

By: Dutton

H.B. No. 4465

A BILL TO BE ENTITLED

AN ACT

1
2 relating to grants available to school districts and
3 open-enrollment charter schools to provide services to students
4 after a disaster in the state of Texas; an adjustment to prevent
5 generational educational decline under the public school finance
6 system; and ensure maintenance of effort.

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

8 SECTION 1. Subchapter 2, Chapter 29, Education Code, is
9 amended by adding Section 29.926 to read as follows:

10 Sec. 29.926. GRANT PROGRAM REGARDING DISASTERS IMPACTING
11 STUDENT INSTRUCTION. (a) From funds appropriated or available for
12 purposes of this section, the commissioner shall establish a grant
13 program to assist school districts, open-enrollment charter
14 schools and regional education service centers in overcoming the
15 educational impact occurring as a result of a state of disaster as
16 declared by the governor under Chapter 418, Government Code. The
17 grant program may include:

18 (1) extending instructional time;

19 (2) broadband grants to ensure that students have
20 access to remote instruction;

21 (3) innovation in curriculum and instruction;

22 (4) improvements in quality of air and water at school
23 facilities; and

24 (5) accelerated learning.

1 (b) The commissioner may determine the terms of a grant
2 awarded under this section, including:

3 (1) limits on the grant amount awarded to a school
4 district or open-enrollment charter school; and

5 (2) the approved use of grant funds.

6 (c) The agency may administer the grant program or contract
7 with a regional education service center to administer the grant
8 program.

9 (d) The commissioner may recover funds not used in
10 accordance with the terms of a grant by withholding any state funds
11 otherwise due to a school district or open-enrollment charter
12 school that is not complying with the terms of the grant.

13 (e) The commissioner may seek gifts, grants, and donations
14 from any public or private sources, including the federal
15 government, for providing grants under this section.

16 (f) A decision by the commissioner under this section is
17 final and may not be appealed.

18 (g) Broadband grants may include payments by the agency, an
19 agency's contractor or subgrantee, or a public school to a provider
20 of services or equipment for a student or to a student's parents for
21 payment to a provider of services or equipment.

22 (h) The commissioner may adopt rules to implement this
23 section.

24 SECTION 2. Section 48.011(d) and (e), Education Code, is
25 amended to read as follows:

26 (d) Beginning with the ~~2021-2022~~ 2023-2024 school year, the
27 commissioner may not make an adjustment under Subsection (a) or

1 (a-1).

2 (e) This section expires September 1, ~~2023~~2025.

3 SECTION 3. Section [48.251](#)(c), Education Code, is amended to
4 read as follows:

5 (c) The program shall be financed by:

6 (1) state available school funds distributed in
7 accordance with the law and funds described by Section [48.2571](#);

8 (2) ad valorem tax revenue generated by local school
9 district effort; and

10 (3) state funds appropriated for the purposes of
11 public school education and allocated to each district in an amount
12 sufficient to finance the cost of each district's Foundation School
13 Program not covered by other funds specified in this subsection.

14 SECTION 4. Sections [48.257](#)(a), (b), and (f), Education
15 Code, are amended to read as follows:

16 (a) Subject to Subsection (b), if a school district's tier
17 one local share under Section [48.256](#) exceeds the district's
18 entitlement under Section [48.266](#)(a)(1) less the district's
19 distribution from the state available school fund and funds
20 described by Section [48.2571](#), the district must reduce the
21 district's tier one revenue level in accordance with Chapter [49](#) to a
22 level not to exceed the district's entitlement under Section
23 [48.266](#)(a)(1) less the district's distribution from the state
24 available school fund and funds described by Section [48.2571](#).

25 (b) This subsection applies only to a school district to
26 which Subsection (a) applies. If a district 's maintenance and
27 operations tax collections from the tax rate described by Section

1 45.0032(a) for the current tax year minus the required reduction in
2 a district's tier one revenue level under Subsection (a) results in
3 an amount that is less than the amount of the district's entitlement
4 under Section 48.266(a)(1) less the district's distribution from
5 the state available school fund, the agency shall adjust the amount
6 of the reduction required in the district's tier one revenue level
7 under Subsection (a) up to the amount of local funds necessary for
8 the district's entitlement under Section 48.266(a)(1) less the
9 district's distribution from the state available school fund and
10 funds described by Section 48.2571.

11 (f) If the amount of a school district's tier two local
12 share described by Section 48.266(a)(5)(B) to which a district is
13 entitled exceeds the amount described by Section 48.202(a-1)(2),
14 the district must reduce the district's revenue in accordance with
15 Chapter 49 to a level not to exceed the amount described by Section
16 48.202 (a-1)(2) less the amount distributed to the district under
17 Section 48.2571.

18 SECTION 5. Subchapter F, Chapter 48, Education Code, is
19 amended by adding Section 48.2571 to read as follows:

20 Sec. 48.2571. ADJUSTMENT TO PREVENT GENERATIONAL
21 EDUCATIONAL DECLINE. (a) From funds identified in the General
22 Appropriations Act for purposes of this section, the agency shall
23 calculate the amount of funds allocated to each school district and
24 open-enrollment charter school.

25 (b) The commissioner shall make adjustments under Sections
26 48.251 and 48.257 in an amount equal to the amount calculated for
27 each school district and open-enrollment charter school under

1 Subsection (a).

2 (c) If funds described by Subsection (a) are designated for
3 use during the 2020-2021 school year, the commissioner shall make
4 the adjustments under Subsection (b) for that school year.

5 (d) If, after adjustment under this section, a school
6 district has a local revenue level that exceeds the level
7 established under Section 48.257 and the school district does not
8 take action under Chapter 49 to reduce the district's local revenue
9 level, the commissioner shall recover the amount of funds that
10 exceeded the level established under Section 48.257 over a period
11 not to exceed five school years.

12 (e) The commissioner may make adjustments as necessary
13 under this chapter to fulfill the purposes of this section and to
14 ensure compliance with the requirements regarding maintenance of
15 state financial support for special education under 20 U.S.C.
16 Section 1412(a)(18).

17 (f) A decision by the commissioner under this section is
18 final and may not be appealed.

19 (g) Beginning with the 2022-2023 school year, the
20 commissioner may not make an adjustment under this section.

21 (h) This section expires September 1, 2022.

22 SECTION 6. Section 48.277, Education Code, is amended by
23 adding Subsections (d-4) to read as follows:

24 (d-4) Notwithstanding any other provision of this section,
25 if an adjustment is made under Section 48.2571 for the 2020-2021
26 school year, the commissioner shall reduce the amount of an
27 allotment to which a school district or open-enrollment charter

1 school is entitled under this section in the amount calculated for
2 the school district or open-enrollment charter school under Section
3 48.2571.

4 SECTION 7. Subchapter F, Chapter 48, Education Code, is
5 amended by adding Section 48.280 to read as follows:

6 Sec. 48.280. COMMISSIONER AUTHORITY TO RESOLVE MAINTENANCE
7 ISSUES. (a) The commissioner may adjust school funding
8 entitlement under this chapter or Chapter 49 to ensure compliance
9 with federal maintenance requirements under the Section 313 of the
10 Coronavirus Response and Relief Supplemental Appropriations Act of
11 2021 or Section 2001 of the American Rescue Plan Act of 2021.

12 (b) Before making an adjustment under Subsection (a), the
13 commissioner shall notify the Legislative Budget Board and office
14 of the governor of the proposed adjustment.

15 (c) If notice of a proposed adjustment is provided under
16 Subsection (b) and neither the Legislative Budget Board nor the
17 office of the governor provide written refusal of the proposed
18 adjustment within thirty days of the date the commissioner provided
19 notice of the proposed adjustment, the commissioner may make the
20 proposed adjustment at any time after the thirtieth day following
21 the date that the commissioner provided notice under Subsection
22 (b).

23 (d) This section expires September 1, 2025.

24 SECTION 8. (a) If this legislation receives immediate
25 effect, then changes enacted by SECTIONS 3 through 7 of this
26 legislation apply beginning with the 2020-2021 school year.

27 (b) SECTIONS 1 and 2 of this legislation apply beginning

1 with 2021-2022 school year.

2 SECTION 9. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2021.