

AN ACT

relating to recovery of certain funds received by an open-enrollment charter school and to certain requests to revise student enrollment.

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

SECTION 1. Subchapter D, Chapter 12, Education Code, is amended by adding Section 12.1061 to read as follows:

Sec. 12.1061. RECOVERY OF CERTAIN FUNDS. The commissioner may not garnish or otherwise recover funds paid to an open-enrollment charter school under Section 12.106 if:

(1) the basis of the garnishment or recovery is that:

(A) the number of students enrolled in the school during a school year exceeded the student enrollment described by the school's charter during that period; and

(B) the school received funding under Section 12.106 based on the school's actual student enrollment;

(2) the school:

(A) submits to the commissioner a timely request to revise the maximum student enrollment described by the school's charter and the commissioner does not notify the school in writing of an objection to the proposed revision before the 90th day after the date on which the commissioner received the request, provided that the number of students enrolled at the school does not exceed the enrollment described by the school's request; or

1 (B) exceeds the maximum student enrollment
2 described by the school's charter only because a court mandated
3 that a specific child enroll in that school; and

4 (3) the school used all funds received under Section
5 12.106 to provide education services to students.

6 SECTION 2. Section 12.114, Education Code, is amended to
7 read as follows:

8 Sec. 12.114. REVISION. (a) A revision of a charter of an
9 open-enrollment charter school may be made only with the approval
10 of the commissioner.

11 (b) Not more than once each year, an open-enrollment charter
12 school may request approval to revise the maximum student
13 enrollment described by the school's charter.

14 SECTION 3. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2003.

David Newkirk

President of the Senate

Jim Caddick

Speaker of the House

I certify that H.B. No. 1202 was passed by the House on April 24, 2003, by the following vote: Yeas 145, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1202 on May 30, 2003, by the following vote: Yeas 145, Nays 0, 2 present, not voting.

Robert Haney
Chief Clerk of the House

I certify that H.B. No. 1202 was passed by the Senate, with amendments, on May 28, 2003, by the following vote: Yeas 31, Nays 0.

Letsy Shaw
Secretary of the Senate

APPROVED: 20 JUN 103

Date

Rick Perry
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
8:30 PM O'CLOCK

JUN 20 2003
Ann Shea
Secretary of State