

By: Zaffirini

S.B. No. 52

A BILL TO BE ENTITLED

AN ACT

relating to the compulsory school attendance age.

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

SECTION 1. Section 25.085(b), Education Code, is amended to read as follows:

(b) Unless specifically exempted by Section 25.086, a child who is at least five [~~six~~] years of age, or who is younger than five [~~six~~] years of age and has previously been enrolled in prekindergarten or kindergarten [~~first grade~~], and who has not yet reached the child's 18th birthday shall attend school.

SECTION 2. Section 25.086(a), Education Code, as amended by Chapters 377, 887, and 1339, Acts of the 79th Legislature, Regular Session, 2005, is reenacted and amended to read as follows:

(a) A child is exempt from the requirements of compulsory school attendance if the child:

(1) attends a private or parochial school that includes in its course a study of good citizenship;

(2) is eligible to participate in a school district's special education program under Section 29.003 and cannot be appropriately served by the resident district;

(3) has a physical or mental condition of a temporary and remediable nature that makes the child's attendance infeasible and holds a certificate from a qualified physician specifying the temporary condition, indicating the treatment prescribed to remedy

1 the temporary condition, and covering the anticipated period of the
2 child's absence from school for the purpose of receiving and
3 recuperating from that remedial treatment;

4 (4) is expelled in accordance with the requirements of
5 law in a school district that does not participate in a mandatory
6 juvenile justice alternative education program under Section
7 37.011;

8 (5) is at least 17 years of age and:

9 (A) is attending a course of instruction to
10 prepare for the high school equivalency examination, and:

11 (i) has the permission of the child's parent
12 or guardian to attend the course;

13 (ii) is required by court order to attend
14 the course;

15 (iii) has established a residence separate
16 and apart from the child's parent, guardian, or other person having
17 lawful control of the child; or

18 (iv) is homeless as defined by 42 U.S.C.
19 Section 11302; or

20 (B) has received a high school diploma or high
21 school equivalency certificate;

22 (6) is at least 16 years of age and is attending a
23 course of instruction to prepare for the high school equivalency
24 examination, if:

25 (A) the child is recommended to take the course
26 of instruction by a public agency that has supervision or custody of
27 the child under a court order; or

1 (B) the child is enrolled in a Job Corps training
2 program under the Workforce Investment Act of 1998 (29 U.S.C.
3 Section 2801 et seq.);

4 ~~[(B) the child is enrolled in a Job Corps~~
5 ~~training program under 29 U.S.C. Section 2881 et seq.;]~~

6 (7) is at least 16 years of age and is enrolled in a
7 high school diploma program under Chapter 18;

8 (8) ~~[(7)]~~ is enrolled in the Texas Academy of
9 Mathematics and Science under Subchapter G, Chapter 105;

10 (9) ~~[(8)]~~ is enrolled in the Texas Academy of
11 Leadership in the Humanities;

12 (10) ~~[(9)]~~ is enrolled in the Texas Academy of
13 Mathematics and Science at The University of Texas at Brownsville;

14 (11) ~~[(9)]~~ is enrolled in the Texas Academy of
15 International Studies;

16 (12) has been granted a waiver by a school district as
17 provided by Section 25.0861; or

18 (13) ~~[(10)]~~ is specifically exempted under another law.

19 SECTION 3. Subchapter C, Chapter 25, Education Code, is
20 amended by adding Section 25.0861 to read as follows:

21 Sec. 25.0861. WAIVER FROM COMPULSORY SCHOOL ATTENDANCE:
22 KINDERGARTEN. (a) A school district shall grant a child a waiver
23 from the required attendance under Section 25.085 if:

24 (1) the child:

25 (A) is younger than six years of age; and

26 (B) has not been previously enrolled in
27 prekindergarten or kindergarten; and

1 (2) the child's parent, guardian, conservator, or
2 other person having lawful control over the child submits an
3 application for a waiver.

4 (b) The commissioner shall adopt rules to provide a simple
5 procedure for the parent, guardian, conservator, or other person
6 having lawful control over a child described by this section to
7 apply to the appropriate school district for a waiver from the
8 required attendance under Section 25.085.

9 SECTION 4. Section 29.009, Education Code, is amended to
10 read as follows:

11 Sec. 29.009. PUBLIC NOTICE CONCERNING PRESCHOOL PROGRAMS
12 FOR STUDENTS WITH DISABILITIES. Each school district shall develop
13 a system to notify the population in the district with children who
14 are at least three years of age but younger than five [~~six~~] years of
15 age and who are eligible for enrollment in a special education
16 program of the availability of the program.

17 SECTION 5. Sections 25.085(c) and 42.003(c), Education
18 Code, are repealed.

19 SECTION 6. This Act applies beginning with the 2007-2008
20 school year.

21 SECTION 7. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2007.