

By: Berman

H.B. No. 262

A BILL TO BE ENTITLED

AN ACT

relating to information regarding the citizenship status of students.

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

SECTION 1. Subchapter A, Chapter 7, Education Code, is amended by adding Section 7.012 to read as follows:

Sec. 7.012. COLLECTION AND REPORTING OF INFORMATION REGARDING STUDENT CITIZENSHIP AND IMMIGRATION STATUS. (a) In this section, "undocumented immigrant" means a person who:

(1) is not a citizen or national of the United States;

and

(2) is not lawfully authorized to be present in the United States according to the terms of 8 U.S.C. Section 1101 et seq.

(b) Each school district and open-enrollment charter school shall determine the citizenship status of each student at the time of the student's initial enrollment in the district or school.

(c) To make the determination required by Subsection (b), the school district or open-enrollment charter school must require each student to provide an original or certified copy of the student's birth certificate. If the student was not born a citizen of the United States, the student's parent or guardian or other person having lawful control of the student must, not later than the 30th day after the date of the student's enrollment in the district

1 or school:

2 (1) establish the citizenship or immigration status of
3 the student by:

4 (A) presenting official documentation of that
5 status for inspection and return by a school official; or

6 (B) submitting a notarized copy of the
7 documentation to a school official; and

8 (2) attest by affidavit that the documentation
9 presented under Subdivision (1) states the true identity of the
10 student.

11 (d) Each school district or open-enrollment charter school
12 shall include the information collected under this section
13 regarding the citizenship and immigration status of district or
14 school students in the district's or school's Public Education
15 Information Management System (PEIMS) report.

16 (e) The commissioner shall compile the information
17 collected under this section and under Section 29.066 and submit an
18 annual report to the State Board of Education. The report must:

19 (1) provide data on the number of students from each of
20 the following categories from each public school:

21 (A) citizens;

22 (B) immigrants classified under each immigration
23 classification; and

24 (C) students enrolled in bilingual education or a
25 special language program; and

26 (2) identify and analyze any impact on the standard or
27 quality of education provided to students who are citizens that may

1 occur as a result of the enrollment of students who are undocumented
2 immigrants.

3 (f) The State Board of Education shall adopt rules to
4 implement this section, including rules to establish objective
5 criteria for identifying and assessing the educational impact of
6 undocumented immigrants as required by Subsection (e). The rules
7 may authorize the commissioner to contract with reputable scholars
8 or research institutions to identify and validate the criteria.
9 The rules adopted under this section may not be used to discriminate
10 against a student on the basis of race, color, disability, sex,
11 religion, age, or national origin.

12 SECTION 2. Section 7.008, Education Code, is amended by
13 adding Subsection (f) to read as follows:

14 (f) Information obtained under Section 7.012 that
15 personally identifies a student may not be disclosed except as
16 provided by 8 U.S.C. Section 1373 or 1644.

17 SECTION 3. This Act applies beginning with the 2009-2010
18 school year.

19 SECTION 4. 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, 2009.