

1-1 By: Parker S.B. No. 1557  
1-2 (In the Senate - Filed March 3, 2023; March 16, 2023, read  
1-3 first time and referred to Committee on Education; April 27, 2023,  
1-4 reported adversely, with favorable Committee Substitute by the  
1-5 following vote: Yeas 10, Nays 3; April 27, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14		X		
1-15		X		
1-16	X			
1-17	X			
1-18	X			
1-19	X			
1-20		X		

1-21 COMMITTEE SUBSTITUTE FOR S.B. No. 1557 By: Middleton

1-22 A BILL TO BE ENTITLED  
1-23 AN ACT

1-24 relating to providing for an election by the parent of a student who  
1-25 was victimized by a public school employee to transfer the student  
1-26 to another public school campus or receive funding for the student  
1-27 to attend private school.

1-28 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-29 SECTION 1. Chapter 38, Education Code, is amended by adding  
1-30 Subchapter J to read as follows:

1-31 SUBCHAPTER J. PROTECTIONS FOR STUDENTS VICTIMIZED BY SCHOOL  
1-32 EMPLOYEES

1-33 Sec. 38.501. SCHOOL CHOICE. The parent of an eligible  
1-34 student may elect for the student to:

1-35 (1) be transferred to another school district campus  
1-36 as provided by Section 38.503; or

1-37 (2) receive funding for the cost of educating the  
1-38 student in a private school, including a home school, as provided by  
1-39 Section 38.504.

1-40 Sec. 38.502. ELIGIBILITY. (a) A student is eligible for  
1-41 purposes of this subchapter if:

1-42 (1) the student is enrolled in a school district; and

1-43 (2) an employee of the school district in which the  
1-44 student is enrolled:

1-45 (A) is convicted of or placed on deferred  
1-46 adjudication community supervision for an offense committed  
1-47 against the student;

1-48 (B) is the subject of a report under Section  
1-49 21.006 or 22.093 on the basis of evidence that the employee engaged  
1-50 in misconduct described by the applicable section with the student;  
1-51 or

1-52 (C) engages in child grooming against the student  
1-53 by, with the intent that an offense under Chapter 43, Penal Code, or  
1-54 an offense involving sexual activity, the occurrence of which would  
1-55 subject the employee to criminal liability under Chapter 20A, 21,  
1-56 or 22, Penal Code, be committed, knowingly persuading, inducing,  
1-57 enticing, or coercing, or attempting to persuade, induce, entice,  
1-58 or coerce, the student to engage in specific conduct that, under the  
1-59 circumstances surrounding the employee's conduct as the employee  
1-60 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) A student may 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.

Sec. 38.503. TRANSFER. (a) On request of the parent of an eligible student, the board of trustees of the school district in which the student is enrolled shall 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) A transfer under this section must be to a campus or school district, as applicable, agreeable to the student's parent.

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

(d) 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) If the parent of an eligible student elects for the student to enroll in a private school, including a home school, the parent 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 if the student were enrolled in the district.

(b) Money received under this section may 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 commissioner rule.

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

(d) A private school selected by the parent of an eligible student for the student to attend may not be 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. The commissioner shall adopt rules as necessary to implement this subchapter, including rules to prevent fraud or abuse.

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

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.

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