

Amend CSSB 2 (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

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

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

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

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

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

(e) This section does not authorize an open-enrollment charter school to discriminate in admissions or in the services provided based on the presence, absence, or nature of an applicant's or student's disability.

(f) Each educator, including a person performing the duties of a superintendent, employed or under contract to serve on the instructional or administrative staff of an open-enrollment charter school described by Subsection (a) must hold the appropriate certificate, as determined in accordance with State Board for Educator Certification rule, to serve students with a

disability of the same type as a disability of students enrolled in the school.

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

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

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

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

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

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

SECTION \_\_\_\_\_. The State Board of Education is required to implement Sections 12.1014 and 12.1062, Education Code, as added by this Act, only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the board may, but it is not required to, implement those sections using other appropriations available for that purpose.