

By: Eiland

H.B. No. 2448

A BILL TO BE ENTITLED

AN ACT

relating to reducing the amount paid to purchase attendance credits by certain school districts in disaster areas.

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

SECTION 1. Subchapter A, Chapter 41, Education Code, is amended by adding Section 41.014 to read as follows:

Sec. 41.014. REDUCTION IN AMOUNT PAID TO PURCHASE ATTENDANCE CREDITS. (a) A school district that is required to take action under Section 41.003 to reduce its wealth per student to achieve the equalized wealth level may apply to the commissioner for a reduction in the total amount the district is required under Section 41.093 to pay in purchasing attendance credits if:

(1) all or part of the district is located in an area designated by an executive order or proclamation issued by the governor under Chapter 418, Government Code, declaring a state of disaster;

(2) the dollar value of the property damage suffered and recovery expenses incurred by the district as a result of the disaster exceeds an amount equal to 10 percent of the amount of the district's annual operating budget for the school year in which the disaster occurred; and

(3) compliance with the wealth reduction required under this chapter would reduce the district's fund balance to a level below the level determined to be optimal by the commissioner.

1       (b) On application by a school district described by  
2 Subsection (a) in the time and manner required by commissioner  
3 rule, the commissioner shall reduce the total amount the district  
4 is required to pay in purchasing attendance credits under Section  
5 41.093 during the school year in which the disaster occurred and the  
6 following two school years to the extent necessary, as determined  
7 by the commissioner in accordance with commissioner rule, to allow  
8 the district to resume normal operations and services. In  
9 determining the amount of the reduction for a school year, the  
10 commissioner may consider:

11               (1) the sufficiency of the district's fund balance  
12 before the disaster and the amount of district expenditures and  
13 district staffing levels before and after the disaster;

14               (2) any reduction in student enrollment or district  
15 property values as a result of the disaster; and

16               (3) any insurance payments or governmental assistance  
17 for property damage or recovery activities the district has  
18 received.

19       (c) The commissioner may increase the amount required to be  
20 paid by a school district for attendance credits under Section  
21 41.093 or may withhold state funds that otherwise would be paid the  
22 district in a year after the amount of school district payments are  
23 reduced under this section to the extent necessary to recover funds  
24 retained by a district under this section to pay for expenses for  
25 which the district later received insurance or governmental  
26 assistance.

27       (d) A district applying for a reduction under this section

1 shall submit any information required by the commissioner in the  
2 time and manner required by commissioner rule.

3 (e) A decision of the commissioner under this section is  
4 final and may not be appealed.

5 (f) The commissioner shall adopt rules as necessary to  
6 administer this section.

7 SECTION 2. (a) This Act applies beginning with the  
8 2009-2010 school year.

9 (b) The applicability of Section 41.014, Education Code, as  
10 added by this Act, to a school district during the 2009-2010 school  
11 year is not affected by whether the disaster occurs before, on, or  
12 after the effective date of this Act.

13 SECTION 3. This Act takes effect immediately if it receives  
14 a vote of two-thirds of all the members elected to each house, as  
15 provided by Section 39, Article III, Texas Constitution. If this  
16 Act does not receive the vote necessary for immediate effect, this  
17 Act takes effect September 1, 2009.