

## **BILL ANALYSIS**

Senate Research Center

S.B. 1775  
By: West  
Education  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

"Public school choice" describes a wide array of public school programs aimed at providing and paying for an education at public schools with public dollars. Currently in Texas, parents have several options for choosing public schools to meet a variety of needs and interests for their children. These options are offered at the federal, state, and local levels.

The primary means of providing school choice among traditional public schools is through open enrollment policies. Students in Texas may choose to attend a public school outside of their attendance zone by exercising inter-district and intra-district transfer options, attending a magnet school or program, enrolling in a charter school, or utilizing transfer options established under No Child Left Behind.

Texas school boards may adopt intra-district transfer policies that allow students to transfer between schools within the same district. According to the Texas Association of School Boards, nearly all of the approximately 475 multi-campus districts in Texas have adopted intra-district transfer policies. Additionally, approximately 1,000 districts have adopted inter-district transfer policies, allowing a student to transfer to another school district.

S.B. 1775 expands opportunities for students to transfer to public schools of their choice within their home districts or into a public school in another district if there is space available at the school. Districts can currently reject transfer requests regardless of whether space is available. This bill directs districts to help as many students as possible get access to more public school choice options. The bill also creates a central clearinghouse with information about all the programs available at campuses within the region so that parents and students have better visibility into these opportunities.

As proposed, S.B. 1775 amends current law relating to student eligibility to attend public school districts and charter schools, student transfers, and the Public Education Grant Program.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the commissioner of education is modified in SECTION 4 (Section 21.031, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 8.051, Education Code, by adding Subsection (e) to require each regional education service center to gather, consolidate, and submit to the Texas Education Agency (TEA) or third party designated by TEA the information specified in Section 25.0012 for its region in the manner and format specified by TEA or third party and provide additional campus information and enrollment facilitation services as directed by the commissioner of education (commissioner).

SECTION 2. Amends Subchapter A, Chapter 25, Education Code, by adding Section 25.0012, as follows:

Sec. 25.0012. SCHOOL AVAILABILITY INFORMATION. (a) Requires a school district, open-enrollment charter school, or regional education service center to prominently display and maintain on the entity's Internet website a list that includes:

- (1) each campus located within the district, area served by the school, or region;
- (2) the number of students that are authorized to attend each campus;
- (3) the number of students attending each campus;
- (4) the number of available student positions at each campus;
- (5) intensive programs offered at each campus, such as an optional flexible school day, credit recovery program;
- (7) college and career readiness programs such as dual credit offerings, AVID, International Baccalaureate, or Advanced Placement programs;
- (8) expanded learning programs, such as extended day, extended year programs, or 21st Century after-school programs.

(b) Requires TEA to contract for the services of one or more third-party contractors to develop, implement, maintain, and publicize an Internet website that enables the public to identify by zip code campuses of school districts and open-enrollment charter schools located within the student's district of residence and contiguous districts that match identified performance and program offerings, including the categories of program offerings specified in Subsections (a)(5)-(a)(7). Requires that the website, for each campus identified, display the information specified in Subsections (a)(2) and (a)(3) as well as the step-by-step process by which a student is authorized to enroll in a campus outside the student's assigned attendance zone. Requires TEA, in addition to any other considerations required by law, to consider an applicant's demonstrated competence and qualifications in maximizing website accessibility and ease of use in awarding a contract under this subsection.

(c) Authorizes TEA, in addition to any amount appropriated by the legislature, to accept funds from any other public or private entity to carry out the requirements of this section. Prohibits funds accepted under this section from being accepted on terms inconsistent with the requirements of this section.

SECTION 3. Amends the heading of Section 25.031, Education Code, to read as follows:

Sec. 25.031. OPEN ENROLLMENT.

SECTION 4. Amends Section 25.031, Education Code, as follows:

Requires, rather than authorizes, the board of trustees of a school district or the board of county school trustees or a school employee designated by the board, in conformity with rules adopted by the commissioner and this subchapter (Assignments and Transfers), to assign and transfer any student from one school facility or classroom to another within its jurisdiction. Requires a school district that has more applicants for transfer under this section than available positions to give priority to students at risk of dropping out of school as defined by Section 29.081 (Compensatory, Intensive, and Accelerated Instruction) and to fill the available positions by lottery.

SECTION 5. Amends Section 25.036, Education Code, by amending Subsection (a) and adding Subsections (c), (d), (e) and (f), as follows:

Sec. 25.036. TRANSFER OF STUDENT. (a) Authorizes any child, other than a high school graduate, who is younger than 21 years of age and eligible for enrollment on September 1 of any school year to transfer from the child's school district of residence to another district in this state if the applicant parent or guardian or person having lawful control of the child requests the transfer in writing, rather than authorizing said child to transfer annually from the child's school district of residence to another district in this state if both the receiving district and the applicant parent or guardian or person having lawful control of the child jointly approve and timely agree in writing to the transfer.

(c) Provides that a transfer under this section is effective until the student either voluntarily decides to attend a school in a different district or graduates from high school.

(d) Requires the board of trustees of a school district to adopt a policy that establishes the standards by which the district will determine whether positions are available at a campus.

(e) Requires a school district that has more applicants for attendance under Subsection (a) than available positions to fill the available positions by lottery.

(f) Authorizes the board of trustees of a school district to adopt a policy that provides for the exclusion of a student who has a documented history of a criminal offense, a juvenile court adjudication, or discipline problems under Subchapter A (Alternative Settings for Behavior Management), Chapter 37.

SECTION 6. Amends Section 29.201, Education Code, to authorize an eligible student, notwithstanding any other provision of this code, as provided by this subchapter (Public Education Grant Program), to attend a public school in the district in which the student resides or to use a public education grant to attend any other district chosen by the student's parent until the student either voluntarily decides to attend a school in a different district or graduates from high school.

SECTION 7. Amends Sections 29.203 (c), (d), and (f), Education Code, as follows:

(c) Entitles a school district to additional facilities assistance under Section 42.4101 (Additional Assistance for Districts With Students Using Public Education Grants) if the district enrolls a number of students using public education grants that is at least one percent of the district's average daily attendance for the preceding school year. Deletes existing text entitling a school district to additional facilities assistance under Section 42.4101 if the district agrees to accept a number of students using public education grants that is at least one percent of the district's average daily attendance for the preceding school year, and provide services to each student until the student either voluntarily decides to attend a school in a different district or graduates from high school.

(d) Deletes existing text entitling a school district chosen by a student's parent under Section 29.201 to accept or reject the application for the student to attend school in that district but prohibiting the school district from using criteria that discriminate on the basis of a student's race, ethnicity, academic achievement, athletic abilities, language proficiency, sex, or socioeconomic status. Requires a school district that has more applicants, rather than more acceptable applicants, for attendance under this subchapter than available positions to fill the available positions by lottery, rather than to give priority to students at risk of dropping out of school as defined by Section 29.081 and to fill available positions by lottery. Authorizes a school district, to achieve continuity in education, to give priority to the siblings of enrolled students, rather than to give preference over at-risk students to enrolled students and to the siblings of enrolled students, residing in the same household or other children residing in the same household as enrolled students for the convenience of parents, guardians, or custodians of those children.

(f) Makes no change to this subsection.

SECTION 8. Repealers: Sections 25.032 (Basis for Assignment of Transfer), 25.033 (Assignment or Transfer on Petition of Parent), and 25.034 (Hearing; Action on Petition; Appeal), Education Code.

SECTION 9. Provides that this Act applies beginning with the 2013-2014 school year.

SECTION 10. Effective date: upon passage or September 1, 2013.