

By: Madden

H.B. No. 3097

A BILL TO BE ENTITLED

AN ACT

relating to the enrollment and absence of students in what constitutes a school year in public primary and secondary schools.

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

SECTION 1. Section 25.081(b), Education Code, is amended to read as follows:

(b) The commissioner may approve the instruction of students for fewer than the number of days required under Subsection (a) if disaster, flood, extreme weather conditions, fuel curtailment, absence because of illness affecting at least 10 percent of the instructional faculty or students, or another calamity causes the closing of schools.

SECTION 2. Sections 25.0811(b) and (c), Education Code, are amended to read as follows:

(b) If a school district intends to apply under Section 7.056 for a waiver of the prohibition prescribed by Subsection (a), the district must:

(1) at least 60 days before the date the district submits the application for the waiver, publish notice electronically on the Internet [~~in a newspaper having general circulation in the district~~]:

(A) stating that the district intends to apply for a waiver of the prohibition concerning the date of the first day of instruction for students; and

1 (B) specifying the date on which the district
2 intends to begin instruction for students; and

3 (2) hold a public hearing concerning the date of the
4 first day of instruction for students.

5 (c) The application for a waiver of the prohibition
6 prescribed by Subsection (a) must include a summary of the opinions
7 expressed at the public hearing held under Subsection (b)(2) [~~7~~
8 ~~including any consensus of opinion expressed concerning the date of~~
9 ~~the first day of instruction for students~~].

10 SECTION 3. Section 25.087(b), Education Code, is amended to
11 read as follows:

12 (b) A school district shall excuse a student from attending
13 school for the purpose of observing religious holy days, including
14 traveling for that purpose. A school district shall excuse a
15 student for temporary absence resulting from health care
16 professionals' attendance to the student's health care needs
17 [~~professionals~~] if that student commences classes or returns to
18 school on the same day of the appointment. A student whose absence
19 is excused under this subsection may not be penalized for that
20 absence and shall be counted as if the student attended school for
21 purposes of calculating the average daily attendance of students in
22 the school district. A student whose absence is excused under this
23 subsection shall be allowed a reasonable time to make up school work
24 missed on those days. If the student satisfactorily completes the
25 school work, the day of absence shall be counted as a day of
26 compulsory attendance.

27 SECTION 4. Section 25.001 (b), Education Code, is amended

1 to read as follows:

2 (b) The board of trustees of a school district or its
3 designee shall admit into the public schools of the district free of
4 tuition a person who is over five and younger than 21 years of age on
5 the first day the school year begins in the year [~~of September of~~
6 ~~the school year~~] in which admission is sought if:

7 (1) the person and either parent of the person reside
8 in the school district;

9 (2) the person does not reside in the school district
10 but a parent of the person resides in the school district and that
11 parent is a joint managing conservator or the sole managing
12 conservator or possessory conservator of the person;

13 (3) the person and the person's guardian or other
14 person having lawful control of the person under a court order
15 reside within the school district;

16 (4) the person has established a separate residence
17 under Subsection (d);

18 (5) the person is homeless, as defined by 42 U.S.C.
19 Section 11302, regardless of the residence of the person, of either
20 parent of the person, or of the person's guardian or other person
21 having lawful control of the person;

22 (6) the person is a foreign exchange student placed
23 with a host family that resides in the school district by a
24 nationally recognized foreign exchange program, unless the school
25 district has applied for and been granted a waiver by the
26 commissioner under Subsection (e);

27 (7) the person resides at a residential facility

1 located in the district; or

2 (8) the person resides in the school district and is 18
3 years of age or older or the person's disabilities of minority have
4 been removed.

5 SECTION 5. This Act applies beginning with the 2004-2005
6 school year.

7 SECTION 6. This Act takes effect September 1, 2003.