



*Ron Swimmer*  
*[Signature]*

FLOOR AMENDMENT NO. \_\_\_\_\_

BY:

1 Amend C.S.S.B. No. 2 (house committee report) by adding the  
2 following appropriately numbered SECTIONS to the bill and  
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION \_\_\_\_\_. Subchapter D, Chapter 12, Education Code, is  
5 amended by adding Section 12.1014 to read as follows:

6 Sec. 12.1014. AUTHORIZATION FOR GRANT OF CHARTERS FOR  
7 SCHOOLS PRIMARILY SERVING STUDENTS WITH DISABILITIES. (a) The  
8 State Board of Education may grant under Section 12.101 a  
9 charter on the application of an eligible entity for an open-  
10 enrollment charter school intended primarily to serve students  
11 eligible to receive services under Subchapter A, Chapter 29.

12 (b) The limit on the number of charters for open-  
13 enrollment charter schools imposed by Section 12.101(b-1) does  
14 not apply to a charter granted under this section to a school at  
15 which at least 50 percent of the students are eligible to  
16 receive services under Subchapter A, Chapter 29. Not more than  
17 five charters may be granted for schools described by this  
18 subsection.

19 (c) For purposes of the applicability of state and federal  
20 law, including a law prescribing requirements concerning  
21 students with disabilities, an open-enrollment charter school  
22 described by Subsection (a) is considered the same as any other  
23 school for which a charter is granted under Section 12.101.

24 (d) To the fullest extent permitted under federal law, a  
25 parent of a student with a disability may choose to enroll the  
26 parent's child in an open-enrollment charter school described by  
27 Subsection (a) regardless of whether a disproportionate number  
28 of the school's students are students with disabilities.

29 (e) This section does not authorize an open-enrollment  
30 charter school to discriminate in admissions or in the services

1 provided based on the presence, absence, or nature of an  
2 applicant's or student's disability.

3 (f) Each educator, including a person performing the  
4 duties of a superintendent, employed or under contract to serve  
5 on the instructional or administrative staff of an open-  
6 enrollment charter school described by Subsection (a) must hold  
7 the appropriate certificate, as determined in accordance with  
8 State Board for Educator Certification rule, to serve students  
9 with a disability of the same type as a disability of students  
10 enrolled in the school.

11 (g) The commissioner and the State Board for Educator  
12 Certification shall adopt rules as necessary to administer this  
13 section.

14 SECTION \_\_\_\_ . Subchapter D, Chapter 12, Education Code, is  
15 amended by adding Section 12.1062 to read as follows:

16 Sec. 12.1062. FUNDING FOR CHARTER SCHOOLS PRIMARILY  
17 SERVING STUDENTS WITH DISABILITIES. A charter holder granted a  
18 charter under Section 12.1014 is entitled to receive for the  
19 open-enrollment charter school the sum of:

20 (1) funding under Chapter 42 equal to 105 percent of  
21 the amount of funding per student that the charter holder is  
22 entitled to receive under Section 12.106 for students receiving  
23 special education services under Subchapter A, Chapter 29;

24 (2) funding under Chapter 42 that the charter holder  
25 is entitled to receive under Section 12.106 for students not  
26 receiving special education services under Subchapter A, Chapter  
27 29; and

28 (3) federal funds a student is eligible for under the  
29 Individuals with Disabilities Education Act (20 U.S.C. Section  
30 1400 et seq.).

31 SECTION \_\_\_\_ . The State Board of Education is required to  
32 implement Sections 12.1014 and 12.1062, Education Code, as added

1 by this Act, only if the legislature appropriates money  
2 specifically for that purpose. If the legislature does not  
3 appropriate money specifically for that purpose, the board may,  
4 but it is not required to, implement those sections using other  
5 appropriations available for that purpose.  
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