

By: Lowe

H.B. No. 5371

A BILL TO BE ENTITLED

AN ACT

relating to reporting on students not lawfully present in the United States enrolled in a public school; creating a criminal offense.

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

SECTION 1. Section 12.104(b), Education Code, is amended to read as follows:

(b) An open-enrollment charter school is subject to:

(1) a provision of this title establishing a criminal offense;

(2) the provisions in Chapter 554, Government Code; and

(3) a prohibition, restriction, or requirement, as applicable, imposed by this title or a rule adopted under this title, relating to:

(A) the Public Education Information Management System (PEIMS) to the extent necessary to monitor compliance with this subchapter as determined by the commissioner;

(B) criminal history records under Subchapter C, Chapter 22;

(C) reading instruments and accelerated reading instruction programs under Section 28.006;

(D) accelerated instruction under Section 28.0211;

(E) high school graduation requirements under  
Section 28.025;

(F) special education programs under Subchapter  
A, Chapter 29;

(G) bilingual education under Subchapter B,  
Chapter 29;

(H) prekindergarten programs under Subchapter E  
or E-1, Chapter 29, except class size limits for prekindergarten  
classes imposed under Section 25.112, which do not apply;

(I) extracurricular activities under Section  
33.081;

(J) discipline management practices or behavior  
management techniques under Section 37.0021;

(K) health and safety under Chapter 38;

(L) the provisions of Subchapter A, Chapter 39;

(M) public school accountability and special  
investigations under Subchapters A, B, C, D, F, G, and J, Chapter  
39, and Chapter 39A;

(N) the requirement under Section 21.006 to  
report an educator's misconduct;

(O) intensive programs of instruction under  
Section 28.0213;

(P) the right of a school employee to report a  
crime, as provided by Section 37.148;

(Q) bullying prevention policies and procedures  
under Section 37.0832;

(R) the right of a school under Section 37.0052

1 to place a student who has engaged in certain bullying behavior in a  
2 disciplinary alternative education program or to expel the student;

3 (S) the right under Section 37.0151 to report to  
4 local law enforcement certain conduct constituting assault or  
5 harassment;

6 (T) a parent's right to information regarding the  
7 provision of assistance for learning difficulties to the parent's  
8 child as provided by Sections 26.004(b)(11) and 26.0081(c) and (d);

9 (U) establishment of residency under Section  
10 25.001;

11 (V) school safety requirements under Sections  
12 37.0814, 37.108, 37.1081, 37.1082, 37.1083, 37.1084, 37.1085,  
13 37.1086, 37.109, 37.113, 37.114, 37.1141, 37.115, 37.207, and  
14 37.2071 and Subchapter J, Chapter 37;

15 (W) the early childhood literacy and mathematics  
16 proficiency plans under Section 11.185;

17 (X) the college, career, and military readiness  
18 plans under Section 11.186; ~~and~~

19 (Y) parental options to retain a student under  
20 Section 28.02124; and

21 (Z) the requirement to collect and report  
22 information under Section 25.0023.

23 SECTION 2. Subchapter A, Chapter 25, Education Code, is  
24 amended by adding Section 25.0023 to read as follows:

25 Sec. 25.0023. COLLECTION OF CITIZENSHIP OR IMMIGRATION  
26 STATUS INFORMATION AS PART OF ENROLLMENT; CRIMINAL OFFENSE. (a) In  
27 this section, "student not lawfully present" means a student who is

1 not:

2 (1) a citizen or national of the United States; or

3 (2) an alien who is lawfully admitted for permanent  
4 residence in the United States under the federal Immigration and  
5 Nationality Act (8 U.S.C. Section 1101 et seq.).

6 (b) To the extent allowed by state or federal law, a school  
7 district shall include on an enrollment form questions regarding  
8 the citizenship or immigration status of the person seeking  
9 admission to the district under Section 25.001. The form must  
10 include a statement that the person's response to the questions  
11 will not affect admission to the district.

12 (c) A school district that enrolls a person who does not  
13 submit on the enrollment form answers to the questions described by  
14 Subsection (b) shall place on the person's permanent school record  
15 a designation of "no available citizenship or immigration status."  
16 Documentation must be provided concerning immigration status with  
17 proof of such. Reporting must include two distinct categories  
18 regarding "students not lawfully present". Reporting must include  
19 clear and separate numbers for a non-citizen who is not a national  
20 of the United States and an alien who is lawfully admitted for  
21 permanent residence in the United States.

22 (d) A school district shall prepare and submit to the agency  
23 a quarterly report regarding:

24 (1) the number of students not lawfully present or  
25 with a designation itemized by the categories in this Section  
26 enrolled in the district; and

27 (2) for each student described by Subdivision (1):

1                   (A) the cost of educating the student, including  
2 costs associated with the need to hire additional classroom  
3 teachers or other employees; and

4                   (B) whether the student requires additional  
5 services, including services for:

6                               (i) a disability; or

7                               (ii) the student's status as educationally  
8 disadvantaged.

9           (e) A person commits an offense if the person:

10                   (1) provides a false statement on the enrollment form  
11 in answering the questions described by Subsection (b); or

12                   (2) is an employee of a school district who enrolls a  
13 student not lawfully present in the district without placing the  
14 designation required by Subsection (c) on the student's permanent  
15 school record.

16           (f) An offense under Subsection (e) is a Class A  
17 misdemeanor.

18           (g) This section may not be construed to permit a school  
19 district to consider a person's citizenship or immigration status  
20 for purposes of admission.

21           SECTION 3. This Act takes effect September 1, 2025.