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HOUSE OF REPRESENTATIVES

David H. Hubert
BY: _____

FLOOR AMENDMENT NO. _____

1 Amend C.S.H.B. 3 (house committee report) as follows:

2 (1) On page 3, lines 5 and 6, strike "Subsection (a-3)" and
3 substitute "Subsections (a-3) and (a-4)".

4 (2) Strike page 3, line 16, through page 4, line 12, and
5 substitute the following:

6 (a-1) In determining funding for an open-enrollment charter
7 school under Subsection (a), the amount of the allotment under
8 Section 48.102 is based solely on the basic allotment to which the
9 charter holder is entitled and does not include any amount based on
10 the allotment under Section 48.101[+
11 ~~(1) adjustments under Sections 42.102, 42.104, and~~
12 ~~42.105 are based on the average adjustment for the state; and~~

13 ~~(2) the adjustment under Section 42.103 is based on~~
14 ~~the average adjustment for the state that would have been provided~~
15 ~~under that section as it existed on January 1, 2018].~~

16 (a-2) In addition to the funding provided by Subsection (a),
17 a charter holder is entitled to receive for the open-enrollment
18 charter school an allotment per student in average daily attendance
19 in an amount equal to the product of:


20 (1) the state average allotment per student in average
21 daily attendance provided to eligible school districts under
22 Section 48.101; and

23 (2) the sum of one and the quotient of:

24 (A) the total number of students in average daily
25 attendance in school districts that receive an allotment under
26 Section 48.101; and

27 (B) the total number of students in average daily
28 attendance in school districts statewide.

29 (a-3) In addition to the funding provided by Subsections


1 ~~[Subsection]~~ (a) and (a-2), a charter holder is entitled to receive
2 for the open-enrollment charter school enrichment funding under
3 Section 48.202 ~~[42.302]~~ based on the state average tax effort.

4 (a-4) In addition to the funding provided by Subsections
5 (a), (a-2), and (a-3), a charter holder is entitled to receive
6 funding for the open-enrollment charter school under Subchapter D,
7 Chapter 48, if the charter holder would be entitled to the funding
8 if the school were a school district.

9 (3) On page 6, line 26, strike "adding Subsection" and
10 substitute "adding Subsections (d-1), (f-1), and".

11 (4) On page 7, between lines 10 and 11, insert the
12 following:

13 (d-1) If the rollback tax rate of a school district under
14 Section 26.08(n), Tax Code, for the 2019 tax year exceeds \$1.04 per
15 \$100 of taxable value, the district may not adopt a maintenance and
16 operations tax rate for the 2019 tax year that exceeds the
17 district's rollback rate. This subsection expires September 1,
18 2020.

19 (5) On page 7, line 11, between "law" and the comma, insert
20 "except Section 48.202(f)".

21 (6) On page 7, between lines 20 and 21, insert the
22 following:

23 (f-1) Notwithstanding Section 48.202(f), for the 2019-2020
24 school year, the reduction of a school district's tax rate required
25 under Section 48.202(f) applies to the district's total enrichment
26 tax rate under Section 45.0032(b) minus six cents. This subsection
27 expires September 1, 2020.

28 (7) On page 8, line 1, strike "Except as provided by
29 Subsection (c), a" and substitute "A".

30 (8) Strike page 8, line 24 through page 9, line 4.

31 (9) On page 9, strike lines 5-9 and substitute the

1 following:

2 (c) For a district to which Section 45.003(f) applies, any
3 cents of maintenance and operations tax effort that exceeds the
4 maximum rate permitted under Section 45.003(d) are not included in
5 the district's tier one maintenance and operations tax rate under
6 Subsection (a) or the district's enrichment tax rate under
7 Subsection (b).

8 (10) On page 31, strike lines 20-23 and substitute the
9 following:

10 (h) Funds allocated under this section, other than an
11 indirect cost allotment established under commissioner [~~State~~
12 ~~Board of Education~~] rule, must be used in the special education
13 program under Subchapter A, Chapter 29.

14 (11) Strike page 33, line 21, through page 34, line 5, and
15 substitute the following:

16 (b) A school district is entitled to an allotment under
17 Subsection (a) only for a student who is receiving services for
18 dyslexia or a related disorder in accordance with:

19 (1) an individualized education program developed for
20 the student under Section 29.005; or

21 (2) a plan developed for the student under Section
22 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794).

23 (12) On page 34, between lines 8 and 9, insert the
24 following:

25 (d) On request in accordance with Section 29.925 by the
26 parent of a student who qualifies for an allotment under this
27 section and Section 48.102, the school district shall use an amount
28 not to exceed 50 percent of the allotment for the student under this
29 section to acquire enhancement services for the student as provided
30 by Section 29.925.

31 (13) On page 36, strike lines 7 through 10 and reletter

1 subsequent subsections accordingly.

2 (14) On page 37, between lines 9 and 10, insert the
3 following appropriately lettered subsection:

4 () The commissioner by rule shall establish guidelines for
5 the method of determining the number of students who qualify for an
6 allotment under this section at a campus that participates in the
7 Community Eligibility Provision administered by the United States
8 Department of Agriculture, as provided by the Healthy, Hunger-Free
9 Kids Act of 2010 (Pub. L. No. 111-296).

10 (15) On page 58, line 20, between "property" and "as",
11 insert "for the preceding tax year".

12 (16) On page 58, line 24, between "property" and "as",
13 insert "for the preceding tax year".

14 (17) On page 60, strike lines 4-15.

15 (18) On page 61, strike lines 11-22 and substitute the
16 following:

17 (f) For a school year in which the dollar amount guaranteed
18 level of state and local funds per weighted student per cent of tax
19 effort ("GL") under Subsection (a-1)(2) exceeds the dollar amount
20 guaranteed level of state and local funds per weighted student per
21 cent of tax effort ("GL") under Subsection (a-1)(2) for the
22 preceding school year, a school district shall reduce the
23 district's tax rate under Section 45.0032(b)(2) for the tax year
24 that corresponds to that school year to a rate that results in the
25 amount of state and local funds per weighted student per cent of tax
26 effort available to the district at the dollar amount guaranteed
27 level for the preceding school year. A school district is not
28 entitled to the amount equal to the increase of revenue described by
29 this subsection for the school year for which the district must
30 reduce the district's tax rate. For a tax year in which a district
31 must reduce the district's tax rate under this subsection, the

1 district may not increase the district's maintenance and operations
2 tax rate to a rate that exceeds the maximum maintenance and
3 operations tax rate permitted under Section 45.003(d) minus the
4 reduction of tax effort required under this subsection. This
5 subsection does not apply if the amount of state

6 (19) On page 68, line 13, between "collections" and "for",
7 insert "from the tax rate described by Section 45.0032(a)".

8 (20) On page 72, line 4, strike "ratification [~~rollback~~]"
9 and substitute "rollback".

10 (21) On page 92, lines 4-5, strike "Subject to Subsection
11 (b), a" and substitute "A".

12 (22) On page 92, line 5, between "district" and "is", insert
13 "or open-enrollment charter school".

14 (23) On page 92, line 6, between "allotment" and "in",
15 insert "for each student in average daily attendance".

16 (24) On page 92, line 9, strike "for the school year".

17 (25) On page 92, line 11, strike "the district's" and
18 substitute "103 percent of the district's or school's".

19 (26) On page 92, lines 12-13, strike "2018-2019 school year"
20 and substitute "2019-2020 school year that the district or school
21 would have received under former Chapters 41 and 42, as those
22 chapters existed on January 1, 2019".

23 (27) On page 92, line 14, strike "125" and substitute "128".

24 (28) On page 92, line 16, strike "for the 2018-2019 school
25 year" and substitute "that would have been provided for the
26 2019-2020 school year under former Chapters 41 and 42, as those
27 chapters existed on January 1, 2019".

28 (29) On page 92, line 19, strike the underlined colon.

29 (30) On page 92, strike lines 20-21.

30 (31) On page 92, line 22, strike "(B)".

31 (32) On page 92, line 23, strike "(i)" and substitute "(A)".

1 (33) On page 92, line 25, strike "(ii)" and substitute
2 "(B)".

3 (34) On page 92, line 27, strike "(iii)" and substitute
4 "(C)".

5 (35) On page 93, strike lines 2-6.

6 (36) On page 93, line 7, strike "(3)" and substitute "(2)".

7 (37) On page 93, line 9, strike "(4) if a school district"
8 and substitute "(3) if a school district or open-enrollment charter
9 school".

10 (38) On page 93, line 12, immediately following
11 "district's", insert "or school's".

12 (39) On page 93, line 14, between "district" and "received",
13 insert "or school".

14 (40) On page 93, line 18, between "district" and "is",
15 insert "or open-enrollment charter school".

16 (41) On page 93, line 19, strike "this section" and
17 substitute "Subsection (a)".

18 (42) On page 93, line 19, strike "2022-2023" and substitute
19 "2024-2025".

20 (43) On page 93, line 20, strike "2024" and substitute
21 "2025".

22 (44) On page 93, between lines 19-20, insert the following:
23 (d-1) In addition to the allotment under Subsection (a), a
24 school district or open-enrollment charter school is entitled to
25 receive an annual allotment for each student in average daily
26 attendance in the amount equal to the difference, if the difference
27 is greater than zero, that results from subtracting the total
28 maintenance and operations revenue per student in average daily
29 attendance for the current school year from the total maintenance
30 and operations revenue per student in average daily attendance that
31 would have been available to the district or school under former

1 Chapters 41 and 42, as those chapters existed on January 1, 2019.
2 Subsection (b) applies to the calculation of a district's
3 maintenance and operations revenue under this subsection. This
4 subsection expires September 1, 2021.

5 (45) On page 139, line 5, strike "(n), and (o)" and
6 substitute "and (n)".

7 (46) On page 141, strike lines 22 through 26 and substitute
8 the following:

9 (i) the district's maintenance and
10 operations tax rate for the 2018 tax year, less the sum of:

11 (a) \$1.00; and

12 (b) any amount by which the district
13 is required to reduce the district's enrichment tax rate under
14 Section 48.202(f), Education Code, in the 2019 tax year; or

15 (47) On page 143, strike lines 12 through 19.

16 (48) On page 145, strike lines 17 and 18.

17 (49) On page 160, line 15, strike "ACADEMIC SERVICES GRANT
18 PROGRAM" and substitute "ENHANCEMENT SERVICES PROGRAM".

19 (50) On page 160, line 24, strike "grant".

20 (51) Strike page 161, line 1 through page 165, line 22 and
21 substitute the following:

22 (b) On request to the school district or open-enrollment
23 charter school at which the parent's student is enrolled, the
24 parent of an eligible student may elect to receive funding as
25 described by Section 48.103(d) to obtain for the student
26 enhancement services that:

27 (1) supplement the student's public education; and

28 (2) exceed the level of services that the student's
29 committee has determined to be necessary for the student to receive
30 a free appropriate public education.

31 (c) A student is eligible to participate in the program if

1 the student qualifies for an allotment under Sections 48.102 and
2 48.103.

3 (d) Each school district or open-enrollment charter school
4 annually shall provide information regarding the program to a
5 parent of each student enrolled in the district or school who may be
6 eligible to participate in the program.

7 (e) Funds received under the program may be used only for
8 the following services or goods provided to a program participant
9 by an enhancement service provider or vendor of educational
10 products approved by the student's committee:

11 (1) transportation for the student to receive
12 enhancement services;

13 (2) instructional materials, as that term is defined
14 by Section 31.002;

15 (3) educational therapies or support services
16 provided by a practitioner or provider; and

17 (4) assistive technology.

18 (f) The parent of a student participating in the program, in
19 consultation with the student's committee, shall select the
20 services or goods allowed under Subsection (e) to be provided to the
21 student under the program and the appropriate enhancement service
22 provider or vendor of educational products to provide those
23 services or goods. Subject to Subsection (g), on the parent's
24 selection, using funds described by Section 48.103(d), the school
25 district or open-enrollment charter school at which the parent's
26 student is enrolled shall contract with the selected enhancement
27 service provider or vendor of educational products to provide the
28 selected services or goods to the student.

29 (g) An enhancement service provider or vendor of
30 educational products may not solicit or provide incentives to any
31 program participant to select the provider or vendor to provide

1 services or goods using funds described by Section 48.103(d). A
2 school district or open-enrollment charter school is not required
3 to contract under Subsection (f) with an enhancement service
4 provider or vendor of educational products that the district or
5 school determines violated this subsection.

6 (h) At least once each semester, an enhancement service
7 provider or vendor of educational products selected to provide
8 services or goods to a student participating in the program shall
9 meet with the student's parent and relevant members of the student's
10 committee at a time and place determined by the school district or
11 open-enrollment charter school at which the student is enrolled, in
12 coordination with the student's parent, to discuss the student's
13 progress and to assist the parent in evaluating the continued use of
14 the provider or vendor.

15 (i) A student's participation in the program does not affect
16 the student's rights or a school district's or open-enrollment
17 charter school's obligations with respect to the student under the
18 Individuals with Disabilities Education Act (20 U.S.C. Section 1400
19 et seq.); Section 504, Rehabilitation Act of 1973 (29 U.S.C.
20 Section 794); or the Americans with Disabilities Act of 1990 (42
21 U.S.C. Section 12101 et seq.).

22 (j) A program participant is not entitled to use any dispute
23 resolution processes provided by the Individuals with Disabilities
24 Education Act (20 U.S.C. Section 1400 et seq.) to resolve disputes
25 regarding the program.

26 (52) On page 228, line 20, strike "Section 26.08(p)" and
27 substitute "Sections 26.08(o) and (p)".

28 (53) Add the following appropriately numbered SECTION to
29 Article 5 of the bill and renumber subsequent SECTIONS of that
30 article accordingly:

31 SECTION 5.____. Not later than September 1, 2019, the

1 commissioner of education by rule shall establish an indirect cost
2 allotment under Section 48.102(h), Education Code, as redesignated
3 and amended by this Act, at the level in effect for the 2018-2019
4 school year under former Section 42.151(h), Education Code.