

By: Escobar

H.B. No. 446

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the sufficiency of appropriations for the Foundation
3 School Program.

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

5 SECTION 1. Subchapter E, Chapter 42, Education Code, is
6 amended by adding Section 42.2591 to read as follows:

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

14 (1) the appropriated state funds constitute at least
15 50 percent of the cost of the Foundation School Program; and

16 (2) the appropriated state funds, in combination with
17 the local school district funds to be generated using the tax rates
18 estimated under Section 42.254(a)(1), permit each school district
19 to provide a basic program of education that is rated academically
20 acceptable or higher under Section 39.072.

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

1 Foundation School Program.

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

7 (d) If the commissioner determines that the legislature has
8 not appropriated sufficient state funds for purposes of the
9 Foundation School Program for the following school year, any school
10 district may bring an action in a district court in Travis County to
11 enjoin the comptroller from issuing any warrants to school
12 districts for payments under Section 42.259 for the following
13 school year until the legislature has appropriated sufficient state
14 funds. An injunction under this subsection may not take effect
15 until the 90th day after the date the court enters the injunction.

16 SECTION 2. Section 42.2591, Education Code, as added by
17 this Act, applies beginning with the 2005-2006 school year. If this
18 Act does not receive the vote necessary for immediate effect, the
19 commissioner of education shall make the certification required by
20 Section 42.2591, Education Code, as added by this Act, for the
21 2005-2006 school year not later than October 1, 2005.

22 SECTION 3. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2005.