

BILL ANALYSIS

Senate Research Center
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S.B. 418
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Education
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Texas public school students lack options for transferring to another campus or school district, even though they may seek to do so for legitimate reasons.

Additionally, under current statute, some public schools even charge tuition to students seeking to transfer to their campus from another district, creating an additional burden upon these students' families who are seeking to find the best situation for their child within the public school system.

The proposed legislation permits students to transfer to any public school that has student capacity available and also prohibits public school districts from charging these students tuition. By addressing these barriers, the proposed legislation provides more flexible options for families to meet their unique situations and needs.

As proposed, S.B. 418 amends current law relating to the transfer of public school students between certain school districts.

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 25.035, Education Code, as follows:

Sec. 25.035. TRANSFERS BETWEEN DISTRICTS OR COUNTIES. (a) Authorizes the boards of trustees of two or more school districts or the boards of county school trustees of two or more counties, in accordance with Sections 25.032 (Basis for Assignment or Transfer), 25.033 (Assignment or Transfer on Petition of Parent), and 25.034 (Hearing; Action on Petition; Appeal), to arrange for the transfer and assignment of any student from the jurisdiction of one board to that of another. Deletes existing text authorizing the boards of trustees of two or more adjoining school districts or the boards of county school trustees of two or more adjoining counties, by agreement and in accordance with certain sections, to arrange for the transfer and assignment of any student from the jurisdiction of one board to that of another. Deletes existing text requiring the participating governing boards, in the case of the transfer and assignment of a student under this section, to also agree to the transfer of school funds or other payments proportionate to the transfer of attendance.

(b) Authorizes a school district to deny approval of a transfer under this section if:

- (1) the district or a school in the district to which a student seeks to transfer is at full student capacity or has more requests for transfers than available positions;
- (2) at the time a student seeks to transfer, the student is suspended or expelled by the district in which the student is enrolled; or

(3) approving the transfer would supersede a court-ordered desegregation plan.

(c) Requires a school district that has more applicants for transfer under this section than available positions to fill the available positions by lottery and to give priority to applicants in the following order:

(1) students receiving special education services under Subchapter A (Special Education Program), Chapter 29;

(2) students who are dependents of military personnel;

(3) students who are dependents of law enforcement personnel;

(4) students in foster care;

(5) students who are the subject of court-ordered modification of an order establishing conservatorship or possession and access;

(6) students who are siblings of a student who is enrolled in the receiving district at the time the student seeks to transfer;

(7) students who are dependents of an employee of the receiving district; and

(8) students residing in the receiving district.

(d) Prohibits a student who transfers to another school district under this section from being charged tuition. Provides that the student is included in the average daily attendance of the district to which the student transfers, beginning on the date the student begins attending classes at that district.

(e) Authorizes, but does not require, a receiving school district to provide transportation to a student who transfers to the receiving district under this section.

(f) Authorizes a receiving school district to revoke, at any time during the school year, the approval of the student's transfer if the student:

(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 board of trustees of an independent school district to specify in the student code of conduct the circumstances under which a student may be removed from certain educational settings);

(B) a condition specified in the student code of conduct under Section 37.001(a)(2) (relating to requiring the board of trustees of an independent school district to specify in the student code of conduct the circumstances under which a principal or school administrator is authorized or required to transfer a student to a disciplinary alternative education program);

(C) conduct for which a student is required or permitted to be removed from 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.

SECTION 2. Provides that this Act applies beginning with the 2023–2024 school year.

SECTION 3. Effective date: upon passage or September 1, 2023.