88R3590 JTZ-D

By:  Bumgarner H.B. No. 4668

A BILL TO BE ENTITLED

AN ACT

relating to the admission to public schools of children unlawfully present in the United States and the eligibility of those children for the benefits of the available school fund and Foundation School Program.

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

SECTION 1.  Section 25.001, Education Code, is amended by amending Subsections (a), (b), and (c) and adding Subsections (a-1), (b-3), and (k) to read as follows:

(a)  A citizen or national of the United States, or an alien lawfully present in the United States, [~~person~~] who, on the first day of September of any school year, is at least five years of age and under 21 years of age, or is at least 21 years of age and under 26 years of age and is admitted by a school district to complete the requirements for a high school diploma is entitled to the benefits of the available school fund for that year. Any other citizen or national of the United States or alien lawfully present in the United States [~~person~~] enrolled in a prekindergarten class under Section 29.153 is entitled to the benefits of the available school fund.

(a-1)  Notwithstanding Subsection (a), a person admitted by a school district under Subsection (b-3) is entitled to the benefits of the available school fund.

(b)  The board of trustees of a school district or its designee shall admit into the public schools of the district free of tuition a person who is a citizen or national of the United States, or an alien lawfully present in the United States, and is over five and younger than 21 years of age on the first day of September of the school year in which admission is sought, and may admit a person who is at least 21 years of age and under 26 years of age for the purpose of completing the requirements for a high school diploma, if:

(1)  the person and either parent of the person reside in the school district;

(2)  the person does not reside in the school district but a parent of the person resides in the school district and that parent is a joint managing conservator or the sole managing conservator or possessory conservator of the person;

(3)  the person and the person's guardian or other person having lawful control of the person under a court order reside within the school district;

(4)  the person has established a separate residence under Subsection (d);

(5)  the person is homeless, regardless of the residence of the person, of either parent of the person, or of the person's guardian or other person having lawful control of the person;

(6)  the person is a foreign exchange student placed with a host family that resides in the school district by a nationally recognized foreign exchange program, unless the school district has applied for and been granted a waiver by the commissioner under Subsection (e);

(7)  the person resides at a residential facility located in the district;

(8)  the person resides in the school district and is 18 years of age or older or the person's disabilities of minority have been removed;

(9)  the person does not reside in the school district but the grandparent of the person:

(A)  resides in the school district; and

(B)  provides a substantial amount of after-school care for the person as determined by the board; or

(10)  the person and either parent of the person reside in a residence homestead, as defined by Section 11.13(j), Tax Code, that is located on a parcel of property any part of which is located in the school district.

(b-3)  Notwithstanding Subsection (b), the board of trustees of a school district or the board's designee shall admit into the public schools of the district free of tuition a person who is not a citizen or national of the United States, or an alien lawfully present in the United States, and is over five and younger than 21 years of age on the first day of September of the school year in which admission is sought, or is seeking admission to a prekindergarten program under Section 29.153, if:

(1)  the United States government has entered into an agreement with this state to pay the cost of educating the person; and

(2)  the person is otherwise eligible for admission under Subsection (b) or Section 29.153(b), as applicable.

(c)  The board of trustees of a school district or the board's designee may require evidence that a person is eligible to attend the public schools of the district at the time the board or its designee considers an application for admission of the person. The board of trustees or its designee shall establish minimum proof of residency, United States citizenship or nationality, or status as an alien lawfully present in the United States acceptable to the district. The board of trustees or its designee may make reasonable inquiries to verify a person's eligibility for admission.

(k)  The agency shall seek to enter into an agreement with the United States government for the United States government to pay the cost of educating persons described by Subsection (b-3). If the agency and the United States government enter into such an agreement, the agency shall:

(1)  require each school district to report through the Public Education Information Management System (PEIMS) the information necessary to determine the amount of funding to which the district is entitled under Chapters 46 and 48 for persons admitted under Subsection (b-3);

(2)  submit to the United States government for reimbursement the total amount of funding determined under Subdivision (1); and

(3)  on receipt of reimbursement, distribute to each school district the amount of funding to which the district is entitled for persons admitted under Subsection (b-3).

SECTION 2.  Section 48.003, Education Code, is amended by adding Subsection (e) to read as follows:

(e)  Notwithstanding Subsections (a) and (b), a student who is not a citizen or national of the United States or an alien lawfully present in the United States is not entitled to the benefits of the Foundation School Program unless the student is admitted by a school district under Section 25.001(b-3).

SECTION 3.  This Act applies beginning with the 2024-2025 school year.

SECTION 4.  This Act takes effect September 1, 2023.