

By: Parker

S.B. No. 1557

A BILL TO BE ENTITLED

AN ACT

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.

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

SECTION 1. Chapter 38, Education Code, is amended by adding Subchapter J to read as follows:

SUBCHAPTER J. PROTECTIONS FOR STUDENTS VICTIMIZED BY SCHOOL EMPLOYEES

Sec. 38.501. SCHOOL CHOICE. The parent of an eligible student may 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) A student is eligible for 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

1 against the student; or

2 (B) is the subject of a report under Section
3 21.006 or 22.093 on the basis of evidence that the employee engaged
4 in misconduct described by the applicable section with the student.

5 (b) A student may participate in the program until the
6 earliest of the following dates:

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

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

11 Sec. 38.503. TRANSFER. (a) On request of the parent of an
12 eligible student, the board of trustees of the school district in
13 which the student is enrolled shall transfer the student to:

14 (1) another district campus; or

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

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

20 (c) Section 25.034 does not apply to a transfer under this
21 section.

22 (d) A school district is not required to provide
23 transportation to a student who transfers to another campus or
24 school district under this section.

25 Sec. 38.504. PRIVATE SCHOOL FUNDING. (a) If the parent of
26 an eligible student elects for the student to enroll in a private
27 school, including a home school, the parent is entitled to receive

1 from the state an annual amount equal to the amount to which the
2 school district in which the student resides would be entitled to
3 receive for the student under Chapter 48 if the student were
4 enrolled in the district.

5 (b) Money received under this section may be used only for
6 the following educational expenses of the student:

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

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

13 (c) A payment under Subsection (a) may not be financed using
14 federal funds or money appropriated from the available school fund.

15 (d) A private school selected by the parent of an eligible
16 student for the student to attend may not be required to comply with
17 any state law or rule governing the school's educational program
18 that was not in effect on January 1, 2023.

19 Sec. 38.505. RULES. The commissioner shall adopt rules as
20 necessary to implement this subchapter, including rules to prevent
21 fraud or abuse.

22 SECTION 2. This Act applies beginning with the 2023-2024
23 school year.

24 SECTION 3. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2023.