

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 K to read as follows:

SUBCHAPTER K. PROTECTIONS FOR STUDENTS VICTIMIZED BY SCHOOL EMPLOYEES

Sec. 38.551. 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 38.553; or

(2) 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) 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;

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 or

6 (C) engages in child grooming against the student
7 by, with the intent that an offense under Chapter 43, Penal Code, or
8 an offense involving sexual activity, the occurrence of which would
9 subject the employee to criminal liability under Chapter 20A, 21,
10 or 22, Penal Code, be committed, knowingly persuading, inducing,
11 enticing, or coercing, or attempting to persuade, induce, entice,
12 or coerce, the student to engage in specific conduct that, under the
13 circumstances surrounding the employee's conduct as the employee
14 believes them to be, would:

15 (i) constitute an offense under Chapter 43,
16 Penal Code, or an offense involving sexual activity the occurrence
17 of which would subject the employee to criminal liability under
18 Chapter 20A, 21, or 22, Penal Code; or

19 (ii) make the student a party to the
20 commission of an offense described by Subparagraph (i).

21 (b) A student may participate in the school choice program
22 under Section 38.551 until the earliest of the following dates:

23 (1) the date on which the student graduates from high
24 school; or

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

27 Sec. 38.553. TRANSFER. (a) On request of the parent of an

1 eligible student, the board of trustees of the school district in
2 which the student is enrolled shall transfer the student to:

3 (1) another district campus; or

4 (2) a neighboring school district, if there is only
5 one campus in the district serving the grade level in which the
6 student is enrolled.

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

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

11 (d) A school district is not required to provide
12 transportation to a student who transfers to another campus or
13 school district under this section.

14 Sec. 38.554. PRIVATE SCHOOL FUNDING. (a) If the parent of
15 an eligible student elects for the student to enroll in a private
16 school, including a home school, the parent is entitled to receive
17 from the state an annual amount equal to the amount to which the
18 school district in which the student resides would be entitled to
19 receive for the student under Chapter 48 if the student were
20 enrolled in the district.

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

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

26 (2) the purchase of a curriculum, instructional
27 materials, or other educational items required for homeschooling,

1 as provided by commissioner rule.

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

4 (d) A private school selected by the parent of an eligible
5 student for the student to attend may not be required to comply with
6 any state law or rule governing the school's educational program
7 that was not in effect on January 1, 2025.

8 Sec. 38.555. RULES. The commissioner shall adopt rules as
9 necessary to implement this subchapter, including rules to prevent
10 fraud or abuse.

11 SECTION 2. This Act applies beginning with the 2025-2026
12 school year.

13 SECTION 3. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2025.