

By: West

S.B. No. 1775

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to student eligibility to attend public school districts  
3 and charter schools, student transfers, and the Public Education  
4 Grant Program.

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

6 SECTION 1. Section 8.051, Education Code, is amended by  
7 adding Subsection (e) to read as follows:

8 (e) Each regional education service center shall gather,  
9 consolidate, and submit to the agency or third party designated by  
10 the agency the information specified in Section 25.0012 for its  
11 region in the manner and format specified by the agency or third  
12 party and provide additional campus information and enrollment  
13 facilitation services as directed by the commissioner.

14 SECTION 2. Subchapter A, Chapter 25, Education Code, is  
15 amended by adding Section 25.0012 to read as follows:

16 Sec. 25.0012. SCHOOL AVAILABILITY INFORMATION.

17 (a) A school district, open-enrollment charter school, or  
18 regional education service center shall prominently display and  
19 maintain on the entity's Internet website a list that includes:

20 (1) each campus located within the district, area served by  
21 the school, or region;

22 (2) the number of students that may attend each campus;

23 (3) the number of students attending each campus;

24 (4) the number of available student positions at each

1 campus;

2 (5) intensive programs offered at each campus, such as an  
3 optional Flexible school day, credit recovery program;

4 (7) college and career readiness programs such as dual  
5 credit offerings, AVID, International Baccalaureate, or Advanced  
6 Placement programs;

7 (8) expanded learning programs, such as extended day,  
8 extended year programs or 21st Century after-school programs.

9 (b) The agency shall contract for the services of one or  
10 more third-party contractors to develop, implement, maintain, and  
11 publicize an Internet website that enables the public to identify  
12 by zip code campuses of school districts and open-enrollment  
13 charter schools located within the student's district of residence  
14 and contiguous districts that match identified performance and  
15 program offerings, including the categories of program offerings  
16 specified in Subsections (a)(5)-(a)(7. For each campus identified,  
17 the website shall display the information specified in Subsections  
18 (a)(2) and (a)(3) as well as the step-by-step process by which a  
19 student may enroll in a campus outside the student's assigned  
20 attendance zone. In addition to any other considerations required  
21 by law, the agency must consider an applicant's demonstrated  
22 competence and qualifications in maximizing website accessibility  
23 and ease of use in awarding a contract under this subsection.

24 (c) In addition to any amount appropriated by the  
25 legislature, the agency may accept funds from any other public or  
26 private entity to carry out the requirements of this section.

27 Funds accepted under this section may not be accepted on terms

1 inconsistent with the requirements of this section.

2 SECTION 3. The heading of Section 25.031, Education Code,  
3 is amended to read as follows:

4 Sec. 25.031. OPEN ENROLLMENT [~~ASSIGNMENTS AND TRANSFERS IN~~  
5 ~~DISCRETION OF GOVERNING BOARD~~].

6 SECTION 4. Section 25.031, Education Code, is amended to  
7 read as follows:

8 In conformity with rules adopted by the commissioner and this  
9 subchapter, the board of trustees of a school district or the board  
10 of county school trustees or a school employee designated by the  
11 board shall [~~may~~] assign and transfer any student from one school  
12 facility or classroom to another within its jurisdiction. A school  
13 district that has more applicants for transfer under this section  
14 than available positions must give priority to students at risk of  
15 dropping out of school as defined by Section 29.081 and must fill  
16 the available positions by lottery.

17 SECTION 5. Section 25.036, Education Code, is amended by  
18 amending Subsection (a) and adding Subsections (c, (d), (e) and (f)  
19 to read as follows:

20 Sec. 25.036. TRANSFER OF STUDENT. (a) Any child, other  
21 than a high school graduate, who is younger than 21 years of age and  
22 eligible for enrollment on September 1 of any school year may  
23 transfer [~~annually~~] from the child's school district of residence  
24 to another district in this state if [~~both the receiving district~~  
25 ~~and~~] the applicant parent or guardian or person having lawful  
26 control of the child requests [~~jointly approve and timely agree~~]  
27 the transfer in writing [~~to the transfer~~].

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

4       (d) The board of trustees of a school district shall adopt a  
5 policy that establishes the standards by which the district will  
6 determine whether positions are available at a campus.

7       (e) A school district that has more applicants for  
8 attendance under Subsection (a) than available positions must fill  
9 the available positions by lottery.

10       (f) The board of trustees of a school district may adopt a  
11 policy that provides for the exclusion of a student who has a  
12 documented history of a criminal offense, a juvenile court  
13 adjudication, or discipline problems under Subchapter A, Chapter  
14 37.

15       SECTION 6. Section 29.201, Education Code, is amended to  
16 read as follows:

17       Sec. 29.201. PARENTAL CHOICE. Notwithstanding any other  
18 provision of this code, as provided by this subchapter an eligible  
19 student may attend a public school in the district in which the  
20 student resides or may use a public education grant to attend any  
21 other district chosen by the student's parent until the student  
22 either voluntarily decides to attend a school in a different  
23 district or graduates from high school.

24       SECTION 7. Sections 29.203 (c), (d), and (f), Education  
25 Code, are amended to read as follows:

26       (c) A school district is entitled to additional facilities  
27 assistance under Section 42.4101 if the district enrolls [~~agrees~~

1 ~~to.~~]

2 ~~(1) accept~~] a number of students using public education  
3 grants that is at least one percent of the district's average daily  
4 attendance for the preceding school year [~~, and~~

5 ~~(2) provide services to each student until the student~~  
6 ~~either voluntarily decides to attend a school in a different~~  
7 ~~district or graduates from high school].~~

8 (d) [~~A school district chosen by a student's parent under~~  
9 ~~Section 29.201 is entitled to accept or reject the application for~~  
10 ~~the student to attend school in that district but may not use~~  
11 ~~criteria that discriminate on the basis of a student's race,~~  
12 ~~ethnicity, academic achievement, athletic abilities, language~~  
13 ~~proficiency, sex, or socioeconomic status.] A school district that  
14 has more [~~acceptable~~] applicants for attendance under this  
15 subchapter than available positions [~~must give priority to students~~  
16 ~~at risk of dropping out of school as defined by Section 29.081 and~~  
17 must fill the available positions by lottery. However, to achieve  
18 continuity in education, a school district may give [~~preference~~  
19 ~~over at-risk students~~] priority [~~to enrolled students and~~] to the  
20 siblings of enrolled students residing in the same household or  
21 other children residing in the same household as enrolled students  
22 for the convenience of parents, guardians, or custodians of those  
23 children.~~

24 (f) The school district in which a student resides shall  
25 provide each student attending a school in another district under  
26 this subchapter transportation free of charge to and from the  
27 school the student would otherwise attend.

1           SECTION 8. The following sections of the Education Code are  
2 repealed:

3           (1) Section 25.032, Education Code;

4           (2) Section 25.033, Education Code; and

5           (3) Section 25.034, Education Code.

6           SECTION 9. This Act applies beginning with the 2013-2014  
7 school year.

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