

By: Anchia

H.B. No. 3178

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the admission of foreign exchange students to the
3 public high schools of the state.

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

5 SECTION 1. Section 25.001, Education Code, is amended by
6 amending Subsection (b) and by striking Subsection (e) to read as
7 follows:

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

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

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

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

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

24 (5) the person is homeless, as defined by 42 U.S.C.

1 Section 11302, regardless of the residence of the person, of either
2 parent of the person, or of the person's guardian or other person
3 having lawful control of the person;

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

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

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

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

16 (A) resides in the school district; and

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

19 (c) The board of trustees of a school district or the
20 board's designee may require evidence that a person is eligible to
21 attend the public schools of the district at the time the board or
22 its designee considers an application for admission of the person.
23 The board of trustees or its designee shall establish minimum proof
24 of residency acceptable to the district. The board of trustees or
25 its designee may make reasonable inquiries to verify a person's
26 eligibility for admission.

27 (d) For a person under the age of 18 years to establish a

1 residence for the purpose of attending the public schools separate
2 and apart from the person's parent, guardian, or other person
3 having lawful control of the person under a court order, it must be
4 established that the person's presence in the school district is
5 not for the primary purpose of participation in extracurricular
6 activities. The board of trustees shall determine whether an
7 applicant for admission is a resident of the school district for
8 purposes of attending the public schools and may adopt reasonable
9 guidelines for making a determination as necessary to protect the
10 best interests of students. The board of trustees is not required
11 to admit a person under this subsection if the person:

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

14 (A) removal to a disciplinary alternative
15 education program; or

16 (B) expulsion;

17 (2) has engaged in delinquent conduct or conduct in
18 need of supervision and is on probation or other conditional
19 release for that conduct; or

20 (3) has been convicted of a criminal offense and is on
21 probation or other conditional release.

22 ~~(c) A school district may request that the commissioner~~
23 ~~waive the requirement that the district admit a foreign exchange~~
24 ~~student who meets the conditions of Subsection (b)(5). The~~
25 ~~commissioner shall respond to a district's request not later than~~
26 ~~the 60th day after the date of receipt of the request. The~~
27 ~~commissioner shall grant the request and issue a waiver effective~~

1 ~~for a period not to exceed three years if the commissioner~~
2 ~~determines that admission of a foreign exchange student would:~~

3 ~~(1) create a financial or staffing hardship for the~~
4 ~~district;~~

5 ~~(2) diminish the district's ability to provide high~~
6 ~~quality educational services for the district's domestic students;~~
7 ~~or~~

8 ~~(3) require domestic students to compete with foreign~~
9 ~~exchange students for educational resources.~~

10 ~~(f)~~ (e) A child placed in foster care by an agency of the
11 state or by a political subdivision shall be permitted to attend the
12 public schools in the district in which the foster parents reside
13 free of any charge to the foster parents or the agency. A
14 durational residence requirement may not be used to prohibit that
15 child from fully participating in any activity sponsored by the
16 school district.

17 ~~(g)~~ (f) A student enrolled in high school in grade 9, 10,
18 11, or 12 who is placed in temporary foster care by the Texas
19 Department of Human Services at a residence outside the attendance
20 area for the school or outside the school district is entitled to
21 complete high school at the school in which the student was enrolled
22 at the time of placement without payment of tuition.

23 ~~(h)~~ (g) In addition to the penalty provided by Section
24 37.10, Penal Code, a person who knowingly falsifies information on
25 a form required for enrollment of a student in a school district is
26 liable to the district if the student is not eligible for enrollment
27 in the district but is enrolled on the basis of the false

1 information. The person is liable, for the period during which the
2 ineligible student is enrolled, for the greater of:

3 (1) the maximum tuition fee the district may charge
4 under Section 25.038; or

5 (2) the amount the district has budgeted for each
6 student as maintenance and operating expenses.

7 ~~(i)~~ (h) A school district may include on an enrollment form
8 notice of the penalties provided by Section 37.10, Penal Code, and
9 of the liability provided by Subsection (h) for falsifying
10 information on the form.

11 ~~(j)~~ (i) For the purposes of this subchapter, the board of
12 trustees of a school district by policy may allow a person showing
13 evidence of legal responsibility for a child other than an order of
14 a court to substitute for a guardian or other person having lawful
15 control of the child under an order of a court.

16 SECTION 2. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2007.