

By: West

S.B. No. 1036

A BILL TO BE ENTITLED

AN ACT

1
2 relating to an optional flexible school day program for students in
3 grades nine through twelve who have dropped out of school or who are
4 at-risk of dropping out.

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

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

8 Section 29.0822 Optional Flexible School Day Program

9 (a) Notwithstanding Section 25.081 or 25.082, a school
10 district may provide a flexible school day program for students in
11 grades nine through twelve who have dropped out of school or who are
12 at-risk of dropping out.

13 (b) To enable a school district to provide a program under
14 this section that meets the needs of students, a school district
15 may:

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

18 (2) provide flexibility in the number of days a week a
19 student attends;

20 (3) allow a student to enroll in less or more than a
21 full-course load;

22 (c) A program under this section must provide for at least
23 the same number of instructional hours for each course as would be
24 provided if that course were offered in a program that meets the

1 required minimum number of instructional days under Section 25.081
2 and the length of school day under Section 25.082.

3 (d) The commissioner may adopt rules for the administration
4 of this section. The commissioner shall calculate average daily
5 attendance for at-risk students served under this section. The
6 commissioner shall allow accumulations of hours of instruction for
7 students whose schedule would not otherwise allow full state
8 funding. Funding under this subsection shall be determined based
9 on the number of instructional days in the district calendar and a
10 seven hour school day, but attendance may be cumulated over a school
11 year, inclusive of any summer or vacation sessions. The attendance
12 of students who accumulate less than the number of attendance hours
13 required under this subsection shall be proportionately reduced for
14 funding purposes. The commission may set maximum funding amounts
15 for an individual course under this 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 average daily
3 attendance as calculated by the commissioner in accordance with
4 Section 29.0822(d).

5 SECTION 3. This Act applies beginning with the 2005-2006
6 school year.

7 SECTION 4. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2005.