

By: Hochberg

H.B. No. 1137

A BILL TO BE ENTITLED

1 AN ACT

2 relating to eligibility and attendance requirements in public
3 schools.

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

5 SECTION 1. Section 25.001, Education Code, is amended by
6 amending Subsections (a) and (b) and adding Subsection (b-1) to
7 read as follows:

8 (a) A person who, on the first day of September of any school
9 year, is at least five years of age and under 21 years of age, or is
10 at least 21 years of age and under 26 years of age and is admitted by
11 a school district to complete the requirements for a high school
12 diploma [~~on the first day of September of any school year~~] is
13 entitled to the benefits of the available school fund for that year.
14 Any other person enrolled in a prekindergarten class under Section
15 29.153 is entitled to the benefits of the available school fund.

16 (b) The board of trustees of a school district or its
17 designee shall admit into the public schools of the district free of
18 tuition a person who is over five and younger than 21 years of age on
19 the first day of September of the school year in which admission is
20 sought, and may admit a person who is at least 21 years of age and
21 under 26 years of age for the purpose of completing the requirements
22 for a high school diploma, if:

23 (1) the person and either parent of the person reside
24 in the school district;

1 (2) the person does not reside in the school district
2 but a parent of the person resides in the school district and that
3 parent is a joint managing conservator or the sole managing
4 conservator or possessory conservator of the person;

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

8 (4) the person has established a separate residence
9 under Subsection (d);

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

14 (6) the person is a foreign exchange student placed
15 with a host family that resides in the school district by a
16 nationally recognized foreign exchange program, unless the school
17 district has applied for and been granted a waiver by the
18 commissioner under Subsection (e);

19 (7) the person resides at a residential facility
20 located in the district;

21 (8) the person resides in the school district and is 18
22 years of age or older or the person's disabilities of minority have
23 been removed; or

24 (9) the person does not reside in the school district
25 but the grandparent of the person:

26 (A) resides in the school district; and

27 (B) provides a substantial amount of

1 after-school care for the person as determined by the board.

2 (b-1) A person who is 21 years of age or older and is
3 admitted by a school district for the purpose stated in Subsection
4 (b) is not eligible for placement in a disciplinary alternative
5 education program or a juvenile justice alternative education
6 program if the person engages in conduct that would require or
7 authorize such placement for a student under the age of 21. If the
8 student engages in conduct that would otherwise require such
9 placement, the district shall revoke admission of the student into
10 the public schools of the district.

11 SECTION 2. Section 25.092, Education Code, is amended by
12 adding Subsection (a-1) and amending Subsection (b) to read as
13 follows:

14 (a-1) A student who is in attendance for at least 75 percent
15 but less than 90 percent of the days a class is offered may be given
16 credit for the class if the student completes a plan approved by the
17 school's principal that provides for the student to meet the
18 instructional requirements of the class.

19 (b) The board of trustees of each school district shall
20 appoint one or more attendance committees to hear petitions for
21 class credit by students who are in attendance fewer than the number
22 of days required under Subsection (a) and have not earned class
23 credit under Subsection (a-1). Classroom teachers shall comprise a
24 majority of the membership of the committee. A committee may give
25 class credit to a student because of extenuating circumstances.
26 Each board of trustees shall establish guidelines to determine what
27 constitutes extenuating circumstances and shall adopt policies

1 establishing alternative ways for students to make up work or
2 regain credit lost because of absences. The alternative ways must
3 include at least one option that does not require a student to pay a
4 fee authorized under Section 11.158(a)(15). A certified public
5 school employee may not be assigned additional instructional duties
6 as a result of this section outside of the regular workday unless
7 the employee is compensated for the duties at a reasonable rate of
8 pay.

9 SECTION 3. Section 42.003(a), Education Code, is amended to
10 read as follows:

11 (a) A student is entitled to the benefits of the Foundation
12 School Program if, on September 1 of the school year, the student is
13 5 years of age or older and under 21 years of age [~~on September 1 of~~
14 ~~the school year~~] and has not graduated from high school, or is at
15 least 21 years of age and under 26 years of age and has been admitted
16 by a school district to complete the requirements for a high school
17 diploma.

18 SECTION 4. This Act applies beginning with the 2007-2008
19 school year.

20 SECTION 5. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2007.