

ATTACHMENT II
Text of Adopted Repeal of 19 TAC

Chapter 61. School Districts

Subchapter AA. Commissioner's Rules on School Finance

§61.1016. Delivery of Funds per House Bill 1, Rider 82, 2003.

- ~~(a) — General provisions. For the 2003-2004 and 2004-2005 school years, each school district and open-enrollment charter school is entitled to an additional \$110 per student in weighted average daily attendance as authorized by the General Appropriations Act, House Bill 1, Rider 82, 78th Texas Legislature, 2003. Only those school districts that are authorized to participate in the full range of Tier 1 allotments under Texas Education Code (TEC), Chapter 42, and open enrollment charter schools established under TEC, Chapter 12, are eligible to receive this funding. A school district required to take an action under TEC, Chapter 41, is eligible to receive the \$110 per student in weighted average daily attendance, subject to the adjustment in subsection (d) of this section.~~
- ~~(b) — Calculation. The amount to which each eligible school district or open enrollment charter school is entitled shall be based on the final weighted average daily attendance of those students actually educated by the entity for the respective school years. An estimate of the weighted average daily attendance shall be used for purposes of the initial calculation.~~
- ~~(c) — Payment and reconciliation. Payment of the estimated amount shall be made in conjunction with other regularly scheduled state aid payments from the Foundation School Fund solely as an administrative convenience, and is not considered part of the general state aid calculation under the formulas for state aid in TEC, Chapters 42 or 46. Upon final determination of the amount earned for the 2003-2004 school year, the 2004-2005 amount shall be increased or reduced for any underpayment or overpayment from the preceding school year. Upon final determination of the amount earned for the 2004-2005 school year, and pending any future legislative action that would affect it, the 2005-2006 Foundation School Program entitlement for the school district or open enrollment charter school shall be increased or reduced for the amount overpaid or underpaid for the 2004-2005 school year.~~
- ~~(d) — Adjustment. For districts that are not entitled to state aid from the Foundation School Fund in Tier 1 as computed according to TEC, §42.253(e), the total amount of funding provided under Rider 82 is subject to reduction for the increase in the amount of funding received from the Available School Fund caused by the adoption of amendments to the Texas Constitution, Article VII, §5, at the election held September 13, 2003. The Texas Education Agency shall provide a computation of the additional revenue derived from the constitutional amendment to each affected district. The amount of the reduction shall be equal to the difference between the payment from the Available School Fund before and after the effects of the constitutional amendment, less any increase in recapture payment under TEC, §41.002(e), that may arise as a result of the increase in revenue from the Available School Fund. In no case shall the adjustment result in a payment for Rider 82 purposes higher than \$110 per student in weighted average daily attendance.~~