

By: Hochberg

H.B. No. 22

A BILL TO BE ENTITLED

AN ACT

relating to authorizing a flexible school day program for certain public secondary school students.

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

SECTION 1. Subchapter C, Chapter 29, Education Code, is amended by adding Section 29.0822 to read as follows:

Sec. 29.0822. OPTIONAL FLEXIBLE SCHOOL DAY PROGRAM. (a) Notwithstanding Section 25.081 or 25.082(a), a school district may provide a flexible school day program for students in grades nine through 12 who have dropped out of school or who are at risk of dropping out of school as defined by Section 29.081.

(b) To enable a school district to provide a program under this section that meets the needs of students described by Subsection (a), a school district may:

(1) provide flexibility in the number of hours each day a student attends;

(2) provide flexibility in the number of days each week a student attends; or

(3) allow a student to enroll in less or more than a full course load.

(c) A course offered in a program under this section must provide for at least the same number of instructional hours as required for a course offered in a program that meets the required minimum number of instructional days under Section 25.081 and the

1 required length of school day under Section 25.082(a).

2 (d) The commissioner may adopt rules for the administration  
3 of this section. The commissioner shall calculate average daily  
4 attendance for students served under this section. The  
5 commissioner shall allow accumulations of hours of instruction for  
6 students whose schedule would not otherwise allow full state  
7 funding. Funding under this subsection shall be determined based  
8 on the number of instructional days in the district calendar and a  
9 seven-hour school day, but attendance may be cumulated over a  
10 school year, inclusive of any summer or vacation sessions. The  
11 attendance of students who accumulate less than the number of  
12 attendance hours required under this subsection shall be  
13 proportionately reduced for funding purposes. The commissioner may  
14 set maximum funding amounts for an individual course under this  
15 section.

16 SECTION 2. Section 42.005(a), Education Code, is amended to  
17 read as follows:

18 (a) In this chapter, average daily attendance is:

19 (1) the quotient of the sum of attendance for each day  
20 of the minimum number of days of instruction as described under  
21 Section 25.081(a) divided by the minimum number of days of  
22 instruction; ~~or~~

23 (2) for a district that operates under a flexible year  
24 program under Section 29.0821, the quotient of the sum of  
25 attendance for each actual day of instruction as permitted by  
26 Section 29.0821(b)(1) divided by the number of actual days of  
27 instruction as permitted by Section 29.0821(b)(1); or

1           (3) for a district that operates under a flexible  
2 school day program under Section 29.0822, the sum of:

3                   (A) average daily attendance as determined under  
4 Subdivision (1), for students who are not served under Section  
5 29.0822; and

6                   (B) the average daily attendance as calculated by  
7 the commissioner in accordance with Section 29.0822(d), for  
8 students served under Section 29.0822.

9           SECTION 3. This Act applies beginning with the 2005-2006  
10 school year.

11           SECTION 4. This Act takes effect immediately if it receives  
12 a vote of two-thirds of all the members elected to each house, as  
13 provided by Section 39, Article III, Texas Constitution. If this  
14 Act does not receive the vote necessary for immediate effect, this  
15 Act takes effect on the 91st day after the last day of the  
16 legislative session.