

BILL ANALYSIS

Senate Research Center
82R24400 CAS-F

C.S.S.B. 66
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Education
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The purpose of this legislation is to allow districts to revoke the transfer of a student coming from another district at any point during the school year if the student fails to comply with certain conditions specified in the transfer agreement. These conditions may include violation of school board policy or student code of conduct, failure to maintain a certain attendance rate, or any other policy the student agrees to upon being admitted to the receiving district.

Current law allows any student to transfer annually from the child's school district of residence to another district in the state if both the receiving district and the applicant parent or guardian jointly approve and timely agree in writing to the transfer. The law is silent about when a district can receive a child.

The Texas Education Agency (TEA) released a letter (November, 2008) informing districts that, according to the TEA Office of Legal Standards, the only reason a district could revoke a transfer mid-year is if a student does not pay lawfully required tuition. The Texas Association of School Boards (TASB) interpreted this to mean that districts that allowed inter-district transfers were no longer able to revoke transfers mid-year for students who violated the transfer policy.

C.S.S.B. 66 amends current law relating to the transfer of a student from the school district of the student's residence to another district.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 25.036, Education Code, by amending Subsection (a) and adding Subsections (c) and (d), as follows:

(a) Authorizes any child, other than a high school graduate, who is younger than 21 years of age and eligible for enrollment on September 1 of any school year to transfer, rather than transfer annually, from the child's school district of residence to another district in this state if both the receiving district and the applicant parent or guardian or person having lawful control of the child jointly approve and timely agree in writing to the transfer.

(c) Authorizes the transfer agreement from the receiving school district to revoke, at anytime during the school year, the approval of the child to transfer if the child:

(1) fails to comply with a condition specified in the agreement that is:

(A) a circumstance specified in the student code of conduct under Section 37.001(a)(1) (relating to requiring the student code of conduct to include the circumstances in which a child may be removed from a classroom, campus, or disciplinary alternative education program);

(B) a condition specified in the student code of conduct under Section 37.001(a)(2) (relating to conditions that authorize or require a principal or other appropriate administrator to transfer a student to a disciplinary alternative education program);

(C) conduct for which a student is required or permitted to be removed from a class and placed in a disciplinary alternative education program under Section 37.006 (Removal for Certain Conduct); or

(D) conduct for which a student is required or permitted to be expelled from school under Section 37.007 (Expulsion for Serious Offenses); or

(2) fails to maintain a specified school attendance rate.

(d) Requires the receiving school district, if a transfer approval is revoked under Subsection (c), to refund an amount of any tuition fee paid under Section 25.038 (Tuition Fee for Transfer Students) proportionate to any portion of the school year remaining after the revocation and for which the fee was paid.

SECTION 2. Provides that this Act applies beginning with the 2011-2012 school year.

SECTION 3. Effective date: upon passage or September 1, 2011.