

BILL ANALYSIS

Senate Research Center
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S.B. 1832
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Education K-16
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, when a child is the victim of a crime at the hand of a school staff member or administrator, the family does not have easy ability to move their child from that school. Despite the fact that the offending school staff are typically removed from the school after such incidents, the school is still a place of trauma for the child. The families may not trust the remaining school staff. If the incident was public, the child faces the ridicule or shame of their classmates. Further, depending on how the case was handled by the district, the family may not trust the administrators and find that the safest environment for their child is outside their home school district.

S.B. 1832 grants families the ability to move their child to another school, whether it be another public school in their district, a private institution, or home school.

As proposed, S.B. 1832 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 38.555, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

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

SUBCHAPTER K. PROTECTIONS FOR STUDENTS VICTIMIZED BY SCHOOL EMPLOYEES

Sec. 38.551. SCHOOL CHOICE. Authorizes the parent of an eligible student to elect for the student to be transferred to another school district campus as provided by Section 38.553 or receive funding for the cost of educating the student in a private school, including a home school, as provided by Section 38.554.

Sec. 38.552. ELIGIBILITY (a) Provides that 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 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 school choice program under Section 38.551 until the earliest of the date on which the student graduates from high school or the date on which the student is no longer eligible to attend a public school under Section 25.001 (Admission).

Sec. 38.553. TRANSFER. (a) Requires the board of trustees of a school district in which the student is enrolled, on request of the parent of an eligible student, to transfer the student to another district campus or 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. 38.554. PRIVATE SCHOOL FUNDING. (a) Provides that 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 (Foundation School Program) if the student were enrolled in the district.

(b) Authorizes money received under this section to be used only for 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 the purchase of a curriculum, instructional materials, or other educational items required for homeschooling, as provided by commissioner of education (commissioner) rule.

(c) Prohibits a payment under Subsection (a) from being financed using federal money 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, 2025.

Sec. 38.555. RULES. Requires the commissioner to adopt rules as necessary to implement this subchapter, including rules to prevent fraud or abuse.

SECTION 2. Provides that this Act applies beginning with the 2025–2026 school year.

SECTION 3. Effective date: upon passage or September 1, 2025.