

BILL ANALYSIS

Senate Research Center
77R5653 CAS-D

C.S.S.B. 206
By: Bivins
Education
3/1/2001
Committee Report (Substituted)

DIGEST AND PURPOSE

Current Texas law does not require a student-assault victim and the student who engaged in the conduct to be assigned to separate campuses, transportation routes, or extracurricular programs upon request by a parent or other person with authority to act on behalf of the victim. C.S.S.B. 206 proposes that a student who has been a victim of an assault and the student who committed the assault will be assigned to different campuses, transportation routes, or extracurricular activities. This bill also allows the victim to be transferred to a different school district if it is not feasible for the home district to place the victim in separate facilities. Finally, this bill entitles a district that accepts the victim to additional funding for as long as the victim and the student who committed the assault would have been assigned to the same campus in the home district.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education in SECTION 1 (Section 37.0071, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 37A, Education Code, by adding Section 37.0071, as follows:

Sec. 37.0071. TRANSFER OF AND FUNDING FOR VICTIMS. (a) Requires the board of trustees of the school district, on the request of a parent or other person with authority to act on behalf of a student who was the victim of conduct described by Section 37.007(a)(2), to ensure that the victim and the student who engaged in the conduct are not assigned to the same campus, transportation route, or extracurricular program, to the extent practicable. Prohibits the final decision of the board of trustees as to the practicability of reassigning a student from being appealed. Provides that this subsection applies regardless of where the offense occurred.

(b) Entitles a district to which the victim transfers under Section 25.036 to certain additional funding, if the board of trustees determines that it is not practicable for the victim and the student who engaged in the conduct to be assigned to separate campuses, routes, and programs.

(c) Requires a payment under Subsection (b) to a district to be prorated based on the portion of the school year a student attends school under this section in the district.

(d) Requires the Texas Education Agency (agency), on request of the school district to which the student transfers, to transfer to that district, along with any state funds transferred to the district under Section 25.037, an amount equal to the amount of the tuition payment to which the district is entitled under Subsection (b). Requires the agency to withhold an amount equal to the amount of that tuition payment from certain payments and funds.

(e) Provides that a determination by the commissioner concerning the amount of the

payment to which the district is entitled under Subsection (b) is final and prohibits it from being appealed.

(f) Authorizes the commissioner to adopt rules as necessary to implement and administer this section.

SECTION 2. Provides that this Act applies beginning with the 2001-2002 school year.

SECTION 3. Effective date: upon passage or September 1, 2001.

SUMMARY OF COMMITTEE CHANGES

Differs from original in SECTION 1 in Subsection (b) by adding the word “school” on line 20 when referring to a district to which the victim transfers, and adds language relating to tuition from the district from which the victim transfers in the amount authorized under Section 25.039(b), without regard to the grade levels offered by the district from which the student transfers. Differs from original in Subsection (c) by changing the reference of “payments” to “a payment.” Differs from original by adding a new Subsection (d) regarding funds sent to the school district to which the student transfers from the Texas Education Agency. Differs from original by adding a new Subsection (e) to provide that a determination by the commissioner of education (commissioner) concerning the amount of the payment to which the district is entitled under Subsection (b) is final and may not be appealed, and new Subsection (f) authorizes the commissioner to adopt rules as necessary to implement and administer the section.