

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1775
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Education
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Committee Report (Substituted)

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.

C.S.S.B. 1775 amends current law relating to school campus information, student transfers, and the public education grant program.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the commissioner of education is modified in SECTION 3 (Section 25.031, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 8.051, Education Code, as follows:

(e) Requires each regional education service center to consolidate and submit to the Texas Education Agency (TEA) or the entity contracting with TEA under Section 25.0012(b) the school availability information required under Section 25.0012 for any school located in the area served by the center. Requires each school district and open-enrollment charter school to provide the necessary information to the center once each year. Requires that the information be submitted by the center in the manner and format specified by TEA or contracting entity. Requires each center to provide additional campus information and enrollment services as required 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, as determined by the district;
- (5) intensive programs offered at each campus, including optional flexible school day and credit recovery programs;
- (6) college and career readiness programs offered at each campus, including dual credit programs, international baccalaureate programs, advanced placement programs, magnet programs, and Advancement Via Individual Determination (AVID) programs; and
- (7) expanded learning programs, including extended day programs, extended year programs, and 21st Century Community Learning Center programs.

(b) Authorizes TEA to contract for the services of one or more contractors to develop, implement, maintain, and publicize an Internet website that enables the public to identify by zip code the school district campuses and open-enrollment charter schools located in a student's district of residence and contiguous districts that match identified performance and program offerings, including the program offerings in Subsections (a)(5)-(a)(7). Requires that the Internet website, for each campus identified, display the information specified in Subsections (a)(2) and (a)(3) and the process by which a student is authorized to enroll in a campus that is not the campus to which the student is assigned. Requires TEA to consider an applicant's demonstrated competence and qualifications in maximizing Internet 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 Section 25.031, Education Code, as follows:

Sec. 25.031. New heading: ASSIGNMENTS AND TRANSFERS; OPEN ENROLLMENT. (a) Creates this subsection from existing text. 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 this subchapter (Assignments and Transfers) and rules adopted by the commissioner, to assign and transfer any student from one school facility or classroom to another within its jurisdiction.

(b) Requires a school district that has more applicants for a transfer to a school facility than available positions, except as otherwise provided by this section, 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.

(c) Authorizes the board of trustees of a school district to adopt a policy that establishes admissions criteria, including audition or performance criteria, for admission to a campus or program, including a magnet campus or program, that offers specialized areas of study and focus for students.

(d) Requires a school district, except as otherwise provided by Subsection (b) or (c), by this subchapter, or by commissioner rule, to permit open enrollment in any campus in the district.

(e) Prohibits a school district, in permitting transfers under this section, from discriminating on the basis of a student's race, ethnicity, sex, or socioeconomic status.

(f) Authorizes a student permitted to transfer to a campus under this section to continue to attend that campus and the campuses to which students from that campus are regularly assigned for higher grade levels until the student graduates from high school.

SECTION 4. 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 decides to attend a school in a different district or graduates from high school.

SECTION 5. Amends Section 29.202(b), Education Code, to delete existing text providing that after a student has used a public education grant to attend a school in a district other than the district in which the student resides, the student becomes ineligible for the grant if the student is assigned to attend a school that does not meet the criteria under Subsection (a) (relating to providing that a student is eligible to receive a public education grant or to attend another public school in the district in which the student resides under this subchapter if the student is assigned to attend a public school campus that meets certain conditions).

SECTION 6. Amends Sections 29.203(c) and (d), 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.

SECTION 7. Provides that this Act applies beginning with the 2013-2014 school year.

SECTION 8. Effective date: upon passage or September 1, 2013.