

BILL ANALYSIS

Senate Research Center
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S.B. 2152
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Education
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current school finance laws in Chapter 41 (Equalized Wealth Level), Education Code, school district wealth is determined by property values and student enrollment numbers without any consideration as to the makeup of the student population. School districts face increasing challenges in educating minority populations, students with limited English proficiency, and economically disadvantaged students. Many school districts target these students with additional resources to ensure that they receive the appropriate educational support needed. Six independent school districts in two counties of Texas are in the unique position of having to make recapture payments to the state, but have a student population which is primarily composed of minority students, economically disadvantaged students, and a high percentage of students with limited English proficiency. Rather than being able to focus the resources on the students with additional needs, six districts are having to send money back to the state.

This bill seeks to provide an exemption to the wealth per student limitation for some school districts. It allows school districts with a specific student population to keep the recapture payments in the district in order to focus those resources on students in the most need.

As proposed, S.B. 2152 amends current law relating to an exception to the wealth per student limitation for certain school districts.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education in SECTION 1 (Section 41.0022, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 41, Education Code, by adding Section 41.0022, as follows:

Sec. 41.0022. EXCEPTION TO WEALTH PER STUDENT LIMITATION FOR CERTAIN SCHOOL DISTRICTS. (a) Provides that, notwithstanding any other provision of this chapter, a school district is not required to satisfy any wealth per student limitation prescribed by Section 41.002 (Equalized Wealth Level) and is not required to take any action under Section 41.003 (Options to Achieve Equalized Wealth Level) to achieve the equalized wealth level if the district is located at least partially in a county with a population of 1.5 million or more and:

- (1) 20 percent or more of the students in prekindergarten through fifth grade in the district are classified as students of limited English proficiency, as defined by Section 29.052 (Definitions);
- (2) 50 percent or more of the total students in the district are economically disadvantaged, as determined by the commissioner of education (commissioner), and have family incomes below the federal poverty level;
- (3) 65 percent or more of the students in prekindergarten through fifth grade in the district are economically disadvantaged, as determined by the commissioner;

(4) the district has a student mobility rate of 25 percent or higher, as determined by the commissioner; and

(5) 75 percent or more of the total students in the district are minority students, as determined by the commissioner.

(b) Provides that a school district that establishes eligibility for the exception provided by this section is entitled to the exception for a period of four consecutive school years. Provides that the district, after that period, remains eligible for the exception until the student population of the district results in district percentages regarding at least two of the criteria specified in Subsection (a) that are more than five percentage points below the percentages specified in Subsection (a) for those criteria.

(c) Requires the commissioner to adopt rules as necessary to administer this section.

SECTION 2. Effective date: September 1, 2009.