School Safety Choice Option

TEA shall establish and implement a statewide policy requiring that a student be allowed to attend a safe public elementary or secondary school within a district, including a public charter school, if the student:

1. Attends a persistently dangerous public elementary or secondary school, as determined by TEA; or
2. Becomes a victim of a violent criminal offense, as determined by state law, while in or on the grounds of the public elementary or secondary school that the student attends.

20 U.S.C. 7912

Sexual Assault Transfer

These provisions apply to:

1. A student (the "assailant"):
   a. Who has been convicted of continuous sexual abuse of a young child or children, convicted of or placed on deferred adjudication for sexual assault or aggravated sexual assault committed against another student who, at the time the offense occurred, was assigned to the same campus as the student convicted or placed on deferred adjudication (the "conduct");
   b. Who has been adjudicated under Family Code 53.03 for engaging in the conduct;
   c. Whose prosecution under Family Code 53.03 for engaging in the conduct has been deferred; or
   d. Who has been placed on probation under Family Code 54.04(d)(1) for engaging in the conduct; and
2. A student who is the victim of the conduct (the "victim").

These provisions apply regardless of whether the conduct occurred on or off of school property.

Transfer of Victim

On the request of a parent or other person with authority to act on behalf of the victim of the conduct, a board shall transfer the victim to:

1. A district campus other than the campus to which:
   a. The victim was assigned at the time the conduct occurred; or
   b. The assailant is assigned, if the assailant has been assigned to a different campus since the conduct occurred; or

2. A neighboring school district, if there is only one campus in the district serving the grade level in which the victim is enrolled.

The transfer must be to a campus or school district, as applicable, agreeable to the parent or other person with authority to act on the victim's behalf.

Transfer of Assailant

If the victim does not wish to transfer to another campus or district, a board shall transfer the assailant to:

1. A district campus other than the campus to which the victim is assigned; or

2. A district's disciplinary alternative education program or juvenile justice alternative education program, if there is only one campus in the district serving the grade level in which the assailant is enrolled. [See FOC]

To the extent permitted under federal law [see FL], a district shall notify the parent or other person with authority to act on behalf of the victim of the campus or program to which the assailant is assigned.

Education Code 25.034 [see FDB] does not apply to a transfer under this provision.

A district is not required to provide transportation to a student who transfers to another campus or district under this provision.

Education Code 25.0341