

BILL ANALYSIS

H.B. 1202
By: Dutton
Public Education
Committee Report (Unamended)

BACKGROUND

Currently, charter school contracts stipulate the maximum allowable enrollment of a particular charter school. In compliance with this contract, the Texas Education Agency (TEA) is authorized to recover excess funds when a charter school exceeds the contract enrollment number. However, charter schools receive state funds based on the average daily attendance (ADA) of students. Because average daily attendance is rarely 100%, charter schools often enroll enough students to meet a 100% ADA based on the contract enrollment number. This increase in ADA corresponds to a charter school enrolling more students than the limit established under the charter contract.

PURPOSE

House Bill 1202 prohibits the commissioner of education from recovering funds paid to charter schools for students enrolled in excess of the number authorized by the charter contract.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

House Bill 1202 amends the Education Code to prohibit the commissioner of education from garnishing or recovering funds paid to an open-enrollment charter school if: the number of students enrolled in the school year exceeded the student enrollment prescribed by the school's charter during that period, the charter school received funding based on actual student enrollment, and the charter school used all funds to provide educational services to students.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2003.