

SENATE AMENDMENTS

2nd Printing

By: Hochberg

H.B. No. 1137

A BILL TO BE ENTITLED

AN ACT

relating to eligibility 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 by amending Subsections (a) and (b) and adding Subsection (b-1) 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 at least 21 years of age and under 26 years of age and is admitted by a school district to complete the 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 at least 21 years of age and under 26 years of age for the purpose of completing the requirements for a high school diploma, if:

(1) the person and either parent of the person reside 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.

ADOPTED

FLOOR AMENDMENT NO. 1

MAY 23 2007 BY:

Patricia Spaw
Secretary of the Senate

Zuffanti

<EOH>

1 Amend H.B. No. 1137 (house engrossment) between SECTIONS 1
2 and 2 of the bill (page 3, between lines 10 and 11), by
3 inserting the following new SECTION, appropriately numbered, and
4 renumbering the subsequent SECTIONS accordingly:

5 SECTION ____ . Section 25.085(f), Education Code, as added
6 by H.B. No. 566, Acts of the 80th Legislature, Regular Session,
7 2007, is amended to read as follows:

8 (f) The board of trustees of a school district may adopt a
9 policy requiring a person described by Subsection (e) who is
10 under 21 years of age to attend school until the end of the
11 school year. Section 25.094 applies to a person subject to a
12 policy adopted under this subsection. Sections 25.093 and
13 25.095 do not apply to the parent of a person subject to a
14 policy adopted under this subsection.

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ADOPTED

MAY 23 2007

FLOOR AMENDMENT NO. 2

Leta Spivey
Secretary of the Senate

Paul Paul

1 Amend C.S.H.B. 1137 (Senate Committee Report) by inserting
2 the following, on page 3 between lines 10 and 11:

3 (b-2) A person who is 21 years of age or older who is
4 admitted by a school district to complete the requirements for a
5 high school diploma and who has not attended school in the three
6 preceding school years may not be placed with a student who is
7 18 years of age or younger in:

8 (1) a classroom setting;

9 (2) a cafeteria; or

10 (3) another district-sanctioned school activity.

11 Nothing in this provision prevents a student described by this
12 subsection from attending a school-sponsored event that is open
13 to the public as a member of the public.

ADOPTED

MAY 23 2007

FLOOR AMENDMENT NO. 3

Lataj Spaw
Secretary of the Senate

BY:

Paul Matton

1 Amend H.B. 1137 by adding the following SECTIONS, numbered
2 appropriately, and by renumbering any subsequent SECTIONS
3 accordingly:

4 SECTION _____. Section 26.0081, Education Code, is amended
5 by amending Subsection (a) and adding Subsections (a-1) and (d)
6 to read as follows:

7 (a) The agency shall produce and provide to school
8 districts sufficient copies of a comprehensive, easily
9 understood document that explains the process by which an
10 individualized education program is developed for a student in a
11 special education program and the rights and responsibilities of
12 a parent concerning the process. The document must include
13 information a parent needs to effectively participate in an
14 admission, review, and dismissal committee meeting for the
15 parent's child. The agency shall routinely update the document
16 so that the document includes current state and federal law and
17 shall provide the updated version to school districts. On
18 receipt of an updated document, a school district shall provide
19 a copy of the document to the parent of a student enrolled in a
20 special education program. The agency shall update the document
21 not later than:

22 (1) the first anniversary of the effective date of a
23 change in federal law under the Individuals with Disabilities
24 Education Act (20 U.S.C. Section 1400 et seq.) relating to the
25 development or content of an individualized education program;

26 (2) the 180th day after the effective date of a
27 change in federal regulations under the Individuals with
28 Disabilities Education Act (20 U.S.C. Section 1400 et seq.)
29 relating to the development or content of an individualized

1 education program; or

2 (3) the 180th day after the effective date of a
3 change in state law or rules relating to the development or
4 content of an individualized education program.

5 (a-1) If S.B. No. 1490, Acts of the 80th Legislature,
6 Regular Session, 2007, takes effect before September 1, 2007,
7 the agency shall adopt a new document under Subsection (a) and
8 distribute the document to school districts not later than
9 September 1, 2007, and a school district shall distribute the
10 document to the parent of a child enrolled in a special
11 education program not later than October 1, 2007. If S.B. No.
12 1490, Acts of the 80th Legislature, Regular Session, 2007, takes
13 effect September 1, 2007, the agency shall adopt a new document
14 under Subsection (a) and distribute the document to school
15 districts not later than December 1, 2007, and a school district
16 shall distribute the document to the parent of a child enrolled
17 in a special education program not later than January 1, 2008.
18 This subsection expires January 31, 2008.

19 (d) At the annual meeting of a student's admission,
20 review, and dismissal committee, a school district must provide
21 written notice to the parent of a student with an individualized
22 education program that a current copy of the document required
23 by this section is available to the parent on the request of the
24 parent. A school district must also include the notice in the
25 district's student handbook. If a school district maintains an
26 Internet website, the district shall post on the website an
27 Internet link for accessing the document on the agency's
28 Internet website.

ADOPTED

Matt

FLOOR AMENDMENT NO. 4

MAY 23 2007 BY:

Atay Dew
Secretary of the Senate

1 Amend H.B. No. 1137 by adding the following appropriately
2 numbered SECTIONS and renumbering subsequent SECTIONS
3 accordingly:

4 SECTION __. Section 52.01, Family Code, is amended by
5 adding Subsection (e) to read as follows:

6 (e) A law-enforcement officer who has probable cause to
7 believe that a child is in violation of the compulsory school
8 attendance law under Section 25.085, Education Code, may take
9 the child into custody for the purpose of returning the child to
10 the school campus of the child to ensure the child's compliance
11 with compulsory school attendance requirements.

12 SECTION __. Section 25.091, Education Code, is amended by
13 adding Subsection (b-1) to read as follows:

14 (b-1) A peace officer who has probable cause to believe
15 that a child is in violation of the compulsory school attendance
16 law under Section 25.085 may take the child into custody for the
17 purpose of returning the child to the school campus of the child
18 to ensure the child's compliance with compulsory school
19 attendance requirements.

ADOPTED

MAY 23 2007

Leta Spaw
Secretary of the Senate

Delia Kinde Pitt

FLOOR AMENDMENT NO. 5

BY: _____

1 Amend H.B. No. 1137 by adding the following appropriately
2 numbered SECTIONS and renumbering the subsequent SECTIONS
3 accordingly:

4 SECTION _____ Section 29.153(b), Education Code, is amended
5 to read as follows:

6 (b) A child is eligible for enrollment in a prekindergarten
7 class under this section if the child is at least three years of
8 age and [~~is~~]:

9 (1) is unable to speak and comprehend the English
10 language;

11 (2) is educationally disadvantaged;

12 (3) is a homeless child, as defined by 42 U.S.C. Section
13 11434a [~~11302~~], regardless of the residence of the child, of either
14 parent of the child, or of the child's guardian or other person
15 having lawful control of the child;

16 (4) is the child of an active duty member of the armed
17 forces of the United States, including the state military forces or
18 a reserve component of the armed forces, who is ordered to active
19 duty by proper authority; [~~or~~]

20 (5) is the child of a member of the armed forces of the
21 United States, including the state military forces or a reserve
22 component of the armed forces, who was injured or killed while
23 serving on active duty; or

24 (6) is or ever has been in the conservatorship of the
25 Department of Family and Protective Services following an adversary
26 hearing held as provided by Section 262.201, Family Code.

1 SECTION ____ . Section 29.153(b), Education Code, as amended
2 by this Act, applies beginning with the 2007-2008 school year.

ADOPTED

MAY 23 2007

Leta Spaw
Secretary of the Senate

COMMITTEE AMENDMENT NO. 1

BY: *VanderKam*

1 Amend H.B. 1137 (House Engrossment printing) by inserting,
2 on page 3, line 18, the following after ".":

3 "A student under the jurisdiction of a court in a criminal
4 or juvenile justice proceeding may not receive credit under this
5 subparagraph without the consent of the judge presiding over the
6 student's case."

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 18, 2007

TO: Honorable Florence Shapiro, Chair, Senate Committee on Education

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1137 by Hochberg (Relating to eligibility and attendance requirements in public schools.), **Committee Report 2nd House, As Amended**

Estimated Two-year Net Impact to General Revenue Related Funds for HB1137, Committee Report 2nd House, As Amended: a negative impact of (\$3,400,000) through the biennium ending August 31, 2009.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2008	(\$1,700,000)
2009	(\$1,700,000)
2010	(\$1,700,000)
2011	(\$1,700,000)
2012	(\$1,700,000)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from FOUNDATION SCHOOL FUND 193
2008	(\$1,700,000)
2009	(\$1,700,000)
2010	(\$1,700,000)
2011	(\$1,700,000)
2012	(\$1,700,000)

Fiscal Analysis

The bill would change the eligibility of students for admission to public school to permit students who are at least 21 years of age and under 26 years of age on the first day of September of any school year to be eligible for funding under the Foundation School Program for the purposes of completing the requirements for a high school diploma. Persons are not eligible if they engage in conduct that would require a disciplinary placement if the person were under the age of 21.

Methodology

The bill has the potential to increase costs for the Foundation School Program (FSP) by making students who between the ages of 21 and 26 eligible to draw FSP funding. Under current law and practice, the state provides state funding for special education students who are 21 years old at some

point during the school year, even if that student turns 22 during the school year. According to the Fall 2006 enrollment data reported to the Public Education Information Management System (PEIMS), the number of students enrolled in public schools who are aged 21 or older is 1,126, and 867 of these are special education students. It is assumed for the purposes of this fiscal note that the majority of these students are 21 or turned 22 years old during the school year and thus currently receiving state aid; as a result, they do not represent an additional cost to the state. The remaining students would increase state costs, estimated to be less than \$2.0 million in each year.

To the extent that districts enroll more students between the ages of 21 and 26 who are not currently earning state aid, state FSP costs would increase proportionately.

Local Government Impact

School districts would generate additional FSP funding for serving students between the ages of 21 and 26 who are not currently earning state aid.

Source Agencies: 701 Central Education Agency

LBB Staff: JOB, JGM, JSp, UP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 11, 2007

TO: Honorable Florence Shapiro, Chair, Senate Committee on Education

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1137 by Hochberg (Relating to eligibility and attendance requirements in public schools.),
As Engrossed

Estimated Two-year Net Impact to General Revenue Related Funds for HB1137, As Engrossed: a negative impact of (\$3,400,000) through the biennium ending August 31, 2009.

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To the extent that districts enroll more students between the ages of 21 and 26 who are not currently earning state aid, state FSP costs would increase proportionately.

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Source Agencies: 701 Central Education Agency

LBB Staff: JOB, JGM, JSp, UP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 17, 2007

TO: Honorable Rob Eissler, Chair, House Committee on Public Education

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1137 by Hochberg (relating to eligibility and attendance requirements in public schools.),
Committee Report 1st House, Substituted

Estimated Two-year Net Impact to General Revenue Related Funds for HB1137, Committee Report 1st House, Substituted: a negative impact of (\$3,400,000) through the biennium ending August 31, 2009.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

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point during the school year, even if that student turns 22 during the school year. According to the Fall 2006 enrollment data reported to the Public Education Information Management System (PEIMS), the number of students enrolled in public schools who are aged 21 or older is 1,126, and 867 of these are special education students. It is assumed for the purposes of this fiscal note that the majority of these students are 21 or turned 22 years old during the school year and thus currently receiving state aid; as a result, they do not represent an additional cost to the state. The remaining students would increase state costs, estimated to be less than \$2.0 million in each year.

To the extent that districts enroll more students between the ages of 21 and 26 who are not currently earning state aid, state FSP costs would increase proportionately.

Local Government Impact

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Source Agencies: 701 Central Education Agency

LBB Staff: JOB, JGM, JSp, UP

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LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 9, 2007

TO: Honorable Rob Eissler, Chair, House Committee on Public Education

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB1137** by Hochberg (Relating to age and attendance requirements in public schools.), As Introduced

Estimated Two-year Net Impact to General Revenue Related Funds for HB1137, As Introduced: a negative impact of (\$3,400,000) through the biennium ending August 31, 2009.

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Fall 2006 enrollment data reported to the Public Education Information Management System (PEIMS), the number of students enrolled in public schools who are aged 21 or older is 1,126, and 867 of these are special education students. It is assumed for the purposes of this fiscal note that the majority of these students are 21 or turned 22 years old during the school year and thus currently receiving state aid; as a result, they do not represent an additional cost to the state. The remaining students would increase state costs, estimated to be less than \$2.0 million in each year.

To the extent that districts enroll more students over the age of 21 who are not currently earning state aid, state FSP costs would increase proportionately.

Local Government Impact

School districts would generate additional FSP funding for serving students over the age of 21 who are not currently earning state aid.

Source Agencies: 701 Central Education Agency

LBB Staff: JOB, JSp, UP, JGM

