

By: Bohac

H.B. No. 1796

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to public school choice, including school campus  
3 information, student transfers, the public education grant  
4 program, and the transportation allotment.

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  
9 consolidate and submit to the agency or the entity contracting with  
10 the agency under Section 25.0012(c) the school availability  
11 information required under Section 25.0012 for any school located  
12 in the area served by the center. Each school district and  
13 open-enrollment charter school shall provide the necessary  
14 information to the regional education service center once each  
15 year. The information shall be submitted by the center in the manner  
16 and format specified by the agency or contracting entity. Each  
17 regional education service center shall provide additional campus  
18 information and enrollment services as required by the  
19 commissioner.

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

22 Sec. 25.0012. SCHOOL AVAILABILITY INFORMATION. (a) The  
23 agency shall maintain an Internet website, separate from the  
24 agency's main Internet website, that includes the following

1 information:

2 (1) each campus located within each school district  
3 and the area served by each campus, including any open-enrollment  
4 charter school located in the district;

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

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

8 (4) the number of available student positions at each  
9 campus, as determined by the district or school;

10 (5) intensive programs offered at each campus,  
11 including optional flexible school day and credit recovery  
12 programs;

13 (6) college and career readiness programs offered at  
14 each campus, including dual credit programs, international  
15 baccalaureate programs, advanced placement programs, magnet  
16 programs, and Advancement Via Individual Determination (AVID)  
17 programs;

18 (7) expanded learning programs, including extended  
19 day programs, extended year programs, and 21st Century Community  
20 Learning Center programs;

21 (8) the performance ratings under Subchapter C,  
22 Chapter 39, for the three preceding school years of each campus,  
23 district, and open-enrollment charter school; and

24 (9) the financial accountability ratings under  
25 Subchapter D, Chapter 39, for the three preceding school years of  
26 each district and open-enrollment charter school.

27 (b) The Internet website required by Subsection (a) must

1 enable the public to identify by zip code the school district  
2 campuses and open-enrollment charter schools located in a student's  
3 district of residence and contiguous districts and search by  
4 identified performance and program offerings, including the  
5 program offerings in Subsections (a)(5)-(7). For each campus  
6 identified, the Internet website shall display the information  
7 specified in Subsections (a)(2) and (3) and the process by which a  
8 student may enroll in a campus that is not the campus to which the  
9 student is assigned.

10 (c) The agency may contract for the services of one or more  
11 contractors to develop, implement, maintain, and publicize the  
12 Internet website required by Subsection (a). In awarding a contract  
13 under this subsection, the agency must consider an applicant's  
14 demonstrated competence and qualifications in maximizing Internet  
15 website accessibility and ease of use.

16 (d) The agency and each school district, open-enrollment  
17 charter school, and regional education service center shall  
18 prominently display and maintain on the main page of the entity's  
19 Internet website a link to the Internet website required by  
20 Subsection (a).

21 (e) Each school district, open-enrollment charter school,  
22 and regional education service center shall maintain on the  
23 entity's Internet website a description of the procedure for a  
24 student to transfer to another campus within the entity's  
25 jurisdiction. Each school district, open-enrollment charter  
26 school, and regional education service center shall display on the  
27 main page of the entity's Internet website a link to the information

1 required by this subsection.

2 (f) In addition to any amount appropriated by the  
3 legislature, the agency may accept funds from any other public or  
4 private entity to carry out the requirements of this section. Funds  
5 accepted under this subsection may not be accepted on terms  
6 inconsistent with the requirements of this section.

7 SECTION 3. Section 25.033, Education Code, is amended to  
8 read as follows:

9 Sec. 25.033. ASSIGNMENT OR TRANSFER ON PETITION OF PARENT.

10 (a) The parent or person standing in parental relation to any  
11 student that resides in the school district may by petition in  
12 writing ~~[either:~~

13 ~~[(1)] request the assignment or transfer of the student~~  
14 to a designated school or to a school to be designated by the board.  
15 Except as provided by this section and Sections 25.0341, 25.0342,  
16 and 25.0343, the board shall grant the request ~~[, or~~

17 ~~[(2) file objections to the assignment of the student~~  
18 to the school to which the student has been assigned].

19 (b) A school district may not be required to accept a  
20 transfer to a school facility if the projected student enrollment  
21 growth of the attendance zone of the facility will cause the  
22 facility to exceed available capacity within three years.

23 (c) Except as otherwise provided by this section, a school  
24 district that has more applicants for a transfer to a school  
25 facility than available positions must give priority to students at  
26 risk of dropping out of school as defined by Section 29.081 and must  
27 fill the available positions by lottery.

1       (d) The board of trustees of a school district may adopt a  
2 policy that establishes admissions criteria, including audition or  
3 performance criteria, for admission to a campus or program,  
4 including a magnet campus or program, that:

5           (1) offers specialized areas of study and focus for  
6 students; or

7           (2) limits admission to students of a single gender.

8       (e) Subject to Subsection (d)(2), in permitting transfers  
9 under this section, a school district may not discriminate on the  
10 basis of a student's national origin, ancestral language,  
11 ethnicity, gender, or socioeconomic status.

12       (f) Except as otherwise provided by this section, a student  
13 permitted to transfer to a campus under this section may continue to  
14 attend that campus and the campuses to which students from that  
15 campus are regularly assigned for higher grade levels until the  
16 student graduates from high school.

17       (g) The commissioner may adopt rules necessary to implement  
18 this section.

19       SECTION 4. Section 25.035, Education Code, is amended to  
20 read as follows:

21       Sec. 25.035. TRANSFERS BETWEEN DISTRICTS OR COUNTIES. (a)  
22 The boards of trustees of two or more [~~adjoining~~] school districts  
23 or the boards of county school trustees of two or more [~~adjoining~~]  
24 counties may, by agreement [~~and in accordance with Sections 25.032,~~  
25 ~~25.033, and 25.034~~], arrange for the transfer and assignment of any  
26 student from the jurisdiction of one board to that of another. In  
27 the case of the transfer and assignment of a student under this

1 section, the participating governing boards shall also agree to the  
2 transfer of school funds or other payments proportionate to the  
3 transfer of attendance.

4 (b) The parent or person standing in parental relation to a  
5 student may by written petition request the assignment or transfer  
6 of the student to:

7 (1) a designated school in a district other than the  
8 student's district of residence; or

9 (2) a school designated by the board of trustees of a  
10 district other than the student's district of residence.

11 (c) The board of trustees of a school district may adopt a  
12 policy that provides for the exclusion or removal of a student  
13 requesting or receiving a transfer under this section who has a  
14 documented history of a criminal offense, juvenile court  
15 adjudication, failure to attend school, or discipline problem under  
16 Subchapter A, Chapter 37.

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

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

1        (c) A transfer made under this section is effective until  
2 the parent or person standing in parental relation to the child  
3 decides to transfer the child to a school in a different district or  
4 the child graduates from high school.

5        SECTION 6. Section 26.003, Education Code, is amended to  
6 read as follows:

7        Sec. 26.003. RIGHTS CONCERNING ACADEMIC PROGRAMS. (a) A  
8 parent is entitled to:

9            (1) [~~petition the board of trustees designating the~~  
10 ~~school in the district that the parent's child will attend, as~~  
11 ~~provided by Section 25.033,~~

12            [~~(2)~~] reasonable access to the school principal, or to  
13 a designated administrator with the authority to reassign a  
14 student, to request a change in the class or teacher to which the  
15 parent's child has been assigned, if the reassignment or change  
16 would not affect the assignment or reassignment of another student;

17            (2) [~~(3)~~] request, with the expectation that the  
18 request will not be unreasonably denied:

19            (A) the addition of a specific academic class in  
20 the course of study of the parent's child in keeping with the  
21 required curriculum if sufficient interest is shown in the addition  
22 of the class to make it economically practical to offer the class;

23            (B) that the parent's child be permitted to  
24 attend a class for credit above the child's grade level, whether in  
25 the child's school or another school, unless the board or its  
26 designated representative expects that the child cannot perform  
27 satisfactorily in the class; or

1 (C) that the parent's child be permitted to  
2 graduate from high school earlier than the child would normally  
3 graduate, if the child completes each course required for  
4 graduation; and

5 (3) [~~(4)~~] have a child who graduates early as provided  
6 by Subdivision (2)(C) [~~(3)(C)~~] participate in graduation  
7 ceremonies at the time the child graduates.

8 (b) The decision of the board of trustees concerning a  
9 request described by Subsection (a)(1) or (2) [~~(a)(2) or (3)~~] is  
10 final and may not be appealed.

11 SECTION 7. Section 29.201, Education Code, is amended to  
12 read as follows:

13 Sec. 29.201. PARENTAL CHOICE. Notwithstanding any other  
14 provision of this code, as provided by this subchapter an eligible  
15 student may attend a public school in the district in which the  
16 student resides or may use a public education grant to attend any  
17 public school in any other district chosen by the student's parent  
18 or any person standing in parental relation to the student until the  
19 student decides to attend a school in a different district or  
20 graduates from high school.

21 SECTION 8. Section 29.202(b), Education Code, is amended to  
22 read as follows:

23 (b) After a student has used a public education grant to  
24 attend a school in a district other than the district in which the  
25 student resides, [+

26 [~~(1)~~] the student does not become ineligible for the  
27 grant if the school on which the student's initial eligibility is



1 based no longer meets the criteria under Subsection (a) [ ~~, and~~  
2  ~~[(2) the student becomes ineligible for the grant if~~  
3  ~~the student is assigned to attend a school that does not meet the~~  
4  ~~criteria under Subsection (a)] .~~

5 SECTION 9. Sections 29.203(c) and (d), Education Code, are  
6 amended to read as follows:

7 (c) A school district is entitled to additional facilities  
8 assistance under Section 42.4101 if the district enrolls [ ~~agrees~~  
9  ~~to:~~

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

13  ~~[(2) provide services to each student until the~~  
14  ~~student either voluntarily decides to attend a school in a~~  
15  ~~different district or graduates from high school] .~~

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

1 siblings of enrolled students residing in the same household or  
2 other children residing in the same household as enrolled students  
3 for the convenience of parents, guardians, or custodians of those  
4 children.

5 SECTION 10. Section 42.155(b), Education Code, is amended  
6 by amending Subdivision (3) and adding Subdivision (4) to read as  
7 follows:

8 (3) "Linear density" means:

9 (A) for purposes of Subsection (c), the average  
10 number of regular eligible students transported daily, divided by  
11 the approved daily route miles traveled by the [~~respective~~]  
12 transportation system; and

13 (B) for purposes of Subsection (c-1), the average  
14 number of school choice eligible students transported daily,  
15 divided by the approved daily route miles traveled by the  
16 transportation system.

17 (4) "School choice eligible student" means a student  
18 who resides two or more miles from the student's campus of choice as  
19 provided by Subchapter B, Chapter 25, measured along the shortest  
20 route that may be traveled on public roads, and who is not  
21 classified as a student eligible for special education services.

22 SECTION 11. Section 42.155, Education Code, is amended by  
23 adding Subsection (c-1) and amending Subsection (d) to read as  
24 follows:

25 (c-1) This subsection applies only to a district that the  
26 commissioner determines offers students residing in the district a  
27 variety of choices in selecting a campus for attendance and

1 provides transportation to an eligible student to the selected  
2 campus at no cost to the student. In determining under this  
3 subsection whether a district offers a variety of campus choices,  
4 the commissioner must consider the diversity of enrollment and  
5 curriculum criteria among campuses in the district, including  
6 criteria such as the gender of students enrolled at the campus, the  
7 subject matter or learning methods emphasized at the campus, and  
8 the degree to which athletic and other extracurricular activities  
9 are available at the campus. In addition to the regular  
10 transportation allotment under Subsection (c), a district is  
11 entitled to an allotment based on the daily cost per school choice  
12 eligible student of operating and maintaining the transportation  
13 system for school choice eligible students and the linear density  
14 of that system. In determining the cost, the commissioner shall  
15 give consideration to factors affecting the actual cost of  
16 providing those transportation services in the district. The  
17 average actual cost is to be computed by the commissioner and  
18 included for consideration by the legislature in the General  
19 Appropriations Act. The allotment per mile of approved route may  
20 not exceed the amount set by appropriation.

21 (d) A district or county may apply for and on approval of the  
22 commissioner receive an additional amount of up to 10 percent of its  
23 regular transportation allotment under Subsection (c) to be used  
24 for the transportation of children living within two miles of the  
25 school they attend who would be subject to hazardous traffic  
26 conditions if they walked to school. Each board of trustees shall  
27 provide to the commissioner the definition of hazardous conditions

1 applicable to that district and shall identify the specific  
2 hazardous areas for which the allocation is requested. A hazardous  
3 condition exists where no walkway is provided and children must  
4 walk along or cross a freeway or expressway, an underpass, an  
5 overpass or a bridge, an uncontrolled major traffic artery, an  
6 industrial or commercial area, or another comparable condition.

7 SECTION 12. Sections 25.032, 25.034, 25.0341(f),  
8 25.0342(g), and 25.0343(c), Education Code, are repealed.

9 SECTION 13. (a) Except as provided by Subsection (b) of  
10 this section, this Act applies beginning with the 2016-2017 school  
11 year.

12 (b) Sections 8.051(e) and 25.0012, Education Code, as added  
13 by this Act, apply beginning with the 2015-2016 school year.

14 SECTION 14. This Act takes effect immediately if it  
15 receives a vote of two-thirds of all the members elected to each  
16 house, as provided by Section 39, Article III, Texas Constitution.  
17 If this Act does not receive the vote necessary for immediate  
18 effect, this Act takes effect September 1, 2015.