

BILL ANALYSIS

Senate Research Center
78R6042 BDH-D

H.B. 1202
By: Dutton (Van de Putte)
Education
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Engrossed

DIGEST AND PURPOSE

Currently, charter school contracts stipulate the maximum allowable enrollment of a particular charter school. In compliance with this contract, the Texas Education Agency (TEA) is authorized to recover excess funds when a charter school exceeds the contract enrollment number. However, charter schools receive state funds based on the average daily attendance (ADA) of students. Because average daily attendance is rarely 100 percent, charter schools often enroll enough students to meet a 100 percent ADA based on the contract enrollment number. This increase in ADA corresponds to a charter school enrolling more students than the limit established under the charter contract. H.B. 1202 prohibits the commissioner from garnishing or otherwise recovering funds paid to an open-enrollment charter school for students enrolled in excess of the number authorized by the charter contract.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter D, Chapter 12, Education Code, by adding Section 12.1061, as follows:

Sec. 12.1061. RECOVERY OF CERTAIN FUNDS. Prohibits the commissioner from garnishing or otherwise recovering funds paid to an open-enrollment charter school under Section 12.106 if certain conditions exist.

SECTION 2. Effective date: upon passage or September 1, 2003.