

BILL ANALYSIS

C.S.H.B. 1568
By: Springer
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

An amendment made to the Texas Constitution in the mid-2000s required marriage in the state to consist only of the union of one man and one woman and prohibited the state or a political subdivision of the state from creating or recognizing any legal status identical or similar to marriage. It is reported that a school district recently enacted a policy under which domestic partners can acquire insurance benefits, a policy that interested parties contend is essentially contrary to the constitutional amendment. There are concerns that the district's actions may be impetus for other districts to do the same, and the parties warn against a precedent that permits school districts and other subdivisions of the state to ignore the constitution and create their own interpretations of the law. C.S.H.B. 1568 seeks to address this problem by revoking the accreditation status of a district that violates the constitution and by withholding Foundation School Program funding from such a district.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1568 amends the Education Code to require the commissioner of education to revoke the accreditation of a school district and order closure of the district if the attorney general determines that the district knowingly violated a provision of the Texas Constitution and to prohibit the district from receiving funds from the Texas Education Agency if the commissioner revokes the district's accreditation for such a violation.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1568 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subchapter E, Chapter 42, Education Code, is amended by adding Section 42.2532 to read as follows:
Sec. 42.2532. ADJUSTMENT FOR DISTRICTS OFFERING BENEFITS TO

HOUSE COMMITTEE SUBSTITUTE

No equivalent provision, but see SECTION 1 below.

NONDEPENDENTS. (a) In this section, "dependent" has the meaning assigned by Section 1551.004, Insurance Code.

(b) If a school district offers insurance benefits or other benefits to a person other than a district employee or a dependent of a district employee, the commissioner shall, notwithstanding any other provision of this title:

(1) reduce by 7.5 percent the amounts due to the district under this chapter and Chapter 46; or

(2) increase by 7.5 percent the amounts necessary for the district to comply with the requirements of Chapter 41.

No equivalent provision, but see SECTION 1 above.

SECTION 2. This Act takes effect September 1, 2013.

SECTION 1. Subchapter C, Chapter 39, Education Code, is amended by adding Section 39.0521 to read as follows:

Sec. 39.0521. REVOCATION OF ACCREDITATION FOR VIOLATING THE TEXAS CONSTITUTION. (a) If the attorney general determines that a school district knowingly violated a provision of the Texas Constitution, the commissioner shall revoke the accreditation of the district and order the closure of the district.

(b) If the commissioner revokes the accreditation of a school district as provided by Subsection (a), the district may not receive funds from the agency.

SECTION 2. Same as introduced version.