

By: Olcott

H.B. No. 4886

A BILL TO BE ENTITLED

AN ACT

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

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

1 Section 28.025;
2 (F) special education programs under Subchapter
3 A, Chapter 29;
4 (G) bilingual education under Subchapter B,
5 Chapter 29;
6 (H) prekindergarten programs under Subchapter E
7 or E-1, Chapter 29, except class size limits for prekindergarten
8 classes imposed under Section 25.112, which do not apply;
9 (I) extracurricular activities under Section
10 33.081;
11 (J) discipline management practices or behavior
12 management techniques under Section 37.0021;
13 (K) health and safety under Chapter 38;
14 (L) the provisions of Subchapter A, Chapter 39;
15 (M) public school accountability and special
16 investigations under Subchapters A, B, C, D, F, G, and J, Chapter
17 39, and Chapter 39A;
18 (N) the requirement under Section 21.006 to
19 report an educator's misconduct;
20 (O) intensive programs of instruction under
21 Section 28.0213;
22 (P) the right of a school employee to report a
23 crime, as provided by Section 37.148;
24 (Q) bullying prevention policies and procedures
25 under Section 37.0832;
26 (R) the right of a school under Section 37.0052
27 to place a student who has engaged in certain bullying behavior in a

disciplinary alternative education program or to expel the student;

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

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

(U) establishment of residency under Section 25.001;

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

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

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

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

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

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

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

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

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

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

10 (c) Not later than September 1 of each year, a school
11 district shall report, in the manner and form prescribed by
12 commissioner rule:

13 (1) the number of students not lawfully present who
14 were admitted to the district during the preceding school year; and

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

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

19 (B) whether the student requires additional
20 services, including services for:

21 (i) a disability;

22 (ii) limited English proficiency; or

23 (iii) failure to perform satisfactorily on
24 an assessment instrument administered under Section 39.023.

25 (d) Not later than November 1 of each year, the agency shall
26 submit to the governor and the legislature a report on students not
27 lawfully present admitted to a school district during the preceding

1 school year. The report must include the data submitted under
2 Subsection (c) aggregated statewide.

3 (e) This section may not be construed to permit a school
4 district to consider a person's citizenship or immigration status
5 for purposes of admission.

6 SECTION 3. This Act applies beginning with the 2025-2026
7 school year.

8 SECTION 4. Notwithstanding Section 25.0023(d), Education
9 Code, as added by this Act, the Texas Education Agency shall submit
10 the initial report required by that subsection not later than
11 November 1, 2026.

12 SECTION 5. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2025.