

By: Hochberg

H.B. No. 1137

A BILL TO BE ENTITLED

AN ACT

relating to age and attendance requirements in public schools.

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

SECTION 1. Section 25.001, Education Code, is amended to read as follows:

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

(b) The board of trustees of a school district or its designee shall admit into the public schools of the district free of tuition a person who is over five and younger than 21 years of age on the first day of September of the school year in which admission is sought, and may admit a person who is 21 years of age or older, if:

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

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

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

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

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

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

15 (7) the person resides at a residential facility
16 located in the district;

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

20 (9) the person does not reside in the school district
21 but the grandparent of the person:

22 (A) resides in the school district; and

23 (B) provides a substantial amount of
24 after-school care for the person as determined by the board.

25 SECTION 2. Section 25.092, Education Code, is amended to
26 read as follows:

27 (a) Except as provided by this section, a student may not be

1 given credit for a class unless the student is in attendance for at
2 least 90 percent of the days the class is offered.

3 (b) For a student who is in attendance for at least 75
4 percent but less than 90 percent of the days the class is offered,
5 the student may be given credit for the class if the student
6 completes a plan approved by the school's principal that provides
7 for the student to meet the requirements of the course.

8 (c) The board of trustees of each school district shall
9 appoint one or more attendance committees to hear petitions for
10 class credit by students who are in attendance fewer than the number
11 of days required under Subsection (a), and who have not earned
12 credit under Subsection (b). Classroom teachers shall comprise a
13 majority of the membership of the committee. A committee may give
14 class credit to a student because of extenuating circumstances.
15 Each board of trustees shall establish guidelines to determine what
16 constitutes extenuating circumstances and shall adopt policies
17 establishing alternative ways for students to make up work or
18 regain credit lost because of absences. The alternative ways must
19 include at least one option that does not require a student to pay a
20 fee authorized under Section 11.158(a)(15). A certified public
21 school employee may not be assigned additional instructional duties
22 as a result of this section outside of the regular workday unless
23 the employee is compensated for the duties at a reasonable rate of
24 pay.

25 [~~(c)~~] (d) A member of an attendance committee is not
26 personally liable for any act or omission arising out of duties as a
27 member of an attendance committee.

1 ~~[(d)]~~ (e) If a student is denied credit for a class by an
2 attendance committee, the student may appeal the decision to the
3 board of trustees. The decision of the board may be appealed by
4 trial de novo to the district court of the county in which the
5 school district's central administrative office is located.

6 ~~[(e)]~~ (f) This section does not affect the provision of
7 Section 25.087(b) regarding a student's excused absence from school
8 to observe religious holy days.

9 ~~[(f)]~~ (g) The availability of the option developed under
10 Subsection (b) must be substantially the same as the availability
11 of the educational program developed under Section 11.158(a)(15).

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

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

20 SECTION 4. This Act applies beginning with the 2007-2008
21 school year.

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