

1-1 By: Zaffirini S.B. No. 48
 1-2 (In the Senate - Filed November 12, 2012; January 28, 2013,
 1-3 read first time and referred to Committee on Education;
 1-4 April 8, 2013, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 8, Nays 0; April 8, 2013,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 48 By: Duncan

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the transfer of a student from the school district of
 1-22 the student's residence to another district.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 25.036, Education Code, is amended by
 1-25 amending Subsection (a) and adding Subsections (c), (d), and (e) to
 1-26 read as follows:

1-27 (a) Any child, other than a high school graduate, who is
 1-28 younger than 21 years of age and eligible for enrollment on
 1-29 September 1 of any school year may transfer each school year
 1-30 ~~[annually]~~ from the child's school district of residence to another
 1-31 district in this state if both the receiving district and the
 1-32 applicant parent or guardian or person having lawful control of the
 1-33 child jointly approve and timely agree in writing to the transfer.

1-34 (c) Subject to Subsection (d), the transfer agreement may
 1-35 authorize the receiving school district to revoke, at any time
 1-36 during the school year, the approval of the child to transfer if:

1-37 (1) the child:

1-38 (A) fails to comply with a condition specified in
 1-39 the agreement that is:

1-40 (i) conduct for which a student is required
 1-41 to be removed from class and placed in a disciplinary alternative
 1-42 education program under Section 37.006; or

1-43 (ii) conduct for which a student is
 1-44 required to be expelled from school under Section 37.007; or

1-45 (B) commits an offense under Section 25.094 or is
 1-46 required to attend school under Section 25.085 and engages in
 1-47 conduct described by Section 25.094(a)(3), unless the child proves
 1-48 to the satisfaction of the district that one or more of the absences
 1-49 described by Section 25.094(a)(3) were excused by a school official
 1-50 or by a court or were involuntary and there is an insufficient
 1-51 number of unexcused or voluntary absences remaining to constitute
 1-52 conduct described by Section 25.094(a)(3); or

1-53 (2) the parent or guardian or person having lawful
 1-54 control of the child who executed the transfer agreement fails to
 1-55 pay tuition as authorized under Section 25.038 in accordance with
 1-56 the agreement.

1-57 (d) Before a transfer approval may be revoked under this
 1-58 section, the receiving school district must provide due process
 1-59 concerning the proposed revocation in accordance with commissioner
 1-60 rule, including a conference, any appeal, any proceeding, or a

2-1 hearing as provided under Section 37.009(a), (b), or (f), as
2-2 applicable, in the case of a proposed revocation under Subsection
2-3 (c)(1)(A)(i) or (ii). Section 37.004 also applies to consideration
2-4 of revocation of transfer approval under this section.

2-5 (e) If a transfer approval is revoked under this section:
2-6 (1) a child is not entitled to attend school in the
2-7 receiving school district under a transfer agreement after the
2-8 fifth school day after the date the child's parent or guardian or
2-9 person having lawful control of the child receives written notice
2-10 of the revocation; and

2-11 (2) the receiving district shall refund an amount of
2-12 any tuition fee paid under Section 25.038 proportionate to any
2-13 portion of the school year for which the fee was paid that is
2-14 remaining after the date the child is no longer entitled to attend
2-15 school in the receiving district under Subdivision (1).

2-16 SECTION 2. This Act applies beginning with the 2013-2014
2-17 school year.

2-18 SECTION 3. This Act takes effect immediately if it receives
2-19 a vote of two-thirds of all the members elected to each house, as
2-20 provided by Section 39, Article III, Texas Constitution. If this
2-21 Act does not receive the vote necessary for immediate effect, this
2-22 Act takes effect September 1, 2013.

2-23 * * * * *