

By: Zaffirini

S.B. No. 48

A BILL TO BE ENTITLED

AN ACT

relating to the transfer of a student from the school district of the student's residence to another district.

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

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

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

(1) the child:

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

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

(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 student
5 proves to the satisfaction of the district that one or more of the
6 absences described by Section 25.094(a)(3) were excused by a school
7 official or by a court or were involuntary and there is an
8 insufficient number of unexcused or voluntary absences remaining to
9 constitute 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).

21 (e) If a transfer approval is revoked under this section,
22 the receiving school district shall refund an amount of any tuition
23 fee paid under Section 25.038 proportionate to any portion of the
24 school year remaining after the revocation and for which the fee was
25 paid.

26 SECTION 2. This Act applies beginning with the 2013-2014
27 school year.

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