

By: Miller of Comal

H.R. No. 1723

R E S O L U T I O N

1 WHEREAS, Swine flu was first reported to be confirmed in
2 Texas on April 23, 2009, and since then, at least 24 more cases have
3 been confirmed; the United States government has declared a public
4 health emergency, and Governor Rick Perry has issued a disaster
5 declaration for the entire state; and

6 WHEREAS, Public health officials have recommended school
7 closures to help stem the spread of the virus in affected states,
8 and at least 14 Texas school districts have closed all or some
9 schools due to swine flu concerns; and

10 WHEREAS, Subsection (a), Section 25.081, Education Code,
11 requires that "for each school year each school district must
12 operate so that the district provides for at least 180 days of
13 instruction for students"; however, Subsection (b) allows for the
14 commissioner of education to make exceptions "if disaster, flood,
15 extreme weather conditions, fuel curtailment, or another calamity
16 causes the closing of schools"; Subsection (d), Section 42.005,
17 Education Code, further allows the commissioner to "adjust the
18 average daily attendance of a school district" in which any of the
19 aforementioned exceptions have a "significant effect on the
20 district's attendance," an action that would ensure that school
21 funding would not be negatively impacted by the implementation of
22 such an exception; and

23 WHEREAS, Schools throughout the state are dedicated to the
24 health and safety of their students, faculty, and staff and should

1 not be required to make up any school days that are missed as a
2 result of swine flu prevention measures; nor should they be
3 penalized financially for any reduction in the average daily
4 attendance of the district that these closures may cause; now,
5 therefore, be it

6 RESOLVED, That the House of Representatives of the 81st Texas
7 Legislature hereby direct the commissioner of education to inform
8 school boards and superintendents that swine flu qualifies as an
9 exception to the 180-day attendance statute; and, be it further

10 RESOLVED, That the commissioner be directed to adjust the
11 average daily attendance of any affected school districts
12 accordingly; and, be it further

13 RESOLVED, That the chief clerk forward an official copy of
14 this resolution to the commissioner of education.