

Amend **SB 1** in SECTION 2 of the bill by striking added Section 29.356(b), Education Code, and substituting the following:

(b) On receipt of more acceptable applications during an application period for admission under this section than available positions in the program due to insufficient funding, a certified educational assistance organization shall, at the direction of the comptroller:

(1) subject to Subdivision (2), fill the available positions by lottery of applicants within each category as follows:

(A) for not more than 40 percent of available positions in the program, children described by Section 29.355(a)(2)(A) or (B) who are members of a household with a total annual income that is at or below 185 percent of the federal poverty guidelines;

(B) for not more than 30 percent of the available positions in the program, children described by Section 29.355(a)(2)(A) or (B) who are members of a household with a total annual income that is above 185 percent of the federal poverty guidelines and below 500 percent of the federal poverty guidelines;

(C) for not more than 20 percent of the available positions in the program, children with a disability described by Section 29.355(a)(2)(A) or (B) who are not accepted into the program under Paragraph (A) or (B) of this subdivision; and

(D) for any remaining available positions in the program, all eligible applicants who are not accepted into the program under Paragraph (A), (B), or (C) of this subdivision; and

(2) for at least 50 percent of the total available positions in the program within the groups described by Subdivisions (1)(A), (B), and (D), prioritize, to the extent possible, children who failed to perform satisfactorily for two or more consecutive years on:

(A) an assessment instrument administered under Section 39.023(a) in grades three through eight; or

(B) an end-of-course assessment instrument administered under Section 39.023(c).