

House Bill 1137
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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;
- (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;
- (3) the person and the person's guardian or other person having lawful control of the person under a court order

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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;
- (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;
- (3) the person and the person's guardian or other person having lawful control of the person under a court order

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reside within the school district;

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

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

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

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

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

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

(A) resides in the school district; and

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

(b-1) A person who is 21 years of age or older and is admitted by a school district for the purpose stated in Subsection (b) is not eligible for placement in a disciplinary alternative education program or a juvenile justice alternative education program if the person engages in conduct that would require or authorize such placement for a student under the age of 21. If the student engages in conduct that would otherwise require

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reside within the school district;

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

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

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

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

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

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

(A) resides in the school district; and

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

(b-1) A person who is 21 years of age or older and is admitted by a school district for the purpose stated in Subsection (b) is not eligible for placement in a disciplinary alternative education program or a juvenile justice alternative education program if the person engages in conduct that would require or authorize such placement for a student under the age of 21. If the student engages in conduct that would otherwise require

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such placement, the district shall revoke admission of the student into the public schools of the district.

No equivalent provision.

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such placement, the district shall revoke admission of the student into the public schools of the district.

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

(1) a classroom setting;

(2) a cafeteria; or

(3) another district-sanctioned school activity.

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

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

(f) The board of trustees of a school district may adopt a policy requiring a person described by Subsection (e) who is under 19 years of age to attend school until the end of the school year. Section 25.094 applies to a person subject to a policy adopted under this subsection. Sections 25.093 and 25.095 do not apply to the parent of a person subject to a policy adopted under this subsection.

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No equivalent provision.

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

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

(b) The board of trustees of each school district shall appoint one or more attendance committees to hear petitions for class credit by students who are in attendance fewer than the number of days required under Subsection (a) and have not earned class credit under Subsection (a-1). Classroom teachers shall comprise a

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

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

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

(a-1) A student who is in attendance for at least 75 percent but less than 90 percent of the days a class is offered may be given credit for the class if the student completes a plan approved by the school's principal that provides for the student to meet the instructional requirements of the class. A student under the jurisdiction of a court in a criminal or juvenile justice proceeding may not receive credit under this subparagraph without the consent of the judge presiding over the student's case.

(b) The board of trustees of each school district shall appoint one or more attendance committees to hear petitions for class credit by students who are in attendance fewer than the number of days required under Subsection (a) and have not earned class credit under Subsection (a-1). Classroom teachers shall comprise a

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majority of the membership of the committee. A committee may give class credit to a student because of extenuating circumstances. Each board of trustees shall establish guidelines to determine what constitutes extenuating circumstances and shall adopt policies establishing alternative ways for students to make up work or regain credit lost because of absences. The alternative ways must include at least one option that does not require a student to pay a fee authorized under Section 11.158(a)(15). A certified public school employee may not be assigned additional instructional duties as a result of this section outside of the regular workday unless the employee is compensated for the duties at a reasonable rate of pay.

No equivalent provision.

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majority of the membership of the committee. A committee may give class credit to a student because of extenuating circumstances. Each board of trustees shall establish guidelines to determine what constitutes extenuating circumstances and shall adopt policies establishing alternative ways for students to make up work or regain credit lost because of absences. The alternative ways must include at least one option that does not require a student to pay a fee authorized under Section 11.158(a)(15). A certified public school employee may not be assigned additional instructional duties as a result of this section outside of the regular workday unless the employee is compensated for the duties at a reasonable rate of pay.

SECTION __. . Section 26.0081, Education Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (d)

to read as follows:

(a) The agency shall produce and provide to school districts sufficient copies of a comprehensive, easily understood document that explains the process by which an individualized education program is developed for a student in a special education program and the rights and responsibilities of a parent concerning the process. The document must include information a parent needs to effectively participate in an admission, review, and dismissal committee meeting for the parent's child. The agency

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shall routinely update the document so that the document includes current state and federal law and shall provide the updated version to school districts. On receipt of an updated document, a school district shall provide a copy of the document to the parent of a student enrolled in a special education program. The agency shall update the document not later than:

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

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

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

(a-1) If S.B. No. 1490, Acts of the 80th Legislature, Regular Session, 2007, takes effect before September 1, 2007, the agency shall adopt a new document under Subsection (a) and distribute the document to school districts not later than September 1, 2007, and a school district shall distribute the document to the parent of a child enrolled in a special education program not later than October 1, 2007. If S.B. No. 1490, Acts of the 80th Legislature, Regular Session, 2007, takes effect September 1, 2007, the agency shall adopt a new

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document under Subsection (a) and distribute the document to school districts not later than December 1, 2007, and a school district shall distribute the document to the parent of a child enrolled in a special education program not later than January 1, 2008. This subsection expires January 31, 2008.

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

No equivalent provision.

SECTION __.Section 29.153(b), Education Code, is amended to read as follows:

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

- (1) is unable to speak and comprehend the English language;
- (2) is educationally disadvantaged;
- (3) is a homeless child, as defined by 42 U.S.C. Section 11434a [~~11302~~], regardless of the residence of the child, of either parent of the child, or of the child's guardian or

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other person having lawful control of the child;
(4) is the child of an active duty member of the armed forces of the United States, including the state military forces or a reserve component of the armed forces, who is ordered to active duty by proper authority;
(5) is the child of a member of the armed forces of the United States, including the state military forces or a reserve component of the armed forces, who was injured or killed while serving on active duty; or
(6) is or ever has been in the conservatorship of the Department of Family and Protective Services following an adversary hearing held as provided by Section 262.201, Family Code.

No equivalent provision.

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

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

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

Same as House version.

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

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

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

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

Same as House version.

Same as House version.

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