

By: White

H.B. No. 1119

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the public school finance system and to the salary paid
3 to certain professional staff employed by public schools.

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

5 SECTION 1. Section 7.062(c), Education Code, is amended to
6 read as follows:

7 (c) Except as otherwise provided by this subsection, if the
8 commissioner certifies that the amount appropriated for a state
9 fiscal year for purposes of Subchapters A and B, Chapter 46, exceeds
10 the amount to which school districts are entitled under those
11 subchapters for that year, the commissioner shall use the excess
12 funds, in an amount not to exceed \$20 million in any state fiscal
13 year, for the purpose of making grants under this section. The use
14 of excess funds under this subsection has priority over any
15 provision of Chapter 42 that permits or directs the use of excess
16 foundation school program funds, including Sections [~~42.2517,~~
17 42.2521, 42.2522, and 42.2531. The commissioner is required to use
18 excess funds as provided by this subsection only if the
19 commissioner is not required to reduce the total amount of state
20 funds allocated to school districts under Section 42.253(h).

21 SECTION 2. Section 8.051(d), Education Code, is amended to
22 read as follows:

23 (d) Each regional education service center shall maintain
24 core services for purchase by school districts and campuses. The

1 core services are:

2 (1) training and assistance in:

3 (A) teaching each subject area assessed under
4 Section 39.023; and

5 (B) providing instruction in personal financial
6 literacy as required under Section 28.0021;

7 (2) training and assistance in providing a gifted and
8 talented program and each program that qualifies for a funding
9 allotment under Section 42.151, 42.152, or 42.153 [~~or 42.156~~];

10 (3) assistance specifically designed for a school
11 district or campus assigned an unacceptable performance rating
12 under Section 39.054;

13 (4) training and assistance to teachers,
14 administrators, members of district boards of trustees, and members
15 of site-based decision-making committees;

16 (5) assistance specifically designed for a school
17 district that is considered out of compliance with state or federal
18 special education requirements, based on the agency's most recent
19 compliance review of the district's special education programs; and

20 (6) assistance in complying with state laws and rules.

21 SECTION 3. Section 12.106(a-1), Education Code, is amended
22 to read as follows:

23 (a-1) In determining funding for an open-enrollment charter
24 school under Subsection (a):

25 (1) the adjustment [~~adjustments~~] under Section 42.103

26 [~~Sections 42.102, 42.104, and 42.105 are based on the average~~

27 ~~adjustment for the state, and~~

1 ~~[(2) the adjustment under Section 42.103]~~ is based on
2 the average adjustment for the state that would have been provided
3 under that section as it existed on January 1, 2018; and

4 (2) the adjustment under Section 42.105 is based on
5 the average adjustment for the state.

6 SECTION 4. Section 21.402, Education Code, is amended by
7 adding Subsection (e) to read as follows:

8 (e) Notwithstanding Subsections (a) and (b), for each
9 school year, every full-time classroom teacher, full-time
10 librarian, full-time school counselor certified under Subchapter
11 B, or full-time school nurse is entitled to a monthly salary that is
12 at least equal to the greater of:

13 (1) the minimum monthly salary determined under
14 Subsection (a) or (c-1);

15 (2) the monthly salary the teacher, librarian,
16 counselor, or nurse would have received for the applicable school
17 year under the district's salary schedule for the 2018-2019 school
18 year, if that schedule had been in effect for the applicable school
19 year, including any local supplement and any money representing any
20 other supplement the teacher, librarian, counselor, or nurse would
21 have received in the applicable school year; or

22 (3) the annual salary allotment under Section 21.4023
23 divided by 10.

24 SECTION 5. Subchapter I, Chapter 21, Education Code, is
25 amended by adding Section 21.4023 to read as follows:

26 Sec. 21.4023. SALARY ALLOTMENT FOR CERTAIN PROFESSIONAL
27 STAFF. (a) Subject to adjustment under Subsection (b), every

1 full-time classroom teacher, full-time librarian, full-time school
2 counselor certified under Subchapter B, or full-time school nurse
3 is entitled to an annual salary allotment in the amount of \$45,000.

4 (b) Beginning with the 2020-2021 school year, the salary
5 allotment provided to a district under Subsection (a) is adjusted
6 annually to increase the allotment by the greater of:

7 (1) one percent of the amount of the allotment for the
8 preceding school year; or

9 (2) the amount that results from applying the
10 inflation rate, as determined by the comptroller on the basis of
11 changes in the United States Bureau of Labor Statistics Consumer
12 Price Index for All Urban Consumers, to the allotment for the
13 preceding school year.

14 (c) The commissioner may adopt rules as necessary to
15 implement this section.

16 SECTION 6. Section 29.014(d), Education Code, is amended to
17 read as follows:

18 (d) The basic allotment for a student enrolled in a district
19 to which this section applies is adjusted by[+]

20 [~~(1) the cost of education adjustment under Section~~
21 ~~42.102 for the school district in which the district is~~
22 ~~geographically located, and~~

23 [~~(2)~~] the weight for a homebound student under Section
24 42.151(a).

25 SECTION 7. Section 41.034(a), Education Code, is amended to
26 read as follows:

27 (a) For the first and second school years after creation of

1 a consolidated district under this subchapter, the commissioner
2 shall adjust allotments to the consolidated district to the extent
3 necessary to preserve the effects of an adjustment under Section
4 ~~[42.102]~~ 42.103~~[7]~~ or 42.105 to which either of the consolidating
5 districts would have been entitled but for the consolidation.

6 SECTION 8. Section 42.007(c), Education Code, is amended to
7 read as follows:

8 (c) The funding elements must include:

9 (1) a basic allotment for the purposes of Section
10 42.101 that, when combined with the guaranteed yield component
11 provided by Subchapter F, represents the cost per student of a
12 regular education program that meets all mandates of law and
13 regulation;

14 ~~(2) [adjustments designed to reflect the variation in~~
15 ~~known resource costs and costs of education beyond the control of~~
16 ~~school districts;~~

17 ~~[(3)]~~ appropriate program cost differentials and
18 other funding elements for the programs authorized under Subchapter
19 C, with the program funding level expressed as dollar amounts and as
20 weights applied to the basic allotment or adjusted ~~[basic]~~
21 allotment, as applicable, for the appropriate year;

22 (3) ~~[(4)]~~ the maximum guaranteed level of qualified
23 state and local funds per student for the purposes of Subchapter F;

24 (4) ~~[(5)]~~ the enrichment ~~[and facilities]~~ tax rate
25 under Subchapter F;

26 (5) ~~[(6)]~~ the computation of students in weighted
27 average daily attendance under Section 42.302; and

1 (6) [~~(7)~~] the amount to be appropriated for the school
2 facilities assistance program under Chapter 46.

3 SECTION 9. Section 42.101, Education Code, is amended by
4 amending Subsection (a) and adding Subsection (a-3) to read as
5 follows:

6 (a) Subject to adjustment under Subsection (a-3), for [~~For~~]
7 each student in average daily attendance, not including the time
8 students spend each day in special education programs in an
9 instructional arrangement other than mainstream or career and
10 technology education programs, for which an additional allotment is
11 made under Subchapter C, a district is entitled to an allotment
12 equal to the lesser of \$4,765 or the amount that results from the
13 following formula:

$$A = \$4,765 \times (DCR/MCR)$$

14 where:

15 "A" is the allotment to which a district is entitled;

16 "DCR" is the district's compressed tax rate, which is the
17 product of the state compression percentage, as determined under
18 Section 42.2516, multiplied by the maintenance and operations tax
19 rate adopted by the district for the 2005 tax year; and

20 "MCR" is the state maximum compressed tax rate, which is the
21 product of the state compression percentage, as determined under
22 Section 42.2516, multiplied by \$1.50.

23 (a-3) Beginning with the 2020-2021 school year, the basic
24 allotment provided to a district under Subsection (a) or (b) is
25 adjusted annually to increase the allotment by the greater of:

26 (1) one percent of the amount of the allotment for the
27

1 preceding school year; or

2 (2) the amount that results from applying the
3 inflation rate, as determined by the comptroller on the basis of
4 changes in the United States Bureau of Labor Statistics Consumer
5 Price Index for All Urban Consumers, to the allotment for the
6 preceding school year.

7 SECTION 10. Section 42.103(a), Education Code, is amended
8 to read as follows:

9 (a) The basic allotment for certain small and mid-sized
10 districts is adjusted in accordance with this section. In this
11 section:

12 (1) "AA" is the district's adjusted allotment per
13 student;

14 (2) "ADA" is the number of students in average daily
15 attendance for which the district is entitled to an allotment under
16 Section 42.101; and

17 (3) "BA [~~ABA~~]" is the [~~adjusted~~] basic allotment
18 determined under Section 42.101 [~~42.102~~].

19 SECTION 11. Sections 42.103(b), (c), and (d), Education
20 Code, as effective until September 1, 2023, are amended to read as
21 follows:

22 (b) The basic allotment of a school district that contains
23 at least 300 square miles and has not more than 1,600 students in
24 average daily attendance is adjusted by applying the formula:

25
$$AA = (1 + ((1,600 - ADA) \times .0004)) \times \underline{BA}$$
 [~~ABA~~]

26 (c) The basic allotment of a school district that contains
27 less than 300 square miles and has not more than 1,600 students in

1 average daily attendance is adjusted by applying the following
2 formulas:

3 (1) for the fiscal year beginning September 1, 2018:

4 $AA = (1 + ((1,600 - ADA) \times .000275)) \times ABA;$

5 (2) for the fiscal year beginning September 1, 2019:

6 $AA = (1 + ((1,600 - ADA) \times .00030)) \times \underline{BA} [\del{ABA}];$

7 (3) for the fiscal year beginning September 1, 2020:

8 $AA = (1 + ((1,600 - ADA) \times .000325)) \times \underline{BA} [\del{ABA}];$

9 (4) for the fiscal year beginning September 1, 2021:

10 $AA = (1 + ((1,600 - ADA) \times .00035)) \times \underline{BA} [\del{ABA}];$ and

11 (5) for the fiscal year beginning September 1, 2022:

12 $AA = (1 + ((1,600 - ADA) \times .000375)) \times \underline{BA} [\del{ABA}]$

13 (d) The basic allotment of a school district that offers a
14 kindergarten through grade 12 program and has less than 5,000
15 students in average daily attendance is adjusted by applying the
16 formula, of the following formulas, that results in the greatest
17 adjusted allotment:

18 (1) the formula in Subsection (b) or (c) for which the
19 district is eligible; or

20 (2) $AA = (1 + ((5,000 - ADA) \times .000025)) \times \underline{BA} [\del{ABA}].$

21 SECTION 12. Sections 42.103(b) and (d), Education Code, as
22 effective September 1, 2023, are amended to read as follows:

23 (b) The basic allotment of a school district that has not
24 more than 1,600 students in average daily attendance is adjusted by
25 applying the formula:

26 $AA = (1 + ((1,600 - ADA) \times .0004)) \times \underline{BA} [\del{ABA}]$

27 (d) The basic allotment of a school district that offers a

1 kindergarten through grade 12 program and has less than 5,000
2 students in average daily attendance is adjusted by applying the
3 formula, of the following formulas, that results in the greatest
4 adjusted allotment:

5 (1) the formula in Subsection (b), if the district is
6 eligible for that formula; or

7 (2) $AA = (1 + ((5,000 - ADA) \times .000025)) \times BA$ [~~ABA~~].

8 SECTION 13. Sections 42.105(a) and (c), Education Code, are
9 amended to read as follows:

10 (a) Notwithstanding Sections 42.101[~~, 42.102,~~] and 42.103,
11 a school district that has fewer than 130 students in average daily
12 attendance shall be provided funding [~~an adjusted basic allotment~~]
13 on the basis of 130 students in average daily attendance if it
14 offers a kindergarten through grade 12 program and has preceding or
15 current year's average daily attendance of at least 90 students or
16 is 30 miles or more by bus route from the nearest high school
17 district. A district offering a kindergarten through grade 8
18 program whose preceding or current year's average daily attendance
19 was at least 50 students or which is 30 miles or more by bus route
20 from the nearest high school district shall be provided funding [~~an~~
21 ~~adjusted basic allotment~~] on the basis of 75 students in average
22 daily attendance. An average daily attendance of 60 students shall
23 be the basis of providing funding [~~the adjusted basic allotment~~] if
24 a district offers a kindergarten through grade 6 program and has
25 preceding or current year's average daily attendance of at least 40
26 students or is 30 miles or more by bus route from the nearest high
27 school district.

1 (c) Notwithstanding Subsection (a) or Sections 42.101[
2 42.102,] and 42.103, a school district to which this subsection
3 applies, as provided by Subsection (b), that has fewer than 130
4 students in average daily attendance shall be provided funding [~~an~~
5 ~~adjusted basic allotment~~] on the basis of 130 students in average
6 daily attendance if it offers a kindergarten through grade four
7 program and has preceding or current year's average daily
8 attendance of at least 75 students or is 30 miles or more by bus
9 route from the nearest high school district.

10 SECTION 14. Sections 42.151(a) and (k), Education Code, are
11 amended to read as follows:

12 (a) For each student in average daily attendance in a
13 special education program under Subchapter A, Chapter 29, in a
14 mainstream instructional arrangement, a school district is
15 entitled to an annual allotment equal to the basic allotment or
16 adjusted [basic] allotment, as applicable, multiplied by 1.1. For
17 each full-time equivalent student in average daily attendance in a
18 special education program under Subchapter A, Chapter 29, in an
19 instructional arrangement other than a mainstream instructional
20 arrangement, a district is entitled to an annual allotment equal to
21 the basic allotment or adjusted [basic] allotment, as applicable,
22 multiplied by a weight determined according to instructional
23 arrangement as follows:

24	Homebound	5.0
25	Hospital class	3.0
26	Speech therapy	5.0
27	Resource room	3.0

1 Self-contained, mild and moderate,
2 regular campus 3.0
3 Self-contained, severe, regular campus 3.0
4 Off home campus 2.7
5 Nonpublic day school 1.7
6 Vocational adjustment class 2.3

7 (k) A school district that provides an extended year program
8 required by federal law for special education students who may
9 regress is entitled to receive funds in an amount equal to 75
10 percent, or a lesser percentage determined by the commissioner, of
11 the ~~[adjusted]~~ basic allotment or adjusted allotment, as
12 applicable, for each full-time equivalent student in average daily
13 attendance, multiplied by the amount designated for the student's
14 instructional arrangement under this section, for each day the
15 program is provided divided by the number of days in the minimum
16 school year. The total amount of state funding for extended year
17 services under this section may not exceed \$10 million per year. A
18 school district may use funds received under this section only in
19 providing an extended year program.

20 SECTION 15. Section 42.152(a), Education Code, is amended
21 to read as follows:

22 (a) For each student who is educationally disadvantaged or
23 who is a student who does not have a disability and resides in a
24 residential placement facility in a district in which the student's
25 parent or legal guardian does not reside, a district is entitled to
26 an annual allotment equal to the basic allotment or adjusted
27 ~~[basic]~~ allotment, as applicable, multiplied by 0.32 ~~[0.2]~~, and by

1 2.41 for each full-time equivalent student who is in a remedial and
2 support program under Section 29.081 because the student is
3 pregnant.

4 SECTION 16. Section 42.153(a), Education Code, is amended
5 to read as follows:

6 (a) For each student in average daily attendance in a
7 bilingual education or special language program under Subchapter B,
8 Chapter 29, a district is entitled to an annual allotment equal to
9 the basic allotment or adjusted [basic] allotment, as applicable,
10 multiplied by 0.2 [~~0.1~~].

11 SECTION 17. Section 42.154(a), Education Code, is amended
12 to read as follows:

13 (a) For each full-time equivalent student in average daily
14 attendance in an approved career and technology education program
15 in grades nine through 12 or in career and technology education
16 programs for students with disabilities in grades seven through 12,
17 a district is entitled to:

18 (1) an annual allotment equal to the basic allotment
19 or adjusted [basic] allotment, as applicable, multiplied by a
20 weight of 1.35; and

21 (2) \$50, if the student is enrolled in two or more
22 advanced career and technology education classes for a total of
23 three or more credits.

24 SECTION 18. Section 42.157(a), Education Code, is amended
25 to read as follows:

26 (a) Except as provided by Subsection (b), for each student
27 in average daily attendance who is using a public education grant

1 under Subchapter G, Chapter 29, to attend school in a district other
2 than the district in which the student resides, the district in
3 which the student attends school is entitled to an annual allotment
4 equal to the basic allotment or adjusted [~~basic~~] allotment, as
5 applicable, multiplied by a weight of 0.1.

6 SECTION 19. Section 42.160(a), Education Code, is amended
7 to read as follows:

8 (a) A school district is entitled to an annual allotment of
9 \$175 [~~\$275~~] for each student in average daily attendance in grades 9
10 through 12 in the district.

11 SECTION 20. Subchapter E, Chapter 42, Education Code, is
12 amended by adding Section 42.25131 to read as follows:

13 Sec. 42.25131. ADDITIONAL STATE AID OR CREDIT AGAINST COST
14 OF ATTENDANCE CREDITS FOR CERTAIN PROFESSIONAL STAFF SALARY
15 ALLOTMENT. (a) For each school year, a school district, including
16 a school district that is otherwise ineligible for state aid under
17 this chapter, is entitled to state aid in an amount equal to the
18 product of the salary allotment under Section 21.4023 multiplied by
19 the number of full-time classroom teachers, full-time librarians,
20 full-time school counselors certified under Subchapter B, and
21 full-time school nurses employed by the district.

22 (b) A school district shall use the amount received under
23 this section to provide the salary allotments for full-time
24 classroom teachers, full-time librarians, full-time school
25 counselors certified under Subchapter B, and full-time school
26 nurses required under Section 21.4023.

27 (c) A school district that is required to take action under

1 Chapter 41 to reduce its wealth per student to the equalized wealth
2 level is entitled to a credit, in the amount of state aid to which
3 the district is entitled under this section, against the total
4 amount required under Section 41.093 for the district to purchase
5 attendance credits.

6 (d) The commissioner may adopt rules to implement this
7 section.

8 SECTION 21. Section 42.302(a), Education Code, is amended
9 to read as follows:

10 (a) Each school district is guaranteed a specified amount
11 per weighted student in state and local funds for each cent of tax
12 effort over that required for the district's local fund assignment
13 up to the maximum level specified in this subchapter. The amount
14 of state support, subject only to the maximum amount under Section
15 42.303, is determined by the formula:

$$16 \quad \text{GYA} = (\text{GL} \times \text{WADA} \times \text{DTR} \times 100) - \text{LR}$$

17 where:

18 "GYA" is the guaranteed yield amount of state funds to be
19 allocated to the district;

20 "GL" is the dollar amount guaranteed level of state and local
21 funds per weighted student per cent of tax effort, which is an
22 amount described by Subsection (a-1) or a greater amount for any
23 year provided by appropriation;

24 "WADA" is the number of students in weighted average daily
25 attendance, which is calculated by dividing the sum of the school
26 district's allotments under Subchapters B and C, less any allotment
27 to the district for transportation and~~[]~~ any allotment under

1 Section 42.158 or 42.160, [~~and 50 percent of the adjustment under~~
2 ~~Section 42.102,~~] by the basic allotment for the applicable year;

3 "DTR" is the district enrichment tax rate of the school
4 district, which is determined by subtracting the amounts specified
5 by Subsection (b) from the total amount of maintenance and
6 operations taxes collected by the school district for the
7 applicable school year and dividing the difference by the quotient
8 of the district's taxable value of property as determined under
9 Subchapter M, Chapter 403, Government Code, or, if applicable,
10 under Section 42.2521, divided by 100; and

11 "LR" is the local revenue, which is determined by multiplying
12 "DTR" by the quotient of the district's taxable value of property as
13 determined under Subchapter M, Chapter 403, Government Code, or, if
14 applicable, under Section 42.2521, divided by 100.

15 SECTION 22. Section 322.008(b), Government Code, is amended
16 to read as follows:

17 (b) The general appropriations bill may include for
18 purposes of information the funding elements computed by the
19 Legislative Budget Board under Section 42.007, Education Code[
20 ~~excluding the values for each school district calculated under~~
21 ~~Section 42.007(c)(2), Education Code]. If the funding elements are~~
22 included, the funding elements under Section 42.007(c)(2)
23 [~~42.007(c)(3)]~~, Education Code, shall be reported in dollar amounts
24 per pupil.

25 SECTION 23. Section 825.405(b), Government Code, is amended
26 to read as follows:

27 (b) For purposes of this section:

1 (1) the statutory minimum salary for certain school
2 personnel under Section 21.402, Education Code, is the salary
3 provided by that section multiplied by the cost of education index
4 adjustment adopted by the foundation school fund budget committee
5 and contained in 19 T.A.C. Chapter 203 as that chapter existed on
6 March 26, 1997, applicable [~~under Section 42.102, Education Code,~~]
7 to the district in which the member is employed; and

8 (2) the statutory minimum salary for members who would
9 have been entitled to the minimum salary for certain school
10 personnel under former Section 16.056, Education Code, as that
11 section existed on January 1, 1995, is a minimum salary computed in
12 the same manner as the minimum salary for certain school personnel
13 under Section 21.402, Education Code, multiplied by the cost of
14 education index adjustment adopted by the foundation school fund
15 budget committee and contained in 19 T.A.C. Chapter 203 as that
16 chapter existed on March 26, 1997, applicable [~~under Section~~
17 42.102, Education Code,] to the district in which the member is
18 employed.

19 SECTION 24. The following sections of the Education Code
20 are repealed:

- 21 (1) Section 42.102;
- 22 (2) Section 42.104;
- 23 (3) Section 42.156; and
- 24 (4) Section 42.2517.

25 SECTION 25. This Act takes effect September 1, 2019.