

By: West

S.B. No. 2301

A BILL TO BE ENTITLED

AN ACT

relating to the use of average enrollment for purposes of the public school finance system.

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

SECTION 1. Section 48.005, Education Code, is amended to read as follows:

Sec. 48.005. AVERAGE ENROLLMENT [~~DAILY ATTENDANCE~~]. (a) In this chapter, average enrollment [~~daily attendance~~] is:

(1) the average number of students enrolled in the school district during a school year [~~quotient of the sum of attendance for each day of the minimum number of days of instruction as described under Section 25.081(a) divided by the minimum number of days of instruction,~~

~~[(2) for a district that operates under a flexible year program under Section 29.0821, the quotient of the sum of attendance for each actual day of instruction as permitted by Section 29.0821(b)(1) divided by the number of actual days of instruction as permitted by Section 29.0821(b)(1),~~

~~[(3) for a district that operates under a flexible school day program under Section 29.0822, the average daily attendance as calculated by the commissioner in accordance with Sections 29.0822(d) and (d-1)]; or~~

(2) [~~(4)~~] for a district that operates a half-day program or a full-day program under Section 29.153(c), one-half of

1 the average enrollment [~~daily attendance~~] calculated under  
2 Subdivision (1).

3 (b) A school district that experiences a decline of two  
4 percent or more in average enrollment [~~daily attendance~~] shall be  
5 funded on the basis of:

6 (1) the actual average enrollment [~~daily attendance~~]  
7 of the preceding school year, if the decline is the result of the  
8 closing or reduction in personnel of a military base; or

9 (2) subject to Subsection (e), an average enrollment  
10 [~~daily attendance~~] not to exceed 98 percent of the actual average  
11 enrollment [~~daily attendance~~] of the preceding school year, if the  
12 decline is not the result of the closing or reduction in personnel  
13 of a military base.

14 (c) The commissioner shall adjust the average enrollment  
15 [~~daily attendance~~] of a school district that has a significant  
16 percentage of students who are migratory children as defined by 20  
17 U.S.C. Section 6399.

18 (d) The commissioner may adjust the average enrollment  
19 [~~daily attendance~~] of a school district in which a disaster, flood,  
20 extreme weather condition, fuel curtailment, or other calamity has  
21 a significant effect on the district's enrollment [~~attendance~~]. In  
22 addition to providing the adjustment for the amount of  
23 instructional days during the semester in which the calamity first  
24 occurred, an adjustment under this section may only be provided  
25 based on a particular calamity for an additional amount of  
26 instructional days equivalent to one school year. The commissioner  
27 may divide the adjustment between two consecutive school years.

1 (e) For each school year, the commissioner shall adjust the  
2 average enrollment [~~daily attendance~~] of school districts that are  
3 entitled to funding on the basis of an adjusted average enrollment  
4 [~~daily attendance~~] under Subsection (b)(2) so that:

5 (1) all districts are funded on the basis of the same  
6 percentage of the preceding year's actual average enrollment [~~daily~~  
7 ~~attendance~~]; and

8 (2) the total cost to the state does not exceed the  
9 amount specifically appropriated for that year for purposes of  
10 Subsection (b)(2).

11 (f) An open-enrollment charter school is not entitled to  
12 funding based on an adjustment under Subsection (b)(2).

13 (g) If a student may receive course credit toward the  
14 student's high school academic requirements and toward the  
15 student's higher education academic requirements for a single  
16 course, including a course provided under Section 28.009 by a  
17 public institution of higher education, the time during which the  
18 student attends the course shall be counted as part of the minimum  
19 number of instructional hours required for a student to be  
20 considered a full-time student in average enrollment [~~daily~~  
21 ~~attendance~~] for purposes of this section.

22 [~~(g-1) The commissioner shall adopt rules to calculate~~  
23 ~~average daily attendance for students participating in a blended~~  
24 ~~learning program in which classroom instruction is supplemented~~  
25 ~~with applied workforce learning opportunities, including~~  
26 ~~participation of students in internships, externships, and~~  
27 ~~apprenticeships.]~~

1           (h) Time [~~Subject to rules adopted by the commissioner under~~  
2 ~~Section 48.007(b), time~~] that a student participates in an  
3 off-campus instructional program provided by an entity other than a  
4 school district or open-enrollment charter school and approved by  
5 the commissioner in accordance with commissioner rule [~~under~~  
6 ~~Section 48.007(a)~~] shall be counted as part of the minimum number of  
7 instructional hours required for a student to be considered a  
8 full-time student in average enrollment [~~daily attendance~~] for  
9 purposes of this section.

10           (h-1) Subject to rules adopted by the commissioner under  
11 Section 48.007(b), time that a student participates in a course or  
12 program provided under Section 48.0071(b) shall be counted as part  
13 of the minimum number of instructional hours required for a student  
14 to be considered a full-time student in average daily attendance  
15 for purposes of this section. This subsection expires September 1,  
16 2023.

17           (i) A district or a charter school operating under Chapter  
18 12 that operates a prekindergarten program is eligible to receive  
19 one-half of average enrollment [~~daily attendance~~] under Subsection  
20 (a) if the district's or charter school's prekindergarten program  
21 provides at least 32,400 minutes of instructional time to students.

22           (j) A district or charter school is eligible to earn full  
23 average enrollment [~~daily attendance~~] under Subsection (a) if the  
24 district or school provides at least 43,200 minutes of  
25 instructional time to students enrolled in:

26               (1) a dropout recovery school or program operating  
27 under Section 12.1141(c) or Section 39.0548;

1           (2) an alternative education program operating under  
2 Section 37.008;

3           (3) a school program located at a day treatment  
4 facility, residential treatment facility, psychiatric hospital, or  
5 medical hospital;

6           (4) a school program offered at a correctional  
7 facility; or

8           (5) a school operating under Subchapter G, Chapter 12.

9           (k) A charter school operating under a charter granted under  
10 Chapter 12 before January 1, 2015, is eligible to earn full average  
11 enrollment [~~daily attendance~~] under Subsection (a), as that  
12 subsection existed immediately before January 1, 2015, for:

13           (1) all campuses of the charter school operating  
14 before January 1, 2015; and

15           (2) any campus or site expansion approved on or after  
16 January 1, 2015, provided that the charter school received an  
17 academic accountability performance rating of C or higher, and the  
18 campus or site expansion is approved by the commissioner.

19           (1) A school district campus or charter school described by  
20 Subsection (j) may operate more than one program and be eligible for  
21 full average enrollment [~~daily attendance~~] for each program if the  
22 programs operated by the district campus or charter school satisfy  
23 all applicable state and federal requirements.

24           (m) The commissioner shall adopt rules necessary to  
25 implement this section, including rules that:

26           (1) determine the method to calculate the average  
27 number of students enrolled in a school district during a school

1 year;

2           (2) establish the minimum amount of instructional time  
3 per day that allows a school district or charter school to be  
4 eligible for full average enrollment [~~daily attendance~~], which may  
5 differ based on the instructional program offered by the district  
6 or charter school;

7           (3) [~~(2)~~] establish the requirements necessary for a  
8 school district or charter school to be eligible for one-half of  
9 average enrollment [~~daily attendance~~], which may differ based on  
10 the instructional program offered by the district or charter  
11 school;

12           (4) [~~(3)~~] proportionally reduce the average  
13 enrollment [~~daily attendance~~] for a school district if any campus  
14 or instructional program in the district provides fewer than the  
15 required minimum minutes of instruction to students; and

16           (5) [~~(4)~~] allow a grade or course repeated under  
17 Section [28.02124](#) to qualify for average enrollment [~~daily~~  
18 ~~attendance~~] even if the student previously passed or earned credit  
19 for the grade or course, if the grade or course would otherwise be  
20 eligible.

21           (m-1) Except for students enrolled in programs or courses  
22 offered under Chapter [30A](#) or Section [48.053](#), a school district or  
23 open-enrollment charter school may not count for purposes of  
24 calculating the district's or school's average daily attendance a  
25 student who received virtual or remote instruction for a majority  
26 of the instructional days during the preceding school year if the  
27 student:

1           (1) did not achieve satisfactory performance or higher  
2 or the equivalent in the preceding school year on:

3           (A) each assessment instrument administered to  
4 the student under Section 39.023 or 39.025; or

5           (B) if the student was not administered an  
6 assessment instrument that was required to be administered to the  
7 student under Section 39.023 or 39.025 during the preceding school  
8 year, an assessment instrument designed to show grade-level  
9 proficiency in the essential knowledge and skills identified under  
10 Section 28.002 by the State Board of Education for the student's  
11 grade level;

12           (2) had a number of unexcused absences that exceeds 10  
13 percent of the number of instructional days in the preceding school  
14 year; or

15           (3) did not earn a grade of C or higher or the  
16 equivalent in each of the foundation curriculum courses taken  
17 virtually or remotely in the preceding school year.

18           (m-2) Subsection (m-1) and this subsection expire September  
19 1, 2023.

20           (n) To assist school districts in implementing this section  
21 as amended by H.B. 2442, Acts of the 85th Legislature, Regular  
22 Session, 2017, the commissioner may waive a requirement of this  
23 section or adopt rules to implement this section.

24           SECTION 2. Section 7.062(a), Education Code, is amended to  
25 read as follows:

26           (a) In this section, "wealth per student" means a school  
27 district's taxable value of property as determined under Subchapter

1 M, Chapter 403, Government Code, or, if applicable, Section 48.258,  
2 divided by the district's average enrollment [~~daily attendance~~] as  
3 determined under Section 48.005.

4 SECTION 3. Section 11.052(f), Education Code, is amended to  
5 read as follows:

6 (f) If single-member trustee districts are adopted or  
7 approved as provided by this section, the board shall divide the  
8 school district into the appropriate number of trustee districts,  
9 based on the number of members of the board that are to be elected  
10 from single-member trustee districts, and shall number each trustee  
11 district. The trustee districts must be compact and contiguous and  
12 must be as nearly as practicable of equal population. In a district  
13 with 150,000 or more students in average enrollment [~~daily  
14 attendance~~], the boundary of a trustee district may not cross a  
15 county election precinct boundary except at a point at which the  
16 boundary of the school district crosses the county election  
17 precinct boundary. Trustee districts must be drawn not later than  
18 the 90th day before the date of the first election of trustees from  
19 those districts.

20 SECTION 4. Sections 12.106(a), (a-2), and (d), Education  
21 Code, are amended to read as follows:

22 (a) A charter holder is entitled to receive for the  
23 open-enrollment charter school funding under Chapter 48 equal to  
24 the amount of funding per student in weighted average enrollment  
25 [~~daily attendance~~], excluding the adjustment under Section 48.052,  
26 the funding under Sections 48.101, 48.110, 48.111, and 48.112, and  
27 enrichment funding under Section 48.202(a), to which the charter



1 holder would be entitled for the school under Chapter 48 if the  
2 school were a school district without a tier one local share for  
3 purposes of Section 48.266.

4 (a-2) In addition to the funding provided by Subsection (a),  
5 a charter holder is entitled to receive for the open-enrollment  
6 charter school an allotment per student in average enrollment  
7 [~~daily attendance~~] in an amount equal to the difference between:

8 (1) the product of:

9 (A) the quotient of:

10 (i) the total amount of funding provided to  
11 eligible school districts under Section 48.101(b) or (c); and

12 (ii) the total number of students in  
13 average enrollment [~~daily attendance~~] in school districts that  
14 receive an allotment under Section 48.101(b) or (c); and

15 (B) the sum of one and the quotient of:

16 (i) the total number of students in average  
17 enrollment [~~daily attendance~~] in school districts that receive an  
18 allotment under Section 48.101(b) or (c); and

19 (ii) the total number of students in  
20 average enrollment [~~daily attendance~~] in school districts  
21 statewide; and

22 (2) \$125.

23 (d) Subject to Subsection (e), in addition to other amounts  
24 provided by this section, a charter holder is entitled to receive,  
25 for the open-enrollment charter school, funding per student in  
26 average enrollment [~~daily attendance~~] in an amount equal to the  
27 guaranteed level of state and local funds per student per cent of

1 tax effort under Section 46.032(a) multiplied by the lesser of:

2 (1) the state average interest and sinking fund tax  
3 rate imposed by school districts for the current year; or

4 (2) a rate that would result in a total amount to which  
5 charter schools are entitled under this subsection for the current  
6 year equal to \$60 million.

7 SECTION 5. Sections 12.263(a), (b), and (c), Education  
8 Code, as effective September 1, 2023, are amended to read as  
9 follows:

10 (a) Except as otherwise provided by this section, funding  
11 for an adult education program operated under a charter granted  
12 under this subchapter is an amount per participant through the  
13 Foundation School Program equal to the amount of state funding per  
14 student in weighted average enrollment [~~daily attendance~~] that  
15 would be allocated under the Foundation School Program for the  
16 student's attendance at an open-enrollment charter school in  
17 accordance with Section 12.106.

18 (b) For purposes of determining the average enrollment  
19 [~~daily attendance~~] of an adult education program operated under a  
20 charter granted under this subchapter, a student is considered to  
21 be in average enrollment [~~daily attendance, with a 100 percent~~  
22 ~~attendance rate,~~] for:

23 (1) all of the instructional days of the school year,  
24 if the student is enrolled for at least 75 percent of the school  
25 year;

26 (2) half of the instructional days of the school year,  
27 if the student is enrolled for at least 50 percent but less than 75

1 percent of the school year;

2 (3) a quarter of the instructional days of the school  
3 year, if the student is enrolled for at least 25 percent but less  
4 than 50 percent of the school year; or

5 (4) one-tenth of the instructional days of the school  
6 year, if the student is enrolled for at least 10 percent but less  
7 than 25 percent of the school year.

8 (c) A student enrolled in an adult education program  
9 operated under a charter granted under this subchapter for less  
10 than 10 percent of a school year may not be counted toward the adult  
11 education program's average enrollment [~~daily attendance~~] for that  
12 school year.

13 SECTION 6. Section 13.051(c), Education Code, is amended to  
14 read as follows:

15 (c) Territory that does not have residents may be detached  
16 from a school district and annexed to another school district if:

17 (1) the total taxable value of the property in the  
18 territory according to the most recent certified appraisal roll for  
19 each school district is not greater than:

20 (A) five percent of the district's taxable value  
21 of all property in that district as determined under Subchapter M,  
22 Chapter 403, Government Code; and

23 (B) \$5,000 property value per student in average  
24 enrollment [~~daily attendance~~] as determined under Section 48.005;  
25 and

26 (2) the school district from which the property will  
27 be detached does not own any real property located in the territory.

1 SECTION 7. Section 13.102, Education Code, is amended to  
2 read as follows:

3 Sec. 13.102. MINIMUM AREA AND ENROLLMENT [~~ATTENDANCE~~]  
4 REQUIREMENTS. A new district may not be created with an area of  
5 less than nine square miles or fewer than 8,000 students in average  
6 enrollment [~~daily attendance~~], and a district may not be reduced to  
7 an area of less than nine square miles or fewer than 8,000 students  
8 in average enrollment [~~daily attendance~~].

9 SECTION 8. Section 13.283, Education Code, is amended to  
10 read as follows:

11 Sec. 13.283. PAYMENTS REDUCED. The incentive aid payments  
12 shall be reduced in direct proportion to any reduction in the  
13 average enrollment [~~daily attendance~~] as determined under Section  
14 48.005 of the reorganized school district for the preceding year.

15 SECTION 9. Section 19.009(d-2), Education Code, is amended  
16 to read as follows:

17 (d-2) Beginning with the 2009-2010 school year, the  
18 district shall increase the monthly salary of each classroom  
19 teacher, full-time speech pathologist, full-time librarian,  
20 full-time school counselor certified under Subchapter B, Chapter  
21 21, and full-time school nurse employed by the district by the  
22 greater of:

- 23 (1) \$80; or  
24 (2) the maximum uniform amount that, when combined  
25 with any resulting increases in the amount of contributions made by  
26 the district for social security coverage for the specified  
27 employees or by the district on behalf of the specified employees

1 under Section 825.405, Government Code, may be provided using an  
2 amount equal to the product of \$60 multiplied by the number of  
3 students in weighted average enrollment [~~daily attendance~~] in the  
4 district during the 2009-2010 school year.

5 SECTION 10. Section 25.038, Education Code, is amended to  
6 read as follows:

7 Sec. 25.038. TUITION FEE FOR TRANSFER STUDENTS. The  
8 receiving school district may charge a tuition fee to the extent  
9 that the district's actual expenditure per student in average  
10 enrollment [~~daily attendance~~], as determined by its board of  
11 trustees, exceeds the sum the district benefits from state aid  
12 sources as provided by Section 25.037. However, unless a tuition  
13 fee is prescribed and set out in a transfer agreement before its  
14 execution by the parties, an increase in tuition charge may not be  
15 made for the year of that transfer that exceeds the tuition charge,  
16 if any, of the preceding school year.

17 SECTION 11. Section 25.045(c), Education Code, is amended  
18 to read as follows:

19 (c) A student who transfers to another school district under  
20 this section may not be charged tuition. The student is included in  
21 the average enrollment [~~daily attendance~~] of the district in which  
22 the student attends school.

23 SECTION 12. Sections 25.081(e) and (f), Education Code, are  
24 amended to read as follows:

25 (e) A school district or education program is exempt from  
26 the minimum minutes of operation requirement if the district's or  
27 program's average enrollment [~~daily attendance~~] is calculated

1 under Section 48.005(j).

2 (f) The commissioner may proportionally reduce the amount  
3 of funding a district receives under Chapter 46, 48, or 49 and the  
4 average enrollment [~~daily attendance~~] calculation for the district  
5 if the district operates on a calendar that provides fewer minutes  
6 of operation than required under Subsection (a).

7 SECTION 13. Section 25.087(d), Education Code, is amended  
8 to read as follows:

9 (d) A student whose absence is excused under Subsection (b),  
10 (b-1), (b-2), (b-4), (b-5), (b-7), or (c) may not be penalized for  
11 that absence and shall be counted as if the student attended school  
12 for purposes of funding under Chapter 48 [~~calculating the average~~  
13 ~~daily attendance of students in the school district~~]. A student  
14 whose absence is excused under Subsection (b), (b-1), (b-2), (b-4),  
15 (b-5), (b-7), or (c) shall be allowed a reasonable time to make up  
16 school work missed on those days. If the student satisfactorily  
17 completes the school work, the day of absence shall be counted as a  
18 day of compulsory attendance.

19 SECTION 14. Section 25.111, Education Code, is amended to  
20 read as follows:

21 Sec. 25.111. STUDENT/TEACHER RATIOS. Except as provided by  
22 Section 25.112, each school district must employ a sufficient  
23 number of teachers certified under Subchapter B, Chapter 21, to  
24 maintain an average ratio of not less than one teacher for each 20  
25 students in average enrollment [~~daily attendance~~].

26 SECTION 15. Sections 25.112(a) and (b), Education Code, are  
27 amended to read as follows:

1 (a) Except as otherwise authorized by this section, a school  
2 district may not enroll more than 22 students in a prekindergarten,  
3 kindergarten, first, second, third, or fourth grade class. That  
4 limitation does not apply during:

5 (1) any 12-week period of the school year selected by  
6 the district, in the case of a district whose average enrollment  
7 [~~daily attendance~~] is adjusted under Section 48.005(c); or

8 (2) the last 12 weeks of any school year in the case of  
9 any other district.

10 (b) Not later than the 30th day after the first day of the  
11 12-week period for which a district whose average enrollment [~~daily~~  
12 ~~attendance~~] is adjusted under Section 48.005(c) is claiming an  
13 exemption under Subsection (a), the district shall notify the  
14 commissioner in writing that the district is claiming an exemption  
15 for the period stated in the notice.

16 SECTION 16. Section 29.008(b), Education Code, is amended  
17 to read as follows:

18 (b) Except as provided by Subsection (c), costs of an  
19 approved contract for residential placement may be paid from a  
20 combination of federal, state, and local funds. The local share of  
21 the total contract cost for each student is that portion of the  
22 local tax effort that exceeds the district's local fund assignment  
23 under Section 48.256, divided by the average enrollment [~~daily~~  
24 ~~attendance~~] in the district. If the contract involves a private  
25 facility, the state share of the total contract cost is that amount  
26 remaining after subtracting the local share. If the contract  
27 involves a public facility, the state share is that amount

1 remaining after subtracting the local share from the portion of the  
2 contract that involves the costs of instructional and related  
3 services. For purposes of this subsection, "local tax effort"  
4 means the total amount of money generated by taxes imposed for debt  
5 service and maintenance and operation less any amounts paid into a  
6 tax increment fund under Chapter 311, Tax Code.

7 SECTION 17. Section 29.014(b), Education Code, is amended  
8 to read as follows:

9 (b) A school district to which this section applies may  
10 operate an extended year program for a period not to exceed 45 days.  
11 ~~[The district's average daily attendance shall be computed for the~~  
12 ~~regular school year plus the extended year.]~~

13 SECTION 18. Section 29.081(f), Education Code, is amended  
14 to read as follows:

15 (f) The commissioner shall include students enrolled in  
16 ~~[attendance in]~~ a program under Subsection (e) in the computation  
17 of the district's average enrollment ~~[daily attendance]~~ for funding  
18 purposes.

19 SECTION 19. Section 29.0822(d), Education Code, is amended  
20 to read as follows:

21 (d) The commissioner may adopt rules for the administration  
22 of this section, including rules establishing application  
23 requirements. ~~[Subject to Subsection (d-1), the commissioner shall~~  
24 ~~calculate average daily attendance for students served under this~~  
25 ~~section. The commissioner shall allow accumulations of hours of~~  
26 ~~instruction for students whose schedule would not otherwise allow~~  
27 ~~full state funding. Funding under this subsection shall be~~



1 ~~determined based on the number of instructional days in the school~~  
2 ~~district calendar and a seven-hour school day, but attendance may~~  
3 ~~be cumulated over a school year, including any summer or vacation~~  
4 ~~session. The attendance of students who accumulate less than the~~  
5 ~~number of attendance hours required under this subsection shall be~~  
6 ~~proportionately reduced for funding purposes. The commissioner~~  
7 ~~may:~~

8           ~~[(1) set maximum funding amounts for an individual~~  
9 ~~course under this section; and~~

10           ~~[(2) limit funding for the attendance of a student~~  
11 ~~described by Subsection (a)(3) in a course under this section to~~  
12 ~~funding only for the attendance necessary for the student to earn~~  
13 ~~class credit that, as a result of attendance requirements under~~  
14 ~~Section 25.092, the student would not otherwise be able to receive~~  
15 ~~without retaking the class.]~~

16           SECTION 20. Section 29.184(b), Education Code, is amended  
17 to read as follows:

18           (b) A student who attends career and technology classes at  
19 another school under a contract authorized by Subsection (a) is  
20 included in the average enrollment [~~daily attendance~~] of the  
21 district in which the student is regularly enrolled.

22           SECTION 21. Sections 29.203(a) and (c), Education Code, are  
23 amended to read as follows:

24           (a) A student who under this subchapter uses a public  
25 education grant to attend a public school in a school district other  
26 than the district in which the student resides is included in the  
27 average enrollment [~~daily attendance~~] of the district in which the

1 student attends school.

2 (c) A school district is entitled to additional facilities  
3 assistance under Section 48.301 if the district agrees to:

4 (1) accept a number of students using public education  
5 grants that is at least one percent of the district's average  
6 enrollment [~~daily attendance~~] for the preceding school year; and

7 (2) provide services to each student until the student  
8 either voluntarily decides to attend a school in a different  
9 district or graduates from high school.

10 SECTION 22. Section 29.403(b), Education Code, is amended  
11 to read as follows:

12 (b) A student who is enrolled in a program under this  
13 subchapter is included in determining the average enrollment [~~daily  
14 attendance~~] under Section 48.005 of the partnering school district.

15 SECTION 23. Section 29.457(a), Education Code, is amended  
16 to read as follows:

17 (a) In addition to other funding to which a school district  
18 is entitled under this code, each district in which alleged  
19 offender residents attend school is entitled to an annual allotment  
20 of \$5,100 for each resident in average enrollment [~~daily  
21 attendance~~] or a different amount for any year provided by  
22 appropriation.

23 SECTION 24. Section 30.003(b), Education Code, is amended  
24 to read as follows:

25 (b) If the student is admitted to the school for a full-time  
26 program for the equivalent of two long semesters, the district's  
27 share of the cost is an amount equal to the dollar amount of

1 maintenance and debt service taxes imposed by the district for that  
2 year divided by the district's average enrollment [~~daily~~  
3 ~~attendance~~] for the preceding year.

4 SECTION 25. Section 30.102(a), Education Code, is amended  
5 to read as follows:

6 (a) The Texas Juvenile Justice Department is entitled to  
7 receive the state available school fund apportionment based on the  
8 average enrollment [~~daily attendance~~] in the department's  
9 educational programs of students who are at least three years of age  
10 and not older than 21 years of age.

11 SECTION 26. Section 30A.151(f), Education Code, is amended  
12 to read as follows:

13 (f) For a full-time electronic course program offered  
14 through the state virtual school network for a grade level at or  
15 above grade level three but not above grade level eight, a school  
16 district or open-enrollment charter school is entitled to receive  
17 federal, state, and local funding for a student enrolled in the  
18 program in an amount equal to the funding the district or school  
19 would otherwise receive for a student enrolled in the district or  
20 school. [~~The district or school may calculate the average daily~~  
21 ~~attendance of a student enrolled in the program based on:~~

- 22 [~~(1) hours of contact with the student,~~  
23 [~~(2) the student's successful completion of a course,~~  
24 ~~or~~  
25 [~~(3) a method approved by the commissioner.~~]

26 SECTION 27. Section 33.157, Education Code, is amended to  
27 read as follows:

1           Sec. 33.157. PARTICIPATION IN PROGRAM. An elementary or  
2 secondary school receiving funding under Section 33.156 shall  
3 participate in a local Communities In Schools program if the number  
4 of students enrolled in the school who are at risk of dropping out  
5 of school is equal to at least 10 percent of the number of students  
6 in average enrollment [~~daily attendance~~] at the school, as  
7 determined by the agency.

8           SECTION 28. Section 37.0061, Education Code, is amended to  
9 read as follows:

10           Sec. 37.0061. FUNDING FOR ALTERNATIVE EDUCATION SERVICES IN  
11 JUVENILE RESIDENTIAL FACILITIES. A school district that provides  
12 education services to pre-adjudicated and post-adjudicated  
13 students who are confined by court order in a juvenile residential  
14 facility operated by a juvenile board is entitled to count such  
15 students in the district's average enrollment [~~daily attendance~~]  
16 for purposes of receipt of state funds under the Foundation School  
17 Program. If the district has a local revenue level greater than the  
18 guaranteed local revenue level but less than the level established  
19 under Section 48.257, the district in which the student is enrolled  
20 on the date a court orders the student to be confined to a juvenile  
21 residential facility shall transfer to the district providing  
22 education services an amount equal to the difference between the  
23 average Foundation School Program costs per student of the district  
24 providing education services and the sum of the state aid and the  
25 money from the available school fund received by the district that  
26 is attributable to the student for the portion of the school year  
27 for which the district provides education services to the student.

1 SECTION 29. Section 37.008(f), Education Code, is amended  
2 to read as follows:

3 (f) A student removed to a disciplinary alternative  
4 education program is counted in computing the average enrollment  
5 [~~daily attendance~~] of students in the district [~~for the student's~~  
6 ~~time in actual attendance in the program~~].

7 SECTION 30. Section 37.011(a-4), Education Code, is amended  
8 to read as follows:

9 (a-4) A school district located in a county considered to be  
10 a county with a population of 125,000 or less under Subsection (a-3)  
11 shall provide educational services to a student who is expelled  
12 from school under this chapter. The district is entitled to count  
13 the student in the district's average enrollment [~~daily attendance~~]  
14 for purposes of receipt of state funds under the Foundation School  
15 Program. An educational placement under this section may include:

16 (1) the district's disciplinary alternative education  
17 program; or

18 (2) a contracted placement with:  
19 (A) another school district;  
20 (B) an open-enrollment charter school;  
21 (C) an institution of higher education;  
22 (D) an adult literacy council; or  
23 (E) a community organization that can provide an  
24 educational program that allows the student to complete the credits  
25 required for high school graduation.

26 SECTION 31. Sections 39.027(c) and (f), Education Code, are  
27 amended to read as follows:

1 (c) The commissioner shall develop and adopt a process for  
2 reviewing the exemption process of a school district or shared  
3 services arrangement that gives an exemption under Subsection  
4 (a)(1) as follows:

5 (1) to more than five percent of the students in the  
6 special education program, in the case of a district or shared  
7 services arrangement with an average enrollment [~~daily attendance~~]  
8 of at least 1,600;

9 (2) to more than 10 percent of the students in the  
10 special education program, in the case of a district or shared  
11 services arrangement with an average enrollment [~~daily attendance~~]  
12 of at least 190 and not more than 1,599; or

13 (3) to the greater of more than 10 percent of the  
14 students in the special education program or to at least five  
15 students in the special education program, in the case of a district  
16 or shared services arrangement with an average enrollment [~~daily~~  
17 ~~attendance~~] of not more than 189.

18 (f) In this section, "average enrollment [~~daily~~  
19 ~~attendance~~]" is computed in the manner provided by Section 48.005.

20 SECTION 32. Section 39.053(g-1), Education Code, is amended  
21 to read as follows:

22 (g-1) In computing dropout and completion rates such as high  
23 school graduation rates under Subsection (c)(1)(B)(ix), the  
24 commissioner shall exclude:

25 (1) students who are ordered by a court to attend a  
26 high school equivalency certificate program but who have not yet  
27 earned a high school equivalency certificate;

1           (2) students who were previously reported to the state  
2 as dropouts, including a student who is reported as a dropout,  
3 reenrolls, and drops out again, regardless of the number of times of  
4 reenrollment and dropping out;

5           (3) students in attendance who are not in membership  
6 for purposes of average enrollment [~~daily attendance~~];

7           (4) students whose initial enrollment in a school in  
8 the United States in grades 7 through 12 was as an unschooled asylee  
9 or refugee as defined by Section 39.027(a-1);

10           (5) students who are detained at a county  
11 pre-adjudication or post-adjudication juvenile detention facility  
12 and:

13                   (A) in the district exclusively as a function of  
14 having been detained at the facility but are otherwise not students  
15 of the district in which the facility is located; or

16                   (B) provided services by an open-enrollment  
17 charter school exclusively as the result of having been detained at  
18 the facility;

19           (6) students who are incarcerated in state jails and  
20 federal penitentiaries as adults and as persons certified to stand  
21 trial as adults; and

22           (7) students who have suffered a condition, injury, or  
23 illness that requires substantial medical care and leaves the  
24 student:

25                   (A) unable to attend school; and

26                   (B) assigned to a medical or residential  
27 treatment facility.

1 SECTION 33. Section 39.262(a), Education Code, is amended  
2 to read as follows:

3 (a) The governor may present a financial award to the  
4 schools or districts that the commissioner determines have  
5 demonstrated the highest levels of sustained success or the  
6 greatest improvement in achieving the education goals. For each  
7 student in average enrollment [~~daily attendance~~], each of those  
8 schools or districts is entitled to an amount set for the award for  
9 which the school or district is selected by the commissioner,  
10 subject to any limitation set by the commissioner on the total  
11 amount that may be awarded to a school or district.

12 SECTION 34. Section 43.001(c), Education Code, is amended  
13 to read as follows:

14 (c) The term "scholastic population" in Subsection (b) or  
15 any other law governing the apportionment, distribution, and  
16 transfer of the available school fund means all students of school  
17 age [~~enrolled~~] in average enrollment [~~daily attendance~~] the  
18 preceding school year in the public elementary and high school  
19 grades of school districts within or under the jurisdiction of a  
20 county of this state.

21 SECTION 35. Section 44.004(c), Education Code, is amended  
22 to read as follows:

23 (c) The notice of public meeting to discuss and adopt the  
24 budget and the proposed tax rate may not be smaller than one-quarter  
25 page of a standard-size or a tabloid-size newspaper, and the  
26 headline on the notice must be in 18-point or larger type. Subject  
27 to Subsection (d), the notice must:



1 (1) contain a statement in the following form:

2 "NOTICE OF PUBLIC MEETING TO DISCUSS BUDGET AND PROPOSED TAX RATE

3 "The (name of school district) will hold a public meeting at  
4 (time, date, year) in (name of room, building, physical location,  
5 city, state). The purpose of this meeting is to discuss the school  
6 district's budget that will determine the tax rate that will be  
7 adopted. Public participation in the discussion is invited." The  
8 statement of the purpose of the meeting must be in bold type. In  
9 reduced type, the notice must state: "The tax rate that is  
10 ultimately adopted at this meeting or at a separate meeting at a  
11 later date may not exceed the proposed rate shown below unless the  
12 district publishes a revised notice containing the same information  
13 and comparisons set out below and holds another public meeting to  
14 discuss the revised notice." In addition, in reduced type, the  
15 notice must state: "Visit [Texas.gov/PropertyTaxes](http://Texas.gov/PropertyTaxes) to find a link to  
16 your local property tax database on which you can easily access  
17 information regarding your property taxes, including information  
18 about proposed tax rates and scheduled public hearings of each  
19 entity that taxes your property.";

20 (2) contain a section entitled "Comparison of Proposed  
21 Budget with Last Year's Budget," which must show the difference,  
22 expressed as a percent increase or decrease, as applicable, in the  
23 amounts budgeted for the preceding fiscal year and the amount  
24 budgeted for the fiscal year that begins in the current tax year for  
25 each of the following:

26 (A) maintenance and operations;

27 (B) debt service; and

1 (C) total expenditures;

2 (3) contain a section entitled "Total Appraised Value  
3 and Total Taxable Value," which must show the total appraised value  
4 and the total taxable value of all property and the total appraised  
5 value and the total taxable value of new property taxable by the  
6 district in the preceding tax year and the current tax year as  
7 calculated under Section 26.04, Tax Code;

8 (4) contain a statement of the total amount of the  
9 outstanding and unpaid bonded indebtedness of the school district;

10 (5) contain a section entitled "Comparison of Proposed  
11 Rates with Last Year's Rates," which must:

12 (A) show in rows the tax rates described by  
13 Subparagraphs (i)-(iii), expressed as amounts per \$100 valuation of  
14 property, for columns entitled "Maintenance & Operations,"  
15 "Interest & Sinking Fund," and "Total," which is the sum of  
16 "Maintenance & Operations" and "Interest & Sinking Fund":

17 (i) the school district's "Last Year's  
18 Rate";

19 (ii) the "Rate to Maintain Same Level of  
20 Maintenance & Operations Revenue & Pay Debt Service," which:

21 (a) in the case of "Maintenance &  
22 Operations," is the tax rate that, when applied to the current  
23 taxable value for the district, as certified by the chief appraiser  
24 under Section 26.01, Tax Code, and as adjusted to reflect changes  
25 made by the chief appraiser as of the time the notice is prepared,  
26 would impose taxes in an amount that, when added to state funds to  
27 be distributed to the district under Chapter 48, would provide the

1 same amount of maintenance and operations taxes and state funds  
2 distributed under Chapter 48 per student in average enrollment  
3 [~~daily attendance~~] for the applicable school year that was  
4 available to the district in the preceding school year; and

5 (b) in the case of "Interest & Sinking  
6 Fund," is the tax rate that, when applied to the current taxable  
7 value for the district, as certified by the chief appraiser under  
8 Section 26.01, Tax Code, and as adjusted to reflect changes made by  
9 the chief appraiser as of the time the notice is prepared, and when  
10 multiplied by the district's anticipated collection rate, would  
11 impose taxes in an amount that, when added to state funds to be  
12 distributed to the district under Chapter 46 and any excess taxes  
13 collected to service the district's debt during the preceding tax  
14 year but not used for that purpose during that year, would provide  
15 the amount required to service the district's debt; and

16 (iii) the "Proposed Rate";

17 (B) contain fourth and fifth columns aligned with  
18 the columns required by Paragraph (A) that show, for each row  
19 required by Paragraph (A):

20 (i) the "Local Revenue per Student," which  
21 is computed by multiplying the district's total taxable value of  
22 property, as certified by the chief appraiser for the applicable  
23 school year under Section 26.01, Tax Code, and as adjusted to  
24 reflect changes made by the chief appraiser as of the time the  
25 notice is prepared, by the total tax rate, and dividing the product  
26 by the number of students in average enrollment [~~daily attendance~~]  
27 in the district for the applicable school year; and

1                   (ii) the "State Revenue per Student," which  
2 is computed by determining the amount of state aid received or to be  
3 received by the district under Chapters 43, 46, and 48 and dividing  
4 that amount by the number of students in average enrollment [~~daily~~  
5 ~~attendance~~] in the district for the applicable school year; and

6                   (C) contain an asterisk after each calculation  
7 for "Interest & Sinking Fund" and a footnote to the section that, in  
8 reduced type, states "The Interest & Sinking Fund tax revenue is  
9 used to pay for bonded indebtedness on construction, equipment, or  
10 both. The bonds, and the tax rate necessary to pay those bonds, were  
11 approved by the voters of this district.";

12                   (6) contain a section entitled "Comparison of Proposed  
13 Levy with Last Year's Levy on Average Residence," which must:

14                   (A) show in rows the information described by  
15 Subparagraphs (i)-(iv), rounded to the nearest dollar, for columns  
16 entitled "Last Year" and "This Year":

17                   (i) "Average Market Value of Residences,"  
18 determined using the same group of residences for each year;

19                   (ii) "Average Taxable Value of Residences,"  
20 determined after taking into account the limitation on the  
21 appraised value of residences under Section 23.23, Tax Code, and  
22 after subtracting all homestead exemptions applicable in each year,  
23 other than exemptions available only to disabled persons or persons  
24 65 years of age or older or their surviving spouses, and using the  
25 same group of residences for each year;

26                   (iii) "Last Year's Rate Versus Proposed  
27 Rate per \$100 Value"; and

1 (iv) "Taxes Due on Average Residence,"  
2 determined using the same group of residences for each year; and

3 (B) contain the following information: "Increase  
4 (Decrease) in Taxes" expressed in dollars and cents, which is  
5 computed by subtracting the "Taxes Due on Average Residence" for  
6 the preceding tax year from the "Taxes Due on Average Residence" for  
7 the current tax year;

8 (7) contain the following statement in bold print:  
9 "Under state law, the dollar amount of school taxes imposed on the  
10 residence of a person 65 years of age or older or of the surviving  
11 spouse of such a person, if the surviving spouse was 55 years of age  
12 or older when the person died, may not be increased above the amount  
13 paid in the first year after the person turned 65, regardless of  
14 changes in tax rate or property value.";

15 (8) contain the following statement in bold print:  
16 "Notice of Voter-Approval Rate: The highest tax rate the district  
17 can adopt before requiring voter approval at an election is (the  
18 school district voter-approval rate determined under Section  
19 [26.08](#), Tax Code). This election will be automatically held if the  
20 district adopts a rate in excess of the voter-approval rate of (the  
21 school district voter-approval rate)."; and

22 (9) contain a section entitled "Fund Balances," which  
23 must include the estimated amount of interest and sinking fund  
24 balances and the estimated amount of maintenance and operation or  
25 general fund balances remaining at the end of the current fiscal  
26 year that are not encumbered with or by corresponding debt  
27 obligation, less estimated funds necessary for the operation of the

1 district before the receipt of the first payment under Chapter 48 in  
2 the succeeding school year.

3 SECTION 36. Sections 45.0011(a), (d), and (e), Education  
4 Code, are amended to read as follows:

5 (a) This section applies only to an independent school  
6 district that, at the time of the issuance of obligations and  
7 execution of credit agreements under this section, has:

8 (1) at least 2,000 students in average enrollment  
9 [~~daily attendance~~]; or

10 (2) a combined aggregate principal amount of at least  
11 \$50 million of outstanding bonds and voted but unissued bonds.

12 (d) A district may not issue bonds to which this section  
13 applies in an amount greater than the greater of:

14 (1) 25 percent of the sum of:

15 (A) the aggregate principal amount of all  
16 district debt payable from ad valorem taxes that is outstanding at  
17 the time the bonds are issued; and

18 (B) the aggregate principal amount of all bonds  
19 payable from ad valorem taxes that have been authorized but not  
20 issued;

21 (2) \$25 million, in a district that has at least 3,500  
22 but not more than 15,000 students in average enrollment [~~daily~~  
23 ~~attendance~~]; or

24 (3) \$50 million, in a district that has more than  
25 15,000 students in average enrollment [~~daily attendance~~].

26 (e) In this section, average enrollment [~~daily attendance~~]  
27 is determined in the manner provided by Section 48.005.

1 SECTION 37. Section 45.006(a), Education Code, is amended  
2 to read as follows:

3 (a) This section applies only to a school district that:

4 (1) has an average enrollment [~~daily attendance~~] of  
5 less than 10,000; and

6 (2) is located in whole or part in a municipality with  
7 a population of less than 25,000 that is located in a county with a  
8 population of 200,000 or more bordering another county with a  
9 population of 2.8 million or more.

10 SECTION 38. Section 45.105(d), Education Code, is amended  
11 to read as follows:

12 (d) An independent school district that has in its limits a  
13 municipality with a population of 150,000 or more or that contains  
14 at least 170 square miles, has \$850 million or more assessed value  
15 of taxable property on the most recent approved tax roll and has a  
16 growth in average enrollment [~~daily attendance~~] of 11 percent or  
17 more for each of the preceding five years as determined by the  
18 agency may, in buying school sites or additions to school sites and  
19 in building school buildings, issue and deliver negotiable or  
20 nonnegotiable notes representing all or part of the cost to the  
21 school district of the land or building. The district may secure  
22 the notes by a vendor's lien or deed of trust lien against the land  
23 or building. By resolution or order of the governing body made at  
24 or before the delivery of the notes, the district may set aside and  
25 appropriate as a trust fund, and the sole and only fund, for the  
26 payment of the principal of and interest on the notes that part of  
27 the local school funds, levied and collected by the school district

1 in that year or subsequent years, as the governing body determines.  
 2 The aggregate amount of local school funds set aside in or for any  
 3 subsequent year for the retirement of the notes may not exceed, in  
 4 any one subsequent year, 10 percent of the local school funds  
 5 collected during that year. The district may issue the notes only  
 6 if approved by majority vote of the qualified voters voting in an  
 7 election conducted in the manner provided by Section 45.003 for  
 8 approval of bonds.

9 SECTION 39. Section 46.003(a), Education Code, is amended  
 10 to read as follows:

11 (a) For each year, except as provided by Sections 46.005 and  
 12 46.006, a school district is guaranteed a specified amount per  
 13 student in state and local funds for each cent of tax effort, up to  
 14 the maximum rate under Subsection (b), to pay the principal of and  
 15 interest on eligible bonds issued to construct, acquire, renovate,  
 16 or improve an instructional facility. The amount of state support  
 17 is determined by the formula:

$$18 \quad \text{FYA} = (\text{FYL} \times \text{AE} [\text{ADA}] \times \text{BTR} \times 100) - (\text{BTR} \times (\text{DPV}/100))$$

19 where:

20 "FYA" is the guaranteed facilities yield amount of state  
 21 funds allocated to the district for the year;

22 "FYL" is the dollar amount guaranteed level of state and  
 23 local funds per student per cent of tax effort, which is \$35 or a  
 24 greater amount for any year provided by appropriation;

25 "AE" [~~"ADA"~~] is the greater of the number of students in  
 26 average enrollment [~~daily attendance~~], as determined under Section  
 27 48.005, in the district or 400;



1 "BTR" is the district's bond tax rate for the current year,  
2 which is determined by dividing the amount budgeted by the district  
3 for payment of eligible bonds by the quotient of the district's  
4 taxable value of property as determined under Subchapter M, Chapter  
5 403, Government Code, or, if applicable, Section 48.258, divided by  
6 100; and

7 "DPV" is the district's taxable value of property as  
8 determined under Subchapter M, Chapter 403, Government Code, or, if  
9 applicable, Section 48.258.

10 SECTION 40. Section 46.005, Education Code, is amended to  
11 read as follows:

12 Sec. 46.005. LIMITATION ON GUARANTEED AMOUNT. The  
13 guaranteed amount of state and local funds for a new project that a  
14 district may be awarded in any state fiscal biennium under Section  
15 46.003 for a school district may not exceed the lesser of:

16 (1) the amount the actual debt service payments the  
17 district makes in the biennium in which the bonds are issued; or

18 (2) the greater of:

19 (A) \$100,000; or

20 (B) the product of the number of students in  
21 average enrollment [~~daily attendance~~] in the district multiplied by  
22 \$250.

23 SECTION 41. Section 46.006(g), Education Code, is amended  
24 to read as follows:

25 (g) In this section, "wealth per student" means a school  
26 district's taxable value of property as determined under Subchapter  
27 M, Chapter 403, Government Code, or, if applicable, Section 48.258,

1 divided by the district's average enrollment [~~daily attendance~~] as  
2 determined under Section 48.005.

3 SECTION 42. Section 46.032(a), Education Code, is amended  
4 to read as follows:

5 (a) Each school district is guaranteed a specified amount  
6 per student in state and local funds for each cent of tax effort to  
7 pay the principal of and interest on eligible bonds. The amount of  
8 state support, subject only to the maximum amount under Section  
9 46.034, is determined by the formula:

10 
$$EDA = (EDGL \times \underline{AE} \text{ [ADA]} \times EDTR \times 100) - (EDTR \times (DPV/100))$$

11 where:

12 "EDA" is the amount of state funds to be allocated to the  
13 district for assistance with existing debt;

14 "EDGL" is the dollar amount guaranteed level of state and  
15 local funds per student per cent of tax effort, which is the lesser  
16 of:

17 (1) \$40 or a greater amount for any year provided by  
18 appropriation; or

19 (2) the amount that would result in a total additional  
20 amount of state funds under this subchapter for the current year  
21 equal to \$60 million in excess of the state funds to which school  
22 districts would have been entitled under this section if the  
23 guaranteed level amount were \$35;

24 "AE" [~~"ADA"~~] is the number of students in average enrollment  
25 [~~daily attendance~~], as determined under Section 48.005, in the  
26 district;

27 "EDTR" is the existing debt tax rate of the district, which is

1 determined by dividing the amount budgeted by the district for  
2 payment of eligible bonds by the quotient of the district's taxable  
3 value of property as determined under Subchapter M, Chapter 403,  
4 Government Code, or, if applicable, under Section 48.258, divided  
5 by 100; and

6 "DPV" is the district's taxable value of property as  
7 determined under Subchapter M, Chapter 403, Government Code, or, if  
8 applicable, under Section 48.258.

9 SECTION 43. Sections 48.0051(a) and (b), Education Code,  
10 are amended to read as follows:

11 (a) ~~The [Subject to Subsection (a-1), the]~~ commissioner  
12 shall adjust the average enrollment ~~[daily attendance]~~ of a school  
13 district or open-enrollment charter school under Section 48.005 in  
14 the manner provided by Subsection (b) if the district or school:

15 (1) provides the minimum number of minutes of  
16 operational and instructional time required under Section 25.081  
17 and commissioner rules adopted under that section over at least 180  
18 days of instruction; and

19 (2) offers an additional 30 days of half-day  
20 instruction for students enrolled in prekindergarten through fifth  
21 grade.

22 (b) For a school district or open-enrollment charter school  
23 described by Subsection (a), the commissioner shall increase the  
24 average enrollment ~~[daily attendance]~~ of the district or school  
25 under Section 48.005 by the amount equal to one-sixth ~~[that results~~  
26 ~~from the quotient]~~ of the enrollment ~~[sum of attendance]~~ by  
27 students described by Subsection (a)(2) in ~~[for each of]~~ the 30

1 additional instructional days of half-day instruction [~~that are~~  
2 ~~provided divided by 180~~].

3 SECTION 44. Section 48.006, Education Code, is amended to  
4 read as follows:

5 Sec. 48.006. AVERAGE ENROLLMENT [~~DAILY ATTENDANCE~~] FOR  
6 DISTRICTS IN DISASTER AREA. (a) The commissioner may adjust the  
7 average enrollment [~~daily attendance~~] of a school district all or  
8 part of which is located in an area declared a disaster area by the  
9 governor under Chapter 418, Government Code, if the district  
10 experiences a decline in average enrollment [~~daily attendance~~] that  
11 is reasonably attributable to the impact of the disaster.

12 (b) The adjustment must be sufficient to ensure that the  
13 district receives funding comparable to the funding that the  
14 district would have received if the decline in average enrollment  
15 [~~daily attendance~~] reasonably attributable to the impact of the  
16 disaster had not occurred.

17 (c) The commissioner may make the adjustment under this  
18 section for the two-year period following the date of the  
19 governor's initial proclamation or executive order declaring the  
20 state of disaster.

21 (d) Section 48.005(b)(2) does not apply to a district that  
22 receives an adjustment under this section.

23 (e) A district that receives an adjustment under this  
24 section may not receive any additional adjustment under Section  
25 48.005(d) for the decline in average enrollment [~~daily attendance~~]  
26 on which the adjustment under this section is based.

27 (f) For purposes of this title, a district's adjusted

1 average enrollment [~~daily attendance~~] under this section is  
2 considered to be the district's average enrollment [~~daily~~  
3 ~~attendance~~] as determined under Section 48.005.

4 SECTION 45. Sections 48.010(a) and (b), Education Code, are  
5 amended to read as follows:

6 (a) Not later than July 1 of each year, the commissioner  
7 shall determine for each school district whether the estimated  
8 amount of state and local funding per student in weighted average  
9 enrollment [~~daily attendance~~] to be provided to the district under  
10 the Foundation School Program for maintenance and operations for  
11 the following school year is less than the amount provided to the  
12 district for the 2010-2011 school year. If the amount estimated to  
13 be provided is less, the commissioner shall certify the percentage  
14 decrease in funding to be provided to the district.

15 (b) In making the determinations regarding funding levels  
16 required by Subsection (a), the commissioner shall:

17 (1) make adjustments as necessary to reflect changes  
18 in a school district's maintenance and operations tax rate;

19 (2) for a district required to reduce its local  
20 revenue level under Section 48.257, base the determinations on the  
21 district's net funding levels after deducting any amounts required  
22 to be expended by the district to comply with Chapter 49; and

23 (3) determine a district's weighted average enrollment  
24 [~~daily attendance~~] in accordance with this chapter as it existed on  
25 January 1, 2011.

26 SECTION 46. Sections 48.051(a) and (c), Education Code, are  
27 amended to read as follows:

1 (a) For each student in average enrollment [~~daily~~  
2 ~~attendance~~], not including the time students spend each day in  
3 special education programs in an instructional arrangement other  
4 than mainstream or career and technology education programs, for  
5 which an additional allotment is made under Subchapter C, a  
6 district is entitled to an allotment equal to the lesser of \$6,160  
7 or the amount that results from the following formula:

8 
$$A = \$6,160 \times TR/MCR$$

9 where:

10 "A" is the allotment to which a district is entitled;

11 "TR" is the district's tier one maintenance and operations  
12 tax rate, as provided by Section 45.0032; and

13 "MCR" is the district's maximum compressed tax rate, as  
14 determined under Section 48.2551.

15 (c) During any school year for which the maximum amount of  
16 the basic allotment provided under Subsection (a) or (b) is greater  
17 than the maximum amount provided for the preceding school year, a  
18 school district must use at least 30 percent of the amount, if the  
19 amount is greater than zero, that equals the product of the average  
20 enrollment [~~daily attendance~~] of the district multiplied by the  
21 amount of the difference between the district's funding under this  
22 chapter per student in average enrollment [~~daily attendance~~] for  
23 the current school year and the preceding school year to provide  
24 compensation increases to full-time district employees other than  
25 administrators as follows:

26 (1) 75 percent must be used to increase the  
27 compensation paid to classroom teachers, full-time librarians,

1 full-time school counselors certified under Subchapter B, Chapter  
2 21, and full-time school nurses, prioritizing differentiated  
3 compensation for classroom teachers with more than five years of  
4 experience; and

5 (2) 25 percent may be used as determined by the  
6 district to increase compensation paid to full-time district  
7 employees.

8 SECTION 47. Sections 48.052(a) and (c), Education Code, are  
9 amended to read as follows:

10 (a) Notwithstanding Section 48.051, a school district that  
11 has fewer than 130 students in average enrollment [~~daily~~  
12 ~~attendance~~] shall be provided a basic allotment on the basis of 130  
13 students in average enrollment [~~daily attendance~~] if it offers a  
14 kindergarten through grade 12 program and has preceding or current  
15 year's average enrollment [~~daily attendance~~] of at least 90  
16 students or is 30 miles or more by bus route from the nearest high  
17 school district. A district offering a kindergarten through grade 8  
18 program whose preceding or current year's average enrollment [~~daily~~  
19 ~~attendance~~] was at least 50 students or which is 30 miles or more by  
20 bus route from the nearest high school district shall be provided a  
21 basic allotment on the basis of 75 students in average enrollment  
22 [~~daily attendance~~]. An average enrollment [~~daily attendance~~] of 60  
23 students shall be the basis of providing the basic allotment if a  
24 district offers a kindergarten through grade 6 program and has  
25 preceding or current year's average enrollment [~~daily attendance~~]  
26 of at least 40 students or is 30 miles or more by bus route from the  
27 nearest high school district.

1 (c) Notwithstanding Subsection (a) or Section 48.051, a  
2 school district to which this subsection applies, as provided by  
3 Subsection (b), that has fewer than 130 students in average  
4 enrollment [~~daily attendance~~] shall be provided a basic allotment  
5 on the basis of 130 students in average enrollment [~~daily~~  
6 ~~attendance~~] if it offers a kindergarten through grade four program  
7 and has preceding or current year's average enrollment [~~daily~~  
8 ~~attendance~~] of at least 75 students or is 30 miles or more by bus  
9 route from the nearest high school district.

10 SECTION 48. Section 48.101, Education Code, is amended to  
11 read as follows:

12 Sec. 48.101. SMALL AND MID-SIZED DISTRICT ALLOTMENT. (a)  
13 Small and mid-sized districts are entitled to an annual allotment  
14 in accordance with this section. In this section:

15 (1) "AA" is the district's annual allotment per  
16 student in average enrollment [~~daily attendance~~];

17 (2) "AE" [~~"ADA"~~] is the number of students in average  
18 enrollment [~~daily attendance~~] for which the district is entitled to  
19 an allotment under Section 48.051; and

20 (3) "BA" is the basic allotment determined under  
21 Section 48.051.

22 (b) A school district that has fewer than 1,600 students in  
23 average enrollment [~~daily attendance~~] is entitled to an annual  
24 allotment for each student in average enrollment [~~daily attendance~~]  
25 based on the following formula:

26 
$$AA = ((1,600 - \underline{AE} [\del{ADA}]) \times .0004) \times BA$$

27 (c) A school district that offers a kindergarten through



1 grade 12 program and has less than 5,000 students in average  
2 enrollment [~~daily attendance~~] is entitled to an annual allotment  
3 for each student in average enrollment [~~daily attendance~~] based on  
4 the formula, of the following formulas, that results in the  
5 greatest annual allotment:

6 (1) the formula in Subsection (b), if the district is  
7 eligible for that formula; or

8 (2)  $AA = ((5,000 - \underline{AE} [ADA]) \times .000025) \times BA$ .

9 (d) Instead of the allotment under Subsection (b) or (c)(1),  
10 a school district that has fewer than 300 students in average  
11 enrollment [~~daily attendance~~] and is the only school district  
12 located in and operating in a county is entitled to an annual  
13 allotment for each student in average enrollment [~~daily attendance~~]  
14 based on the following formula:

15  $AA = ((1,600 - \underline{AE} [ADA]) \times .00047) \times BA$

16 SECTION 49. Sections 48.102(a) and (j), Education Code, are  
17 amended to read as follows:

18 (a) For each student in average enrollment [~~daily~~  
19 ~~attendance~~] in a special education program under Subchapter A,  
20 Chapter 29, in a mainstream instructional arrangement, a school  
21 district is entitled to an annual allotment equal to the basic  
22 allotment, or, if applicable, the sum of the basic allotment and the  
23 allotment under Section 48.101 to which the district is entitled,  
24 multiplied by 1.15. For each full-time equivalent student in  
25 average enrollment [~~daily attendance~~] in a special education  
26 program under Subchapter A, Chapter 29, in an instructional  
27 arrangement other than a mainstream instructional arrangement, a

1 district is entitled to an annual allotment equal to the basic  
2 allotment, or, if applicable, the sum of the basic allotment and the  
3 allotment under Section 48.101 to which the district is entitled,  
4 multiplied by a weight determined according to instructional  
5 arrangement as follows:

6	Homebound . . . . .	5.0
7	Hospital class . . . . .	3.0
8	Speech therapy . . . . .	5.0
9	Resource room . . . . .	3.0
10	Self-contained, mild and moderate, 11 regular campus . . . . .	3.0
12	Self-contained, severe, regular campus . . . . .	3.0
13	Off home campus . . . . .	2.7
14	Nonpublic day school . . . . .	1.7
15	Vocational adjustment class . . . . .	2.3

16 (j) A school district that provides an extended year program  
17 required by federal law for special education students who may  
18 regress is entitled to receive funds in an amount equal to 75  
19 percent, or a lesser percentage determined by the commissioner, of  
20 the basic allotment, or, if applicable, the sum of the basic  
21 allotment and the allotment under Section 48.101 to which the  
22 district is entitled for each full-time equivalent student in  
23 average enrollment [~~daily attendance~~], multiplied by the amount  
24 designated for the student's instructional arrangement under this  
25 section[~~, for each day the program is provided divided by the number~~  
26 ~~of days in the minimum school year~~]. The total amount of state  
27 funding for extended year services under this section may not

1 exceed \$10 million per year. A school district may use funds  
2 received under this section only in providing an extended year  
3 program.

4 SECTION 50. Section 48.105(a), Education Code, is amended  
5 to read as follows:

6 (a) For each student in average enrollment [~~daily~~  
7 ~~attendance~~] in a bilingual education or special language program  
8 under Subchapter B, Chapter 29, a district is entitled to an annual  
9 allotment equal to the basic allotment multiplied by:

10 (1) for an emergent bilingual student, as defined by  
11 Section 29.052:

12 (A) 0.1; or

13 (B) 0.15 if the student is in a bilingual  
14 education program using a dual language immersion/one-way or  
15 two-way program model; and

16 (2) for a student not described by Subdivision (1),  
17 0.05 if the student is in a bilingual education program using a dual  
18 language immersion/two-way program model.

19 SECTION 51. Sections 48.106(a) and (a-1), Education Code,  
20 are amended to read as follows:

21 (a) For each full-time equivalent student in average  
22 enrollment [~~daily attendance~~] in an approved career and technology  
23 education program in grades 7 through 12, a district is entitled to  
24 an annual allotment equal to the basic allotment, or, if  
25 applicable, the sum of the basic allotment and the allotment under  
26 Section 48.101 to which the district is entitled, multiplied by:

27 (1) 1.1 for a full-time equivalent student in career

1 and technology education courses not in an approved program of  
2 study;

3 (2) 1.28 for a full-time equivalent student in levels  
4 one and two career and technology education courses in an approved  
5 program of study, as identified by the agency; and

6 (3) 1.47 for a full-time equivalent student in levels  
7 three and four career and technology education courses in an  
8 approved program of study, as identified by the agency.

9 (a-1) In addition to the amounts under Subsection (a), for  
10 each student in average enrollment [~~daily attendance~~], a district  
11 is entitled to \$50 for each of the following in which the student is  
12 enrolled:

13 (1) a campus designated as a P-TECH school under  
14 Section 29.556; or

15 (2) a campus that is a member of the New Tech Network  
16 and that focuses on project-based learning and work-based  
17 education.

18 SECTION 52. Section 48.107(a), Education Code, is amended  
19 to read as follows:

20 (a) Except as provided by Subsection (b), for each student  
21 in average enrollment [~~daily attendance~~] who is using a public  
22 education grant under Subchapter G, Chapter 29, to attend school in  
23 a district other than the district in which the student resides, the  
24 district in which the student attends school is entitled to an  
25 annual allotment equal to the basic allotment multiplied by a  
26 weight of 0.1.

27 SECTION 53. Section 48.108(a), Education Code, is amended

1 to read as follows:

2 (a) For each student in average enrollment [~~daily~~  
3 ~~attendance~~] in kindergarten through third grade, a school district  
4 is entitled to an annual allotment equal to the basic allotment  
5 multiplied by 0.1 if the student is:

6 (1) educationally disadvantaged; or

7 (2) an emergent bilingual student, as defined by  
8 Section 29.052, and is in a bilingual education or special language  
9 program under Subchapter B, Chapter 29.

10 SECTION 54. Section 48.109(c), Education Code, is amended  
11 to read as follows:

12 (c) Not more than five percent of a district's students in  
13 average enrollment [~~daily attendance~~] are eligible for funding  
14 under this section.

15 SECTION 55. Section 48.115(a), Education Code, is amended  
16 to read as follows:

17 (a) From funds appropriated for that purpose, the  
18 commissioner shall provide to a school district an annual allotment  
19 in the amount provided by appropriation for each student in average  
20 enrollment [~~daily attendance~~].

21 SECTION 56. Sections 48.152(d) and (e), Education Code, are  
22 amended to read as follows:

23 (d) For the first school year in which students attend a new  
24 instructional facility, a school district is entitled to an  
25 allotment of \$1,000 for each student in average enrollment [~~daily~~  
26 ~~attendance~~] at the facility. For the second school year in which  
27 students attend that instructional facility, a school district is

1 entitled to an allotment of \$1,000 for each additional student in  
2 average enrollment [~~daily attendance~~] at the facility.

3 (e) For purposes of this section, the number of additional  
4 students in average enrollment [~~daily attendance~~] at a facility is  
5 the difference between the number of students in average enrollment  
6 [~~daily attendance~~] in the current year at that facility and the  
7 number of students in average enrollment [~~daily attendance~~] at that  
8 facility in the preceding year.

9 SECTION 57. Section 48.153, Education Code, is amended to  
10 read as follows:

11 Sec. 48.153. DROPOUT RECOVERY SCHOOL AND RESIDENTIAL  
12 PLACEMENT FACILITY ALLOTMENT. A school district or open-enrollment  
13 charter school is entitled to \$275 for each student in average  
14 enrollment [~~daily attendance~~] who:

- 15 (1) resides in a residential placement facility; or  
16 (2) is at a district or school or a campus of the  
17 district or school that is designated as a dropout recovery school  
18 under Section 39.0548.

19 SECTION 58. Section 48.202(a), Education Code, is amended  
20 to read as follows:

21 (a) Each school district is guaranteed a specified amount  
22 per weighted student in state and local funds for each cent of tax  
23 effort over that required for the district's local fund assignment  
24 up to the maximum level specified in this subchapter. The amount of  
25 state support, subject only to the maximum amount under Section  
26 48.203, is determined by the formula:

27 
$$\text{GYA} = (\text{GL} \times \text{WAE} [\text{WADA}] \times \text{DTR} \times 100) - \text{LR}$$

1 where:

2 "GYA" is the guaranteed yield amount of state funds to be  
3 allocated to the district;

4 "GL" is the dollar amount guaranteed level of state and local  
5 funds per weighted student per cent of tax effort, which is an  
6 amount described by Subsection (a-1) or a greater amount for any  
7 year provided by appropriation;

8 "WAE" [~~"WADA"~~] is the number of students in weighted average  
9 enrollment [~~daily attendance~~], which is calculated by dividing the  
10 sum of the school district's allotments under Subchapters B and C by  
11 the basic allotment for the applicable year;

12 "DTR" is the district enrichment tax rate of the school  
13 district, which is determined by subtracting the amounts specified  
14 by Subsection (b) from the total amount of maintenance and  
15 operations taxes collected by the school district for the  
16 applicable school year and dividing the difference by the quotient  
17 of the district's taxable value of property as determined under  
18 Subchapter M, Chapter 403, Government Code, or, if applicable,  
19 under Section 48.258 or by the quotient of the value of "DPV" as  
20 determined under Section 48.256(d) if that subsection applies to  
21 the district, divided by 100; and

22 "LR" is the local revenue, which is determined by multiplying  
23 "DTR" by the quotient of the district's taxable value of property as  
24 determined under Subchapter M, Chapter 403, Government Code, or, if  
25 applicable, under Section 48.258 or by the quotient of the value of  
26 "DPV" as determined under Section 48.256(d) if that subsection  
27 applies to the district, divided by 100.

1 SECTION 59. Section 48.252(b), Education Code, is amended  
2 to read as follows:

3 (b) Notwithstanding any other provision of this chapter or  
4 Chapter 49, a school district subject to this section is entitled to  
5 receive for each student in average enrollment [~~daily attendance~~]  
6 at the campus or program described by Subsection (a) an amount  
7 equivalent to the difference, if the difference results in  
8 increased funding, between:

9 (1) the amount described by Section 12.106; and

10 (2) the amount to which the district would be entitled  
11 under this chapter.

12 SECTION 60. Section 48.2642(a), Education Code, is amended  
13 to read as follows:

14 (a) Notwithstanding any other provision of this chapter,  
15 the commissioner shall count toward a school district's or  
16 open-enrollment charter school's average enrollment [~~daily  
17 attendance~~] under Section 48.005 each student who graduates early  
18 from high school in the district or school under the Texas First  
19 Early High School Completion Program established under Section  
20 28.0253 for the period in which the student is enrolled at an  
21 eligible institution using state credit awarded under the Texas  
22 First Scholarship Program established under Subchapter K-1,  
23 Chapter 56, based on a 100 percent attendance rate.

24 SECTION 61. Section 48.273(a)(4), Education Code, is  
25 amended to read as follows:

26 (4) "Wealth per student" means the taxable property  
27 values reported by the comptroller to the commissioner under



1 Section 48.256 divided by the number of students in average  
2 enrollment [~~daily attendance~~].

3 SECTION 62. Section 48.277(a), Education Code, is amended  
4 to read as follows:

5 (a) A school district or open-enrollment charter school is  
6 entitled to receive an annual allotment for each student in average  
7 enrollment [~~daily attendance~~] in the amount equal to the  
8 difference, if the difference is greater than zero, that results  
9 from subtracting the total maintenance and operations revenue per  
10 student in average enrollment [~~daily attendance~~] for the current  
11 school year from the lesser of:

12 (1) 103 percent of the district's or school's total  
13 maintenance and operations revenue per student in average  
14 enrollment [~~daily attendance~~] for the 2019-2020 school year that  
15 the district or school would have received under former Chapters 41  
16 and 42, as those chapters existed on January 1, 2019; or

17 (2) 128 percent of the statewide average amount of  
18 maintenance and operations revenue per student in average  
19 enrollment [~~daily attendance~~] that would have been provided for the  
20 2019-2020 school year under former Chapters 41 and 42, as those  
21 chapters existed on January 1, 2019.

22 SECTION 63. Section 49.001(2), Education Code, is amended  
23 to read as follows:

24 (2) "Weighted average enrollment [~~daily attendance~~]"  
25 has the meaning assigned by Section 48.202.

26 SECTION 64. Section 49.002, Education Code, is amended to  
27 read as follows:

1           Sec. 49.002. OPTIONS TO REDUCE LOCAL REVENUE LEVEL. A  
2 district with a local revenue level in excess of entitlement may  
3 take any combination of the following actions to reduce the  
4 district's revenue level:

5           (1) consolidation with another district as provided by  
6 Subchapter B;

7           (2) detachment of territory as provided by Subchapter  
8 C;

9           (3) purchase of average enrollment [~~daily attendance~~]  
10 credit as provided by Subchapter D;

11           (4) education of nonresident students as provided by  
12 Subchapter E; or

13           (5) tax base consolidation with another district as  
14 provided by Subchapter F.

15           SECTION 65. Section 49.003, Education Code, is amended to  
16 read as follows:

17           Sec. 49.003. INCLUSION OF ATTENDANCE CREDIT AND  
18 NONRESIDENTS IN WEIGHTED AVERAGE ENROLLMENT [~~DAILY ATTENDANCE~~]. In  
19 determining whether a school district has a local revenue level in  
20 excess of entitlement, the commissioner shall use:

21           (1) the district's final weighted average enrollment  
22 [~~daily attendance~~]; and

23           (2) the amount of attendance credit a district  
24 purchases under Subchapter D or the number of nonresident students  
25 a district educates under Subchapter E for a school year.

26           SECTION 66. Section 49.158(a), Education Code, is amended  
27 to read as follows:

1 (a) Sections 49.154 and 49.157 apply only to a district  
2 that:

3 (1) executes an agreement to purchase attendance  
4 credit necessary to reduce the district's local revenue level to  
5 the level established under Section 48.257;

6 (2) executes an agreement to purchase attendance  
7 credit and an agreement under Subchapter E to contract for the  
8 education of nonresident students who transfer to and are educated  
9 in the district but who are not charged tuition; or

10 (3) executes an agreement under Subchapter E to  
11 contract for the education of nonresident students:

12 (A) to an extent that does not provide more than  
13 10 percent of the reduction in local revenue required for the  
14 district to achieve a local revenue level that is equal to or less  
15 than the level established under Section 48.257; and

16 (B) under which all revenue paid by the district  
17 to other districts, in excess of the reduction in state aid that  
18 results from counting the weighted average enrollment [~~daily~~  
19 ~~attendance~~] of the students served in the contracting district, is  
20 required to be used for funding a consortium of at least three  
21 districts in a county with a population of less than 40,000 that is  
22 formed to support a technology initiative.

23 SECTION 67. Section 49.201, Education Code, is amended to  
24 read as follows:

25 Sec. 49.201. AGREEMENT. The board of trustees of a  
26 district with a local revenue level in excess of entitlement may  
27 execute an agreement to educate the students of another district in

1 a number that, when the weighted average enrollment [~~daily~~  
2 ~~attendance~~] of the students served is added to the weighted average  
3 enrollment [~~daily attendance~~] of the contracting district, is  
4 sufficient, in combination with any other actions taken under this  
5 chapter, to reduce the district's local revenue level to a level  
6 that is equal to or less than the level established under Section  
7 48.257. The agreement is not effective unless the commissioner  
8 certifies that the transfer of weighted average enrollment [~~daily~~  
9 ~~attendance~~] will not result in any of the contracting districts'  
10 local revenue level being greater than the level established under  
11 Section 48.257 and that the agreement requires an expenditure per  
12 student in weighted average enrollment [~~daily attendance~~] that is  
13 at least equal to the amount per student in weighted average  
14 enrollment [~~daily attendance~~] required under Section 49.153.

15 SECTION 68. Section 49.203, Education Code, is amended to  
16 read as follows:

17 Sec. 49.203. WEIGHTED AVERAGE ENROLLMENT [~~WADA~~] COUNT. For  
18 purposes of Chapter 48, students served under an agreement under  
19 this subchapter are counted only in the weighted average enrollment  
20 [~~daily attendance~~] of the district providing the services, except  
21 that students served under an agreement authorized by Section  
22 49.205 are counted in a manner determined by the commissioner.

23 SECTION 69. Section 49.257(b), Education Code, is amended  
24 to read as follows:

25 (b) Each component district shall bear a share of the costs  
26 of assessing and collecting taxes in proportion to the component  
27 district's share of weighted average enrollment [~~daily attendance~~]

1 in the consolidated taxing district.

2 SECTION 70. Section 49.258, Education Code, is amended to  
3 read as follows:

4 Sec. 49.258. REVENUE DISTRIBUTION. The consolidated taxing  
5 district shall distribute maintenance tax revenue to the component  
6 districts on the basis of the number of students in weighted average  
7 enrollment [~~daily attendance~~] in the component districts.

8 SECTION 71. Sections 49.305(c) and (d), Education Code, are  
9 amended to read as follows:

10 (c) If the detachment of whole parcels or items of property  
11 as provided by Subsection (a) would result in a district's local  
12 revenue level that is less than the level established under Section  
13 48.257 by more than the product of \$10,000 multiplied by weighted  
14 average enrollment [~~daily attendance~~], the commissioner may not  
15 detach the last parcel or item of property and shall detach the next  
16 one or more parcels or items of property in descending order of  
17 taxable value that would result in the school district having a  
18 local revenue level that is equal to or less than the level  
19 established under Section 48.257 by not more than the product of  
20 \$10,000 multiplied by weighted average enrollment [~~daily~~  
21 ~~attendance~~].

22 (d) Notwithstanding Subsections (a), (b), and (c), the  
23 commissioner may detach only a portion of a parcel or item of  
24 property if:

25 (1) it is not possible under this subchapter to reduce  
26 the district's local revenue level to a level that is equal to or  
27 less than the level established under Section 48.257 unless some or

1 all of the parcel or item of property is detached and the detachment  
2 of the whole parcel or item would result in the district from which  
3 it is detached having a local revenue level that is less than the  
4 level established under Section 48.257 by more than the product of  
5 \$10,000 multiplied by weighted average enrollment [~~daily~~  
6 ~~attendance~~]; or

7 (2) the commissioner determines that a partial  
8 detachment of that parcel or item of property is preferable to the  
9 detachment of one or more other parcels or items having a lower  
10 taxable value in order to minimize the number of parcels or items of  
11 property to be detached consistent with the purposes of this  
12 chapter.

13 SECTION 72. Section 49.306(i), Education Code, is amended  
14 to read as follows:

15 (i) The commissioner may order the annexation of a portion  
16 of a parcel or item of property, including a portion of property  
17 treated as a whole parcel or item under Subsection (h), if:

18 (1) the annexation of the whole parcel or item would  
19 result in the district eligible to receive it in the appropriate  
20 priority order provided by this section having a local revenue  
21 level greater than the amount by which the product of \$10,000  
22 multiplied by weighted average enrollment [~~daily attendance~~]  
23 exceeds the taxable value of property necessary to generate  
24 maintenance and operations tax revenue in the amount equal to the  
25 district's entitlement under Section 48.202(a-1)(2); or

26 (2) the commissioner determines that annexation of  
27 portions of the parcel or item would reduce disparities in district

1 taxable values of property necessary to generate maintenance and  
2 operations tax revenue in the amount equal to a district's  
3 entitlement under Section 48.202(a-1)(2) more efficiently than  
4 would be possible if the parcel or item were annexed as a whole.

5 SECTION 73. Section 49.311, Education Code, is amended to  
6 read as follows:

7 Sec. 49.311. STUDENT ATTENDANCE. A student who is a  
8 resident of real property detached from a school district may  
9 choose to attend school in that district or in the district to which  
10 the property is annexed. For purposes of determining average  
11 enrollment [~~daily attendance~~] under Section 48.005, the student  
12 shall be counted in the district to which the property is annexed.  
13 If the student chooses to attend school in the district from which  
14 the property is detached, the state shall withhold any foundation  
15 school funds from the district to which the property is annexed and  
16 shall allocate to the district in which the student is attending  
17 school those funds and the amount of funds equal to the difference  
18 between the state funds the district is receiving for the student  
19 and the district's cost in educating the student.

20 SECTION 74. Section 49.354(e), Education Code, is amended  
21 to read as follows:

22 (e) A restored district's proportionate share of fund  
23 balances, personal property, or indebtedness is equal to the  
24 proportion that the number of students in average enrollment [~~daily  
25 attendance~~] in the restored district bears to the number of  
26 students in average enrollment [~~daily attendance~~] in the  
27 consolidated district.

1 SECTION 75. Section 403.104(d), Government Code, is amended  
2 to read as follows:

3 (d) The proportionate share of an independent school  
4 district is determined by multiplying the total amount of the  
5 payment available for distribution to school districts by the ratio  
6 that the average number of [~~daily attendance for~~] students who  
7 reside in the county and are enrolled in [~~who attend~~] that school  
8 district bears to the average number of [~~daily attendance for~~] all  
9 students who reside in the county and are enrolled in [~~who attend~~]  
10 any independent school district. However, if there are fewer than  
11 10 independent school districts located in whole or part in the  
12 county and if an independent school district would receive under  
13 this formula less than 10 percent of the total payment available for  
14 distribution to independent school districts, the school  
15 district's share shall be increased to 10 percent of the total  
16 payment and the shares of the school districts that would receive  
17 more than 10 percent under the formula shall be reduced  
18 proportionately, but not to an amount less than 10 percent of the  
19 total payment. [~~Each independent school district shall develop a~~  
20 ~~reasonable method for determining the average daily attendance for~~  
21 ~~students who reside in the county and who attend the school~~  
22 ~~district.~~]

23 SECTION 76. Section 1371.001(4), Government Code, is  
24 amended to read as follows:

- 25 (4) "Issuer" means:
- 26 (A) a home-rule municipality that:
- 27 (i) adopted its charter under Section 5,



1 Article XI, Texas Constitution;

2 (ii) has a population of 50,000 or more; and

3 (iii) has outstanding long-term  
4 indebtedness that is rated by a nationally recognized rating agency  
5 for municipal securities in one of the four highest rating  
6 categories for a long-term obligation;

7 (B) a conservation and reclamation district  
8 created and organized as a river authority under Section 52,  
9 Article III, or Section 59, Article XVI, Texas Constitution;

10 (C) a joint powers agency organized and operating  
11 under Chapter 163, Utilities Code;

12 (D) a metropolitan rapid transit authority,  
13 regional transportation authority, or coordinated county  
14 transportation authority created, organized, or operating under  
15 Chapter 451, 452, or 460, Transportation Code;

16 (E) a conservation and reclamation district  
17 organized or operating as a navigation district under Section 52,  
18 Article III, or Section 59, Article XVI, Texas Constitution;

19 (F) a district organized or operating under  
20 Section 59, Article XVI, Texas Constitution, that has all or part of  
21 two or more municipalities within its boundaries;

22 (G) a state agency, including a state institution  
23 of higher education;

24 (H) a hospital authority created or operating  
25 under Chapter 262 or 264, Health and Safety Code, in a county that:

26 (i) has a population of more than 3.3  
27 million; or

1 (ii) is included, in whole or in part, in a  
2 standard metropolitan statistical area of this state that includes  
3 a county with a population of more than 2.2 million;

4 (I) a hospital district in a county that has a  
5 population of more than two million;

6 (J) a nonprofit corporation organized to  
7 exercise the powers of a higher education loan authority under  
8 Section 53B.47(e), Education Code;

9 (K) a county:

10 (i) that has a population of 3.3 million or  
11 more; or

12 (ii) that, on the date of issuance of  
13 obligations under this chapter, has authorized, outstanding, or any  
14 combination of authorized and outstanding, indebtedness of at least  
15 \$100 million secured by and payable from the county's ad valorem  
16 taxes and the authorized long-term indebtedness of which is rated  
17 by a nationally recognized rating agency of securities issued by  
18 local governments in one of the four highest rating categories for a  
19 long-term obligation;

20 (L) an independent school district that has an  
21 average enrollment [~~daily attendance~~] of 50,000 or more as  
22 determined under Section 48.005, Education Code;

23 (M) a municipality or county operating under  
24 Chapter 334, Local Government Code;

25 (N) a district created under Chapter 335, Local  
26 Government Code;

27 (O) a junior college district that has a total

1 headcount enrollment of 40,000 or more based on enrollment in the  
2 most recent regular semester; or

3 (P) an issuer, as defined by Section 1201.002,  
4 that has:

5 (i) a principal amount of at least \$100  
6 million in outstanding long-term indebtedness, in long-term  
7 indebtedness proposed to be issued, or in a combination of  
8 outstanding or proposed long-term indebtedness; and

9 (ii) some amount of long-term indebtedness  
10 outstanding or proposed to be issued that is rated in one of the  
11 four highest rating categories for long-term debt instruments by a  
12 nationally recognized rating agency for municipal securities,  
13 without regard to the effect of any credit agreement or other form  
14 of credit enhancement entered into in connection with the  
15 obligation.

16 SECTION 77. Section 1431.001(3), Government Code, is  
17 amended to read as follows:

18 (3) "Eligible school district" means an independent  
19 school district that has an average enrollment [~~daily attendance~~]  
20 of 190,000 or more as determined under Section 48.005, Education  
21 Code.

22 SECTION 78. Section 325.011(a), Local Government Code, is  
23 amended to read as follows:

24 (a) The district is governed by a board of directors  
25 composed of five members, with two directors appointed by the  
26 commissioners court of the county, two directors appointed by the  
27 governing body of the municipality having the largest population in

1 the county, and one director appointed by the governing body of the  
2 school district with the largest number of students in average  
3 enrollment [~~daily attendance~~] in the county. The board shall  
4 manage the district and administer this chapter.

5 SECTION 79. Section 313.027(i), Tax Code, is amended to  
6 read as follows:

7 (i) A person and the school district may not enter into an  
8 agreement under which the person agrees to provide supplemental  
9 payments to a school district or any other entity on behalf of a  
10 school district in an amount that exceeds an amount equal to the  
11 greater of \$100 per student per year in average enrollment [~~daily~~  
12 ~~attendance~~], as defined by Section 48.005, Education Code, or  
13 \$50,000 per year, or for a period that exceeds the period beginning  
14 with the period described by Section 313.021(4) and ending December  
15 31 of the third tax year after the date the person's eligibility for  
16 a limitation under this chapter expires. This limit does not apply  
17 to amounts described by Subsection (f)(1) or (2).

18 SECTION 80. Section 1, Article 2688d, Vernon's Texas Civil  
19 Statutes, is amended to read as follows:

20 Section 1. In all counties of the State where, according to  
21 the preceding annual statistical report of the schools said county  
22 has not more than four (4) school districts, with one (1) of such  
23 districts comprising more than half of the county and having more  
24 than two thousand (2,000) pupils in average enrollment [~~daily~~  
25 ~~attendance~~] in the one (1) district alone, and such district having  
26 an assessed valuation of more than Twenty Million Dollars  
27 (\$20,000,000) and where there is only one (1) common school

1 district in such county with an average enrollment [~~daily~~  
2 ~~attendance~~] of less than sixteen (16), the office of county  
3 superintendent is hereby abolished, to be effective at the end of  
4 the term of the incumbent county superintendent, as is now provided  
5 by law.

6 SECTION 81. The following provisions of the Education Code  
7 are repealed:

8 (1) Section [29.0822\(d-1\)](#); and

9 (2) Section [48.007](#).

10 SECTION 82. This Act takes effect September 1, 2023.