

BILL ANALYSIS

Senate Research Center
88R24320 KJE-D

C.S.S.B. 1557
By: Parker
Education
4/27/2023
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, Texas Education Code Section 25.033 and Section 25.034 allow a parent to petition in writing the transfer of a student to a designated school or to a school to be designated by the board. However, recent years have seen an alarming rise in child misconduct from school officials in schools across the country. The cases of physical, emotional, and sexual abuse of students by school officials have caused significant trauma to the victims, their families, and communities. The devastating effects of such misconduct go far beyond the immediate harm to the student and can last for a lifetime. The problem has been exacerbated by inadequate response and action from school districts and authorities, leading to a lack of trust and confidence in the education system.

S.B. 1557 protects children victimized by any crime or official misconduct, including sexual grooming, and allows them a new start in a safe environment.

S.B. 1557 seeks to provide options for parents and their children by allowing funds, totaling the normal apportionment for that child in a public school district, to be used at a school of their choice. The new school may be a different campus in the same district, a neighboring district, a charter school, or a private school.

S.B. 1557 creates Subchapter J of the Education Code, which creates all necessary regulations and eligibility requirements and gives rulemaking authority to the commissioner of the Texas Education Agency.

C.S.S.B. 1557 amends current law relating to providing for an election by the parent of a student who was victimized by a public school employee to transfer the student to another public school campus or receive funding for the student to attend private school.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education in SECTION 1 (Section 38.505, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 38, Education Code, by adding Subchapter J, as follows:

SUBCHAPTER J. PROTECTIONS FOR STUDENTS VICTIMIZED BY SCHOOL EMPLOYEES

Sec. 38.501. SCHOOL CHOICE. Authorizes the parent of an eligible student to elect for the student to:

- (1) be transferred to another school district campus as provided by Section 38.503; or
- (2) receive funding for the cost of educating the student in a private school including a home school, as provided by Section 38.504.

Sec. 38.502. ELIGIBILITY. (a) Provides that a student is eligible for the purposes of this subchapter if:

(1) the student is enrolled in a school district; and

(2) an employee of the school district in which the student is enrolled:

(A) is convicted of or placed on deferred adjudication community supervision for an offense committed against the student;

(B) is the subject of a report under Section 21.006 (Requirement to Report Misconduct) or 22.093 (Requirement to Report Employee Misconduct) on the basis of evidence that the employee engaged in misconduct described by the applicable section with the student; or

(C) engages in child grooming against the student by, with the intent that an offense under Chapter 43 (Public Indecency), Penal Code, or an offense involving sexual activity, the occurrence of which would subject the employee to criminal liability under Chapter 20A (Trafficking of Persons), 21 (Sexual Offenses), or 22 (Assaultive Offenses), Penal Code, be committed, knowingly persuading, inducing, enticing, or coercing, or attempting to persuade, induce, entice, or coerce, the student to engage in specific conduct that, under the circumstances surrounding the employee's conduct as the employee believes them to be, would:

(i) constitute an offense under Chapter 43, Penal Code, or an offense involving sexual activity the occurrence of which would subject the employee to criminal liability under Chapter 20A, 21, or 22, Penal Code; or

(ii) make the student a party to the commission of an offense described by Subparagraph (i).

(b) Authorizes a student to participate in the program until the earliest of the following dates:

(1) the date on which the student graduates from high school; or

(2) the date on which the student is no longer eligible to attend a public school under Section 25.001 (Admission).

Sec. 38.503. TRANSFER. (a) Requires the board of trustees of the school district in which the student is enrolled, on request of the parent of an eligible student, to transfer the student to:

(1) another district campus; or

(2) a neighboring school district, if there is only one campus in the district serving the grade level in which the student is enrolled.

(b) Requires that a transfer under this section be to a campus or school district, as applicable, agreeable to the student's parent.

(c) Provides that Section 25.034 (Hearing; Action on Petition; Appeal) does not apply to a transfer under this section.

(d) Provides that a school district is not required to provide transportation to a student who transfers to another campus or school district under this section.

Sec. 38.504. PRIVATE SCHOOL FUNDING. (a) Provides that a parent of an eligible student, if the parent elects for the student to enroll in a private school, including a home school, is entitled to receive from the state an annual amount equal to the amount to which the school district in which the student resides would be entitled to receive for the student under Chapter 48 (Foundation School Program) if the student were enrolled in the district.

(b) Authorizes money received under this section to be used only for the following educational expenses of the student:

(1) the payment of tuition and fees at a private school accredited by an organization that is recognized by the Texas Private School Accreditation Commission; or

(2) the purchase of a curriculum, instructional materials, or other educational items required for homeschooling, as provided by rule of the commissioner of education (commissioner).

(c) Prohibits a payment under Subsection (a) from being financed using federal funds or money appropriated from the available school fund,

(d) Prohibits a private school selected by the parent of an eligible student for the student to attend from being required to comply with any state law or rule governing the school's educational program that was not in effect on January 1, 2023.

Sec. 38.505. RULES. Requires the commissioner to adopt rules as necessary to implement this subchapter, including rules to prevent fraud and abuse.

SECTION 2. Provides that this Act applies beginning with the 2023–2024 school year.

SECTION 3. Effective date: upon passage or September 1, 2023.