

By: Zaffirini

S.B. No. 48

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the transfer of a student from the school district of
3 the student's residence to another district.

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

5 SECTION 1. Section 25.036, Education Code, is amended by
6 amending Subsection (a) and adding Subsections (c), (d), and (e) to
7 read as follows:

8 (a) Any child, other than a high school graduate, who is
9 younger than 21 years of age and eligible for enrollment on
10 September 1 of any school year may transfer each school year
11 [~~annually~~] from the child's school district of residence to another
12 district in this state if both the receiving district and the
13 applicant parent or guardian or person having lawful control of the
14 child jointly approve and timely agree in writing to the transfer.

15 (c) Subject to Subsection (d), the transfer agreement may
16 authorize the receiving school district to revoke, at any time
17 during the school year, the approval of the child to transfer if:

18 (1) the child:

19 (A) fails to comply with a condition specified in
20 the agreement that is:

21 (i) conduct for which a student is required
22 to be removed from class and placed in a disciplinary alternative
23 education program under Section 37.006; or

24 (ii) conduct for which a student is

1 required to be expelled from school under Section 37.007; or

2 (B) commits an offense under Section 25.094 or is
3 required to attend school under Section 25.085 and engages in
4 conduct described by Section 25.094(a)(3), unless the child proves
5 to the satisfaction of the district that one or more of the absences
6 described by Section 25.094(a)(3) were excused by a school official
7 or by a court or were involuntary and there is an insufficient
8 number of unexcused or voluntary absences remaining to constitute
9 conduct described by Section 25.094(a)(3); or

10 (2) the parent or guardian or person having lawful
11 control of the child who executed the transfer agreement fails to
12 pay tuition as authorized under Section 25.038 in accordance with
13 the agreement.

14 (d) Before a transfer approval may be revoked under this
15 section, the receiving school district must provide due process
16 concerning the proposed revocation in accordance with commissioner
17 rule, including a conference, any appeal, any proceeding, or a
18 hearing as provided under Section 37.009(a), (b), or (f), as
19 applicable, in the case of a proposed revocation under Subsection
20 (c)(1)(A)(i) or (ii). Section 37.004 also applies to consideration
21 of revocation of transfer approval under this section.

22 (e) If a transfer approval is revoked under this section:

23 (1) a child is not entitled to attend school in the
24 receiving school district under a transfer agreement after the
25 fifth school day after the date the child's parent or guardian or
26 person having lawful control of the child receives written notice
27 of the revocation; and

1 (2) the receiving district shall refund an amount of
2 any tuition fee paid under Section 25.038 proportionate to any
3 portion of the school year for which the fee was paid that is
4 remaining after the date the child is no longer entitled to attend
5 school in the receiving district under Subdivision (1).

6 SECTION 2. This Act applies beginning with the 2013-2014
7 school year.

8 SECTION 3. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2013.