

By: Hancock

S.B. No. 1011

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
16 manner and format specified by the agency or contracting entity.
17 Each regional education service center shall provide additional
18 campus 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; and

21 (8) the accountability ratings under Subchapter C,
22 Chapter 39, for the preceding school year of each campus and
23 district.

24 (b) The Internet website required by Subsection (a) must
25 enable the public to identify by zip code the school district
26 campuses and open-enrollment charter schools located in a student's
27 district of residence and contiguous districts and search by

1 identified performance and program offerings, including the
2 program offerings in Subsections (a)(5)-(7). For each campus
3 identified, the Internet website shall display the information
4 specified in Subsections (a)(2) and (3) and the process by which a
5 student may enroll in a campus that is not the campus to which the
6 student is assigned.

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

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

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

26 (f) In addition to any amount appropriated by the
27 legislature, the agency may accept funds from any other public or

1 private entity to carry out the requirements of this section. Funds
2 accepted under this subsection may not be accepted on terms
3 inconsistent with the requirements of this section.

4 SECTION 3. Section 25.033, Education Code, is amended to
5 read as follows:

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

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

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

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

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

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

25 (d) The board of trustees of a school district may adopt a
26 policy that establishes admissions criteria, including audition or
27 performance criteria, for admission to a campus or program,

1 including a magnet campus or program, that:

2 (1) offers specialized areas of study and focus for
3 students; or

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

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

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

14 (g) The board of trustees of a school district may adopt a
15 policy that provides for the exclusion of a student requesting or
16 receiving a transfer under this section who has a documented
17 history of a criminal offense, juvenile court adjudication, failure
18 to attend school, or discipline problem under Subchapter A, Chapter
19 37.

20 (h) The commissioner may adopt rules necessary to implement
21 this section.

22 SECTION 4. Section 25.035, Education Code, is amended to
23 read as follows:

24 Sec. 25.035. TRANSFERS BETWEEN DISTRICTS OR COUNTIES. (a)
25 The boards of trustees of two or more [~~adjoining~~] school districts
26 or the boards of county school trustees of two or more [~~adjoining~~]
27 counties may, by agreement [~~and in accordance with Sections 25.032,~~

1 ~~25.033, and 25.034~~], arrange for the transfer and assignment of any
2 student from the jurisdiction of one board to that of another. In
3 the case of the transfer and assignment of a student under this
4 section, the participating governing boards shall also agree to the
5 transfer of school funds or other payments proportionate to the
6 transfer of attendance.

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

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

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

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

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

23 (a) Any child, other than a high school graduate, who is
24 younger than 21 years of age and eligible for enrollment on
25 September 1 of any school year may transfer [~~annually~~] from the
26 child's school district of residence to another district in this
27 state if both the receiving district and the applicant parent or

1 ~~[guardian or]~~ person standing in parental relation to ~~[having~~
2 ~~lawful control of]~~ the child jointly approve and timely agree in
3 writing to the transfer.

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

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

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

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

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

20 (2) ~~[(3)]~~ request, with the expectation that the
21 request will not be unreasonably denied:

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

26 (B) that the parent's child be permitted to
27 attend a class for credit above the child's grade level, whether in

1 the child's school or another school, unless the board or its
2 designated representative expects that the child cannot perform
3 satisfactorily in the class; or

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

8 (3) [~~(4)~~] have a child who graduates early as provided
9 by Subdivision (2)(C) [~~(3)(C)~~] participate in graduation
10 ceremonies at the time the child graduates.

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

14 SECTION 7. Section 29.201, Education Code, is amended to
15 read as follows:

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

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

26 (b) After a student has used a public education grant to
27 attend a school in a district other than the district in which the

1 student resides, ~~+~~

2 [~~(1)~~] the student does not become ineligible for the
3 grant if the school on which the student's initial eligibility is
4 based no longer meets the criteria under Subsection (a) ~~+, and~~

5 [~~(2) the student becomes ineligible for the grant if~~
6 ~~the student is assigned to attend a school that does not meet the~~
7 ~~criteria under Subsection (a)] .~~

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

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

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

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

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

1 ~~must~~] fill the available positions by lottery. However, to achieve
2 continuity in education, a school district may give priority
3 [~~preference over at-risk students to enrolled students and~~] to the
4 siblings of enrolled students residing in the same household or
5 other children residing in the same household as enrolled students
6 for the convenience of parents, guardians, or custodians of those
7 children.

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

11 (3) "Linear density" means:

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

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

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

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

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

24 (d) A district or county may apply for and on approval of the
25 commissioner receive an additional amount of up to 10 percent of its
26 regular transportation allotment under Subsection (c) to be used
27 for the transportation of children living within two miles of the

1 school they attend who would be subject to hazardous traffic
2 conditions if they walked to school. Each board of trustees shall
3 provide to the commissioner the definition of hazardous conditions
4 applicable to that district and shall identify the specific
5 hazardous areas for which the allocation is requested. A hazardous
6 condition exists where no walkway is provided and children must
7 walk along or cross a freeway or expressway, an underpass, an
8 overpass or a bridge, an uncontrolled major traffic artery, an
9 industrial or commercial area, or another comparable condition.

10 SECTION 12. Sections 25.032, 25.034, 25.0341(f),
11 25.0342(g), and 25.0343(c), Education Code, are repealed.

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

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

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