

By: Riddle

H.B. No. 22

A BILL TO BE ENTITLED

1 AN ACT
2 relating to information regarding the citizenship and immigration
3 status of public school students.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subchapter A, Chapter 7, Education Code, is
6 amended by adding Section 7.011 to read as follows:

7 Sec. 7.011. COLLECTION AND REPORTING OF INFORMATION
8 REGARDING STUDENT CITIZENSHIP AND IMMIGRATION STATUS. (a) In this
9 section, "unauthorized alien" means a person who:

10 (1) is not a citizen or national of the United States;

11 and

12 (2) is not lawfully authorized to be present in the
13 United States according to the terms of 8 U.S.C. Section 1101 et
14 seq.

15 (b) Each school district and open-enrollment charter school
16 shall determine the citizenship and immigration status of each
17 student at the time of the student's initial enrollment in the
18 district or school.

19 (c) To make the determination required by Subsection (b),
20 the school district or open-enrollment charter school shall require
21 each student to provide an original or certified copy of the
22 student's birth certificate. If the student was not born a citizen
23 of the United States, the student's parent or guardian or other
24 person having lawful control of the student shall, not later than

1 the 30th day after the date of the student's enrollment in the
2 district or school:

3 (1) establish the citizenship or immigration status of
4 the student by:

5 (A) presenting official documentation of that
6 status for inspection and return by a school official; or

7 (B) submitting a notarized copy of the
8 documentation to a school official; and

9 (2) attest by affidavit that the documentation
10 presented under Subdivision (1) states the true identity of the
11 student.

12 (d) Each school district or open-enrollment charter school
13 shall include the information collected under this section
14 regarding the citizenship or immigration status of district or
15 school students in the district's or school's Public Education
16 Information Management System (PEIMS) report.

17 (e) The commissioner annually shall compile the information
18 collected under this section and under Section 29.066. The
19 compilation must:

20 (1) provide data on the number of students from each of
21 the following categories from each public school:

22 (A) citizens;

23 (B) immigrants classified under each immigration
24 classification; and

25 (C) students enrolled in bilingual education or a
26 special language program; and

27 (2) identify and analyze any impact on the standard or

1 quality of education provided to students who are citizens that may
2 occur as a result of the enrollment of students who are unauthorized
3 aliens.

4 (f) The commissioner shall adopt rules to administer this
5 section, including rules to establish objective criteria for
6 identifying and assessing the educational impact resulting from the
7 enrollment of unauthorized aliens as required by Subsection (e).
8 The rules may authorize the commissioner to contract with reputable
9 scholars or research institutions to identify and validate the
10 criteria. The rules must provide for imposing sanctions against a
11 school district or open-enrollment charter school that fails to
12 include the information collected under this section in the
13 district's or school's Public Education Information Management
14 System (PEIMS) report. The rules adopted under this section may not
15 be used to discriminate against a student on the basis of race,
16 color, disability, sex, religion, age, or national origin.

17 SECTION 2. Section 7.008, Education Code, is amended by
18 adding Subsection (f) to read as follows:

19 (f) Information obtained under Section 7.011 that
20 personally identifies a student may not be disclosed except as
21 provided by 8 U.S.C. Section 1373 or 1644.

22 SECTION 3. This Act applies beginning with the 2011-2012
23 school year.

24 SECTION 4. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2011.