

BILL ANALYSIS

Senate Research Center

H.B. 1202
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Education
5/23/2003
Committee Report (Amended)

DIGEST AND PURPOSE

Currently, charter school contracts stipulate the maximum allowable enrollment of a particular charter school. In compliance with this contract, the Texas Education Agency (TEA) is authorized to recover excess funds when a charter school exceeds the contract enrollment number. However, charter schools receive state funds based on the average daily attendance (ADA) of students. Because average daily attendance is rarely 100 percent, charter schools often enroll enough students to meet a 100 percent ADA based on the contract enrollment number. This increase in ADA corresponds to a charter school enrolling more students than the limit established under the charter contract. H.B. 1202 prohibits the commissioner from garnishing or otherwise recovering funds paid to an open-enrollment charter school for students enrolled in excess of the number authorized by the charter contract.

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 Subchapter D, Chapter 12, Education Code, by adding Section 12.1061, as follows:

Sec. 12.1061. RECOVERY OF CERTAIN FUNDS. Prohibits the commissioner from garnishing or otherwise recovering funds paid to an open-enrollment charter school under Section 12.106 if certain conditions exist.

SECTION 2. Effective date: upon passage or September 1, 2003.

LIST OF COMMITTEE AMENDMENTS

Committee Amendment No. 1:

On page 1, lines 15 and 16, between Sections 12.1061(1) and 12.1061(2), insert the following:

(2) the school:

(A) submits to the commissioner a timely request to revise the maximum student enrollment described by the school's charter and the commissioner does not notify the school in writing of an objection to the proposed revision before the 90th day after the date on which the commissioner received the request, provided that the number of students enrolled at the school does not exceed the enrollment described by the school's request; or

(B) exceeds the maximum student enrollment described by the school's charter only because a court mandated that a specific child enroll in that school; and

On page 1, line 16, strike "(2)" and substitute "(3)".

Add the following appropriately numbered SECTION to the bill and renumber the subsequent SECTIONS accordingly:

SECTION __. Section 12.114, Education Code, is amended to read as follows:

Sec. 12.114. REVISION. (a) A revision of a charter of an open-enrollment charter school may be made only with the approval of the commissioner.

(b) Not more than once each year, an open-enrollment charter school may request approval to revise the maximum student enrollment described by the school's charter.