By: Paxton, Zedler, Delisi   H.B. No. 3868

Substitute the following for H.B. No. 3868:

By: Delisi   C.S.H.B. No. 3868

A BILL TO BE ENTITLED

1   AN ACT

2   relating to the public education grant program.

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

4   SECTION 1. Section 29.201, Education Code, is amended to

5   read as follows:

6   Sec. 29.201. PARENTAL   CHOICE;   DEFINITION.   (a)

7   Notwithstanding any other provision of this code, as provided by

8   this subchapter an eligible student may attend a public school in

9   the district in which the student resides or may use a public

10   education grant to attend any other district chosen by the

11   student's parent.

12   (b) A parent may designate and rank in order of preference

13   three campuses with available capacity in the school district

14   chosen by the parent under Subsection (a).

15   (c) In this subchapter, "parent" includes a guardian or

16   other person having lawful control of a student.

17   SECTION 2. Section 29.203, Education Code, is amended by

18   adding Subsections (c-1), (c-2), (c-3), (c-4), and (d-1) and

19   amending Subsection (d) to read as follows:

20   (c-1) Not later than August 1 of each year, each school

21   district, based on the most recent information available, shall

22   report to the commissioner the status of the district's student

23   enrollment capacity for the following school year. The district

24   must provide the student enrollment information by grade level for

1   each campus in the district. For purposes of this subsection,

2   maximum student enrollment capacity is calculated as follows:

3   (1)   for kindergarten through fourth grade, the number

4   of teachers for each grade level multiplied by 22;

5   (2)   for fifth through eighth grade, the number of

6   teachers for each grade level multiplied by 25; and

7   (3)   for ninth through 12th grade, the number of

8   teachers for each grade level multiplied by 30.

9   (c-2)   In calculating maximum student enrollment capacity

10 under Subsection (c-1), a school district shall exclude each class

11 composed predominantly of students receiving special education

12 services under Subchapter A.

13   (c-3)   The commissioner by rule shall establish a method for

14 calculating the maximum student enrollment capacity for classes

15 composed predominantly of students receiving special education

16 services under Subchapter A.

17   (c-4)   In lieu of calculating maximum student enrollment

18 capacity as provided by Subsection (c-1), a school district may

19 calculate maximum student enrollment capacity in compliance with a

20 method determined by the district if:

21   (1)   the district submits to the agency an explanation

22 of the method the district proposes to use under this subsection;

23 and

24   (2)   the agency approves the use of that method.

25   (d)   A school district chosen by a student's parent under

26 Section 29.201 may not [is entitled to accept or] reject the

27 application for the student to attend school in that district

1 unless the district's student enrollment for the grade level in

2 which the student will be enrolled exceeds the maximum student

3 enrollment capacity for that grade level as determined under

4 Subsection (c-1) or (c-4), if applicable. The district shall

5 accept the application for the student to attend the campus to which

6 the student's parent gave the highest ranking under Section

7 29.201(b) and at which the student enrollment for the grade level in

8 which the student will be enrolled does not exceed the maximum

9 student enrollment capacity for that grade level. If, at each

10 campus designated by the student's parent, the student enrollment

11 capacity for the grade level in which the student will be enrolled

12 exceeds the maximum student enrollment capacity for that grade

13 level but, at one or more other campuses in the district the student

14 enrollment for the applicable grade level does not exceed the

15 maximum student enrollment capacity for that grade level, the

16 district shall accept the application for the student to attend one

17 of those district campuses, as determined by the district.

18   (d-1) A school district [but] may not reject an applicant

19 for attendance under this subchapter using [use] criteria that

20 discriminate on the basis of a student's race, ethnicity, academic

21 achievement, athletic abilities, language proficiency, sex, or

22 socioeconomic status. A school district that has more [acceptable]

23 applicants for attendance under this subchapter than available

24 positions must give priority to students at risk of dropping out of

25 school as defined by Section 29.081 and must fill the available

26 positions by lottery. However, to achieve continuity in education,

27 a school district may give preference over at-risk students to

1 enrolled students and to the siblings of enrolled students residing

2 in the same household or other children residing in the same

3 household as enrolled students for the convenience of parents[,

4 guardians, or custodians] of those children.

5 SECTION 3. Section 29.204, Education Code, is amended to

6 read as follows:

7 Sec. 29.204. NOTIFICATION. (a) Not later than November

8 [January] 1 of each year the commissioner shall, based on the

9 accountability ratings for the preceding school year [most recent

10 information available], provide notice to each school district in

11 which a campus described by Section 29.202 is located that:

12 (1) identifies each campus in the district that meets

13 the description in Section 29.202; and

14 (2) informs the district that the district must comply

15 with Subsection (b).

16 (b) Not later than September [February] 1 of each year, a

17 school district that does not appeal the district's accountability

18 rating as provided by Section 39.301 shall notify the parent of each

19 student in the district assigned to attend a campus described by

20 Section 29.202 that the student is eligible for a public education

21 grant. A district that appeals the district's accountability

22 rating as provided by Section 39.301 shall, not later than December

23 1 of each year, notify the parent of each student as provided by

24 this subsection. The notice must contain a clear, concise

25 explanation of the public education grant program and of the manner

26 in which the parent may obtain further information about the

27 program.

4

1   (c) Not later than the seventh day after the date a school

2 district receives an application for a transfer under this

3 subchapter or August 15, whichever date is later, the district

4 shall notify the parent of the student who applied for the transfer:

5   (1) whether the application is accepted or rejected;

6 and

7   (2) if the application is accepted, the campus at

8 which the student is accepted.

9   (d) Not later than October 1 of each year, each school

10 district shall provide a report to the district board of trustees

11 and the agency that includes:

12   (1) the number of transfers into the district

13 requested under this subchapter; and

14   (2) if applicable, the reason for rejecting each

15 transfer.

16   SECTION 4. Subchapter G, Chapter 29, Education Code, as

17 amended by this Act, applies beginning with the 2007-2008 school

18 year.

19   SECTION 5. This Act takes effect immediately if it receives

20 a vote of two-thirds of all the members elected to each house, as

21 provided by Section 39, Article III, Texas Constitution. If this

22 Act does not receive the vote necessary for immediate effect, this

23 Act takes effect September 1, 2007.