

1-1 By: Hochberg, et al. H.B. No. 1297
1-2 (Senate Sponsor - Van de Putte)
1-3 (In the Senate - Received from the House April 1, 2009;
1-4 April 27, 2009, read first time and referred to Committee on
1-5 Education; May 8, 2009, reported favorably by the following vote:
1-6 Yeas 6, Nays 0; May 8, 2009, sent to printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to optional flexible school day program courses offered by
1-10 school districts to enable students to earn course credit under
1-11 certain circumstances.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 29.0822, Education Code, is amended by
1-14 amending Subsections (a), (c), and (d) and adding Subsection (e) to
1-15 read as follows:

1-16 (a) Notwithstanding Section 25.081 or 25.082, a school
1-17 district may apply to the commissioner to provide a flexible school
1-18 day program for students [~~in grades nine through 12~~] who:

1-19 (1) have dropped out of school or are at risk of
1-20 dropping out of school as defined by Section 29.081; [~~or~~]

1-21 (2) attend a campus that is implementing an innovative
1-22 redesign of the campus or an early college high school under a plan
1-23 approved by the commissioner; or

1-24 (3) as a result of attendance requirements under
1-25 Section 25.092, will be denied credit for one or more classes in
1-26 which the students have been enrolled.

1-27 (c) Except in the case of a course designed for a student
1-28 described by Subsection (a)(3), a [A] course offered in a program
1-29 under this section must provide for at least the same number of
1-30 instructional hours as required for a course offered in a program
1-31 that meets the required minimum number of instructional days under
1-32 Section 25.081 and the required length of school day under Section
1-33 25.082.

1-34 (d) The commissioner may adopt rules for the administration
1-35 of this section, including rules establishing application
1-36 requirements. The commissioner shall calculate average daily
1-37 attendance for students served under this section. The
1-38 commissioner shall allow accumulations of hours of instruction for
1-39 students whose schedule would not otherwise allow full state
1-40 funding. Funding under this subsection shall be determined based
1-41 on the number of instructional days in the school district calendar
1-42 and a seven-hour school day, but attendance may be cumulated over a
1-43 school year, including any summer or vacation session. The
1-44 attendance of students who accumulate less than the number of
1-45 attendance hours required under this subsection shall be
1-46 proportionately reduced for funding purposes. The commissioner
1-47 may:

1-48 (1) set maximum funding amounts for an individual
1-49 course under this section; and

1-50 (2) limit funding for the attendance of a student
1-51 described by Subsection (a)(3) in a course under this section to
1-52 funding only for the attendance necessary for the student to earn
1-53 class credit that, as a result of attendance requirements under
1-54 Section 25.092, the student would not otherwise be able to receive
1-55 without retaking the class.

1-56 (e) A student described by Subsection (a)(3) may enroll in a
1-57 course in a program under this section offered during the school
1-58 year or during the period in which school is recessed for the summer
1-59 to enable the student to earn class credit that, as a result of
1-60 attendance requirements under Section 25.092, the student would not
1-61 otherwise be able to receive without retaking the class.

1-62 SECTION 2. This Act applies beginning with the 2009-2010
1-63 school year.

1-64 SECTION 3. This Act takes effect immediately if it receives

2-1 a vote of two-thirds of all the members elected to each house, as
2-2 provided by Section 39, Article III, Texas Constitution. If this
2-3 Act does not receive the vote necessary for immediate effect, this
2-4 Act takes effect September 1, 2009.

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