

By: Shapiro, et al.

S.B. No. 644

A BILL TO BE ENTITLED

AN ACT

relating to modifications, adjustments, and reimbursements under the public school finance system and contract delegation authority for a school district located in a disaster area.

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

SECTION 1. Subchapter A, Chapter 42, Education Code, is amended by adding Section 42.0051 to read as follows:

Sec. 42.0051. AVERAGE DAILY ATTENDANCE FOR DISTRICTS IN DISASTER AREA. (a) The commissioner shall adjust the average daily attendance of a school district all or part of which is located in an area declared a disaster area by the governor under Chapter 418, Government Code, if the district experiences a decline in average daily attendance that is reasonably attributable to the impact of the disaster.

(b) The adjustment must be sufficient to ensure that the district receives funding comparable to the funding that the district would have received if the decline in average daily attendance reasonably attributable to the impact of the disaster had not occurred.

(c) The commissioner shall make the adjustment required by this section for the two-year period following the date of the governor's initial proclamation or executive order declaring the state of disaster.

(d) Section 42.005(b)(2) does not apply to a district that

1 receives an adjustment under this section.

2 (e) A district that receives an adjustment under this  
3 section may not receive any additional adjustment under Section  
4 42.005(d) for the decline in average daily attendance on which the  
5 adjustment under this section is based.

6 (f) For purposes of this title, a district's adjusted  
7 average daily attendance under this section is considered to be the  
8 district's average daily attendance as determined under Section  
9 42.005.

10 SECTION 2. Subchapter E, Chapter 42, Education Code, is  
11 amended by adding Sections 42.2523 and 42.2524 to read as follows:

12 Sec. 42.2523. ADJUSTMENT FOR PROPERTY VALUE AFFECTED BY  
13 STATE OF DISASTER. (a) For purposes of Chapters 41 and 46 and this  
14 chapter, the commissioner shall adjust the taxable value of  
15 property of a school district all or part of which is located in an  
16 area declared a disaster area by the governor under Chapter 418,  
17 Government Code, as necessary to ensure that the district receives  
18 funding based as soon as possible on property values as affected by  
19 the disaster.

20 (b) Any additional funding to which a school district is  
21 entitled as a result of the adjustment required by this section is  
22 in addition to the amount of funding to which the district is  
23 entitled under Section 42.2516(b).

24 (c) A decision of the commissioner under this section is  
25 final and may not be appealed.

26 Sec. 42.2524. REIMBURSEMENT FOR DISASTER REMEDIATION  
27 COSTS. (a) This section applies only to a school district all or

1 part of which is located in an area declared a disaster area by the  
2 governor under Chapter 418, Government Code, and that incurs  
3 disaster remediation costs as a result of the disaster.

4 (b) During the two-year period following the date of the  
5 governor's initial proclamation or executive order declaring a  
6 state of disaster, a district may apply to the commissioner for  
7 reimbursement of disaster remediation costs that the district pays  
8 during that period and does not anticipate recovering through  
9 insurance proceeds, federal disaster relief payments, or another  
10 similar source of reimbursement.

11 (b-1) A district may seek reimbursement of disaster  
12 remediation costs paid by the district on or after September 1,  
13 2008. This subsection expires September 1, 2011.

14 (c) The commissioner may provide reimbursement under this  
15 section only if:

16 (1) funds are specifically appropriated for purposes  
17 of this section; or

18 (2) Foundation School Program funds are available for  
19 purposes of this section, based on a determination by the  
20 commissioner that the amount appropriated for the Foundation School  
21 Program, including the facilities component as provided by Chapter  
22 46, exceeds the amount to which districts are entitled under this  
23 chapter and Chapter 46.

24 (d) A district seeking reimbursement under this section  
25 must provide the commissioner with adequate documentation of the  
26 costs for which the district seeks reimbursement.

27 (e) If the amount of money available for purposes of this

1 section is not sufficient to fully reimburse each district's  
2 disaster remediation costs, the commissioner shall reduce the  
3 amount of assistance provided under this section to each district  
4 proportionately.

5 (f) Notwithstanding any other provision of law, a district  
6 that is required to purchase attendance credits under Chapter 41 is  
7 eligible to receive assistance under this section in the same  
8 manner as any other district. A district may, at its discretion,  
9 receive assistance either as a payment of state aid under this  
10 chapter or as a reduction in the total amount required to be paid by  
11 the district for attendance credits under Section 41.093.

12 (g) Amounts provided to a district under this section are in  
13 addition to the amount to which the district is entitled under  
14 Section 42.2516.

15 (h) The commissioner shall adopt rules necessary to  
16 implement this section, including rules defining "disaster  
17 remediation costs" for purposes of this section and specifying the  
18 type of documentation required under Subsection (d).

19 (i) Notwithstanding any other provision of this section,  
20 the commissioner may permit a district to use amounts provided to a  
21 district under this section to pay the costs of replacing a facility  
22 instead of repairing the facility. The commissioner shall ensure  
23 that a district that elects to replace a facility does not receive  
24 an amount under this section that exceeds the lesser of:

25 (1) the amount that would be provided to the district  
26 if the facility were repaired; or

27 (2) the amount necessary to replace the facility.

1       (j) This section does not require the commissioner to  
2 provide any requested reimbursement. A decision of the  
3 commissioner regarding reimbursement is final and may not be  
4 appealed.

5       SECTION 3. Section 44.0312, Education Code, is amended by  
6 adding Subsection (c) to read as follows:

7       (c) Notwithstanding any other provision of this code, in the  
8 event of a catastrophe, emergency, or natural disaster affecting a  
9 school district, the board of trustees of the district may delegate  
10 to the superintendent or designated person the authority to  
11 contract for the replacement, construction, or repair of school  
12 equipment or facilities under this subchapter if emergency  
13 replacement, construction, or repair is necessary for the health  
14 and safety of district students and staff.

15       SECTION 4. This Act does not make an appropriation. This  
16 Act takes effect only if a specific appropriation for the  
17 implementation of the Act is provided in a general appropriations  
18 act of the 81st Legislature.

19       SECTION 5. Except as provided by Section 4 of this Act, this  
20 Act takes effect September 1, 2009.