

By: Howard

H.B. No. 331

A BILL TO BE ENTITLED

AN ACT

relating to the costs of expansion of open-enrollment charter schools.

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

SECTION 1. Section 48.266(f), Education Code, is amended to read as follows:

(f) If the amount appropriated for the Foundation School Program for the second year of a state fiscal biennium is less than the amount to which school districts and open-enrollment charter schools are entitled for that year, the commissioner shall certify the amount of the difference to the Legislative Budget Board not later than January 1 of the second year of the state fiscal biennium. The Legislative Budget Board shall propose to the legislature that the certified amount be transferred to the foundation school fund from the economic stabilization fund and appropriated for the purpose of increases in allocations under this subsection. If the legislature fails during the regular session to enact the proposed transfer and appropriation and there are not funds available under Subsection (h), the commissioner may not approve an expansion amendment for an open-enrollment charter school or an application of a new charter holder for the biennium before adjusting [~~shall adjust~~] the total amounts due to each school district and open-enrollment charter school under this chapter and the total amounts necessary for each school district to

1 comply with the requirements of Chapter 49 by an amount determined  
2 by applying to each district and school the same percentage  
3 adjustment to the total amount of state and local revenue due to the  
4 district or school under this chapter and Chapter 49 so that the  
5 total amount of the adjustment to all districts and schools results  
6 in an amount equal to the total adjustment necessary. The following  
7 fiscal year:

8 (1) a district's or school's entitlement under this  
9 section is increased by an amount equal to the adjustment made  
10 under this subsection; and

11 (2) the amount necessary for a district to comply with  
12 the requirements of Chapter 49 is reduced by an amount necessary to  
13 ensure a district's full recovery of the adjustment made under this  
14 subsection.

15 SECTION 2. Section 48.269(a), Education Code, is amended to  
16 read as follows:

17 (a) Not later than October 1 of each even-numbered year:

18 (1) the agency shall submit to the legislature:

19 (A) an estimate of the tax rate and student  
20 enrollment of each school district for the following biennium; and

21 (B) for each open-enrollment charter school, the  
22 school's student enrollment and the school's maximum enrollment  
23 capacity; and

24 (2) the comptroller shall submit to the legislature an  
25 estimate of the total taxable value of all property in the state as  
26 determined under Subchapter M, Chapter 403, Government Code, for  
27 the following biennium.

1           SECTION 3. This Act applies beginning with the 2023-2024  
2 school year.

3           SECTION 4. This Act takes effect immediately if it receives  
4 a vote of two-thirds of all the members elected to each house, as  
5 provided by Section [39](#), Article III, Texas Constitution. If this  
6 Act does not receive the vote necessary for immediate effect, this  
7 Act takes effect September 1, 2023.