

Amend **CSHB 2** by adding a new Section to read as follows:

SECTION.

Sec. 42.2591. CERTIFICATION OF SUFFICIENT APPROPRIATIONS FOR FOUNDATION SCHOOL PROGRAM. (a) Before the beginning of each school year, the commissioner shall certify in writing whether the legislature has appropriated sufficient state funds for purposes of the Foundation School Program for the following school year. For purposes of this section, an appropriation of state funds for purposes of the Foundation School Program is sufficient if:

(1) the appropriated state funds constitute at least 60 percent of the cost of the Foundation School Program; and

(2) the appropriated state funds, in combination with the local school district funds to be generated using the tax rates authorized by law for maintenance and operation, permit each school district to provide a basic program of education that is rated academically acceptable or higher under Section 39.072.

(b) The commissioner may make the certification required by Subsection (a) only after holding a public hearing. A school district may designate a person to appear at the hearing and testify as to the sufficiency of the appropriation for purposes of the Foundation School Program.

(c) If the commission determines that the legislature has appropriated sufficient state funds for purposes of the Foundation School Program for the following school year, any school district may bring an action in a district court in Travis County challenging that determination.

(d) If the commissioner determines that the legislature has not appropriated sufficient state funds for purposes of the Foundation School Program for the following school year, any school district may bring an action in a district court in Travis County to enjoin the comptroller from issuing any warrants to school districts for payments for the following school year until the legislature has appropriated sufficient state funds. An injunction under this subsection may not take effect until the 90th day after the date the court enters the injunction.

(e) This Section applies beginning with the 2005-2006 school year.