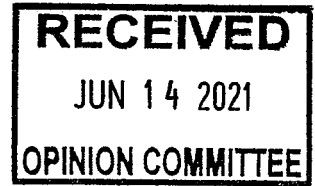


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June 11, 2021

The Honorable Ken Paxton  
Attorney General, State of Texas  
Attention: Opinion Committee  
P.O. Box 12548  
Austin, Texas 78711-2548

RQ-0411-KP  
FILE# ML-48958-21  
I.D.# 48958

Dear Attorney General Paxton:

For the past several years, Parent Teacher Associations (“PTAs”) at various campuses in the Austin Independent School District (“AISD”) have raised money to fund teaching and administrative positions at their respective schools. In the 2020-2021 school year, PTAs funded a total of 31 full and part-time positions at 11 different AISD elementary schools. On March 21, 2021, after the PTAs had solicited and received funds from parents to pay for these positions during the 2021-2022 school year, AISD abruptly announced that PTAs in the district would no longer be able to fund staff positions at their campus and told the affected educators they could transfer to other positions at different campuses in the district. By this time, however, many of the specialized and desired open positions at other campuses were already filled.

On March 11, 2021, I filed Senate Bill 1536 relating to the public school finance system. On March 12, Representative Dan Huberty filed its companion, House Bill 1525. Together these omnibus bills addressed Texas School Finance law in the State of Texas for the 87<sup>th</sup> Regular Legislative Session.

On May 26, 2021, Senator Dawn Buckingham offered the following amendment to SB 1536/HB1525:

Section 11.156, Education Code, is amended by adding Subsection (c) to read as follows:

(c) A school district shall:

- (1) accept from a parent-teacher organization recognized by the district a donation designated to fund supplemental educational staff positions at a school campus; and
- (2) spend the donation accepted under Subdivision (1) for the designated purpose at the direction of and within the time period specified by the school campus for which the donation was designated.

The Texas Senate accepted this amendment without objection. The bill was sent to conference committee and received a recommendation as to its passage. On May 30, 2021, the bill as amended passed on third reading 31-0 and the House 129-3. On May 31, 2021 the Senate and House signed the bill.

On June 1, 2021 AISD and its superintendent, Dr. Stephanie S. Elizalde, held two meetings – one via Zoom and one in person – with the affected PTA boards. During the in-person meeting, a parent participant asked Dr. Elizalde if AISD would still prohibit the staffing of the previously funded positions in the 2021-2022 school year given the amendment to HB 1525 requiring districts to accept PTA funds and fill designated positions. Dr. Elizalde responded that she would follow the law once enacted, but, because AISD’s budget and staffing would be complete prior to the bill’s effective date of September 1, 2021, the amendment would have no application to or bearing on AISD’s decision to refuse to allow PTAs to fund the positions in the 2021-2022 school year.

Per Section 402.042 of the Texas Government Code, I respectfully request your opinion on the following questions related to public independent school districts in the State of Texas:

1. Does the amendment to Section 11.156 of the Education Code which is effective September 1, 2021 and which requires school districts to accept PTA donations designated to fund supplemental educational staff positions at a school campus and spend such donation for that designated purpose, require AISD and similarly situated districts to accept and spend for their designated purposes donations already solicited and received by PTAs for the 2021-2022 school year? Or
2. Conversely, is AISD correct that the September 1, 2021, effective date absolves it and similarly situated districts of compliance with the law because budgets and staffing will be “set” prior to the effective date even though the law will be in effect during the 2021-2022 school year?

Respectfully, I request that your office expeditiously review the law as enrolled and the actions of AISD and provide an opinion on the issues presented as soon as possible, as campuses in AISD and possibly elsewhere in the state struggle to determine the effect of AISD’s position on their schools.

Sincerely,



Larry Taylor  
State Senator, District 11  
Chairman, Senate Committee on Education