

By: Rose

H.B. No. 1076

A BILL TO BE ENTITLED

AN ACT

relating to state educational mandates imposed on school districts.

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

SECTION 1. Subchapter A, Chapter 7, Education Code, is amended by adding Section 7.007 to read as follows:

Sec. 7.007. STATE EDUCATIONAL MANDATES. (a) In this section, "state educational mandate" means a provision of a state statute or rule that requires:

(1) school district action to implement the provision;

and

(2) an expenditure by a school district that would not have been required in the absence of the provision.

(b) The commissioner by rule shall establish a procedure under which a school district or group of school districts may request a hearing with the agency to challenge a projected cost of a state educational mandate. A school district or group of school districts may request a hearing under this subsection only after a statute or rule becomes effective.

(c) If the agency determines at the conclusion of the hearing that the legislature has not appropriated funds sufficient to cover school districts' costs in complying with a state educational mandate, a school district is not required to comply with the mandate until the legislature appropriates funds sufficient to cover the costs of complying with the mandate.

1 (d) A school district may appeal a determination by the
2 agency under this section under the procedures provided for a
3 contested case under Chapter 2001, Government Code.

4 (e) The commissioner shall adopt rules necessary to
5 administer this section.

6 SECTION 2. Section 7.007, Education Code, as added by this
7 Act, applies only to a statute or rule that becomes effective on or
8 after the effective date of this Act. A statute or rule that becomes
9 effective before the effective date of this Act is governed by the
10 law in effect at the time the statute or rule became effective, and
11 the former law is continued in effect for that purpose.

12 SECTION 3. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2007.