

1-1 By: Dutton (Senate Sponsor - Van de Putte) H.B. No. 1202
1-2 (In the Senate - Received from the House April 25, 2003;
1-3 April 28, 2003, read first time and referred to Committee on
1-4 Education; May 23, 2003, reported favorably, as amended, by the
1-5 following vote: Yeas 6, Nays 0; May 23, 2003, sent to printer.)

1-6 COMMITTEE AMENDMENT NO. 1 By: Van de Putte

1-7 (1) In SECTION 1 of the bill, between proposed Sections
1-8 12.1061(1) and 12.1061(2), Education Code (Committee printing
1-9 version, page 1, between lines 49 and 50), insert the following:

1-10 (2) the school:

1-11 (A) submits to the commissioner a timely request
1-12 to revise the maximum student enrollment described by the school's
1-13 charter and the commissioner does not notify the school in writing
1-14 of an objection to the proposed revision before the 90th day after
1-15 the date on which the commissioner received the request, provided
1-16 that the number of students enrolled at the school does not exceed
1-17 the enrollment described by the school's request; or

1-18 (B) exceeds the maximum student enrollment
1-19 described by the school's charter only because a court mandated
1-20 that a specific child enroll in that school; and

1-21 (2) In SECTION 1 of the bill, in proposed Section 12.1061,
1-22 Education Code (Committee printing version, page 1, line 50),
1-23 strike "(2)" and substitute "(3)".

1-24 (3) Add the following appropriately numbered SECTION to the
1-25 bill and renumber the subsequent SECTIONS accordingly:

1-26 SECTION ____ . Section 12.114, Education Code, is amended to
1-27 read as follows:

1-28 Sec. 12.114. REVISION. (a) A revision of a charter of an
1-29 open-enrollment charter school may be made only with the approval
1-30 of the commissioner.

1-31 (b) Not more than once each year, an open-enrollment charter
1-32 school may request approval to revise the maximum student
1-33 enrollment described by the school's charter.

1-34 A BILL TO BE ENTITLED
1-35 AN ACT

1-36 relating to recovery of certain funds received by an
1-37 open-enrollment charter school.

1-38 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-39 SECTION 1. Subchapter D, Chapter 12, Education Code, is
1-40 amended by adding Section 12.1061 to read as follows:

1-41 Sec. 12.1061. RECOVERY OF CERTAIN FUNDS. The commissioner
1-42 may not garnish or otherwise recover funds paid to an
1-43 open-enrollment charter school under Section 12.106 if:

1-44 (1) the basis of the garnishment or recovery is that:

1-45 (A) the number of students enrolled in the school
1-46 during a school year exceeded the student enrollment described by
1-47 the school's charter during that period; and

1-48 (B) the school received funding under Section
1-49 12.106 based on the school's actual student enrollment; and

1-50 (2) the school used all funds received under Section
1-51 12.106 to provide education services to students.

1-52 SECTION 2. This Act takes effect immediately if it receives
1-53 a vote of two-thirds of all the members elected to each house, as
1-54 provided by Section 39, Article III, Texas Constitution. If this
1-55 Act does not receive the vote necessary for immediate effect, this
1-56 Act takes effect September 1, 2003.

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