirds of all the members elected to each house, as  
2-54 provided by Section 39, Article III, Texas Constitution. If this  
2-55 Act does not receive the vote necessary for immediate effect, this  
2-56 Act takes effect September 1, 2005.

2-57 \* \* \* \* \*