

By: White

H.B. No. 458

A BILL TO BE ENTITLED

AN ACT

relating to exempting a school district from the obligation to comply with certain unfunded state educational mandates.

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

SECTION 1. Subchapter A, Chapter 11, Education Code, is amended by adding Section 11.004 to read as follows:

Sec. 11.004. EXEMPTION FROM CERTAIN STATE EDUCATIONAL MANDATES. (a) In this section, "state educational mandate" means a statutory provision the implementation of which requires an expenditure by a school district that would not have been required in the absence of the statutory provision or a rule adopted under that provision.

(b) A school district is exempt from a state educational mandate for which the legislature has not appropriated money estimated to be sufficient to meet the expenditure required by the mandate at the time the mandate is effective unless the legislature has determined that the mandate fulfills an important state interest and:

(1) the expenditure is required to comply with a law that applies to all persons similarly situated, including entities other than a school district; or

(2) the mandate is necessary either to comply with federal law or to meet eligibility standards for a federal entitlement, and the federal law specifically contemplates action

1 by a district for compliance or eligibility.

2 SECTION 2. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2011.