

By: Zaffirini

S.B. No. 49

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 each school year [~~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 may be

1 expelled from school under Section 37.007;

2 (B) is found by a juvenile court to have engaged
3 in conduct indicating a need for supervision as described by
4 Section 51.03(b)(2), Family Code;

5 (C) commits an offense under Section 25.094; or

6 (D) is less than 12 years of age, is required to
7 attend school under Section 25.085, and engages in conduct
8 described by Section 25.094(a)(3), unless the child proves to the
9 satisfaction of the receiving school district that one or more of
10 the absences described by Section 25.094(a)(3) were excused by a
11 school official or by a court or were involuntary and there is an
12 insufficient number of unexcused or voluntary absences remaining to
13 constitute conduct described by Section 25.094(a)(3); or

14 (2) the parent or guardian or person having lawful
15 control of the child who executed the transfer agreement fails to
16 pay tuition as authorized under Section 25.038 in accordance with
17 the agreement.

18 (d) Before a transfer approval may be revoked under this
19 section, the receiving school district must provide an opportunity
20 for hearing in accordance with the process adopted under Section
21 11.1511(b)(13) and, in the case of a proposed revocation under
22 Subsection (c)(1)(A)(i) or (ii), a conference, any appeal, any
23 proceeding, or a hearing as provided under Section 37.009(a), (b),
24 or (f), as applicable. Section 37.004 also applies to
25 consideration of revocation of transfer approval under this
26 section.

27 (e) If a transfer approval is revoked under this section the

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

5 SECTION 2. This Act applies beginning with the 2015-2016
6 school year.

7 SECTION 3. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2015.