

By: Shapiro

S.B. No. 644

A BILL TO BE ENTITLED

AN ACT

1
2 relating to modifications, adjustments, and reimbursements under
3 the public school finance system for a school district located in a
4 disaster area.

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

6 SECTION 1. Subchapter D, Chapter 41, Education Code, is
7 amended by adding Section 41.0931 to read as follows:

8 Sec. 41.0931. DISASTER REMEDIATION COSTS. (a) This
9 section applies only to a district all or part of which is located
10 in an area declared a disaster area by the governor under Chapter
11 418, Government Code, and that incurs disaster remediation costs as
12 a result of the disaster.

13 (b) Subject to Subsection (c), for the two-year period
14 following the date of the governor's initial proclamation or
15 executive order declaring a state of disaster, the total amount
16 required to be paid by a district for attendance credits under
17 Section 41.093 is reduced by the amount of any disaster remediation
18 costs paid by the district during that period.

19 (b-1) For purposes of determining the reduction under this
20 section to which a district is entitled for the 2009-2010 school
21 year, disaster remediation costs paid by the district after
22 September 1, 2008, are included if the costs meet all other
23 requirements imposed by this section. This subsection expires
24 September 1, 2010.

1 (c) To receive a reduction under this section, a district
2 must provide the commissioner with acceptable documentation of
3 disaster remediation costs paid by the district.

4 (d) The commissioner shall adopt rules necessary to
5 implement this section, including rules defining "disaster
6 remediation costs" for purposes of this section and specifying the
7 type of documentation required under Subsection (c).

8 SECTION 2. Subchapter A, Chapter 42, Education Code, is
9 amended by adding Section 42.0051 to read as follows:

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

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

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

26 (d) Section 42.005(b)(2) does not apply to a district that
27 receives an adjustment under this section.

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

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

9 SECTION 3. Subchapter E, Chapter 42, Education Code, is
10 amended by adding Sections 42.2523 and 42.2524 to read as follows:

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

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

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

25 Sec. 42.2524. REIMBURSEMENT FOR DISASTER REMEDIATION
26 COSTS. (a) This section applies only to a school district all or
27 part of which is located in an area declared a disaster area by the

1 governor under Chapter 418, Government Code, and that incurs
2 disaster remediation costs as a result of the disaster.

3 (b) During the two-year period following the date of the
4 governor's initial proclamation or executive order declaring a
5 state of disaster, a district may apply to the commissioner for
6 reimbursement of disaster remediation costs paid by the district
7 during that period.

8 (b-1) A district may seek reimbursement of disaster
9 remediation costs paid by the district on or after September 1,
10 2008. This subsection expires September 1, 2011.

11 (c) The commissioner may provide reimbursement under this
12 section only if the commissioner determines that the amount
13 appropriated for the Foundation School Program, including the
14 facilities component as provided by Chapter 46, exceeds the amount
15 to which districts are entitled under this chapter and Chapter 46.

16 (d) A district seeking reimbursement under this section
17 must provide the commissioner with adequate documentation of the
18 costs for which the district seeks reimbursement.

19 (e) If the amount of money available for purposes of this
20 section is not sufficient to reimburse each district's disaster
21 remediation costs, the commissioner shall give priority to
22 reimbursing costs incurred by districts that do not purchase
23 attendance credits under Section 41.093.

24 (f) A district may not obtain reimbursement under this
25 section for the payment of any disaster remediation costs that
26 resulted in a reduction under Section 41.0931 of the district's
27 cost of attendance credits.

1 (g) Amounts provided to a district under this section are in
2 addition to the amount to which the district is entitled under
3 Section 42.2516.

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

8 (i) This section does not require the commissioner to
9 provide any requested reimbursement. A decision of the
10 commissioner regarding reimbursement is final and may not be
11 appealed.

12 SECTION 4. This Act takes effect September 1, 2009.