

By: Shapiro

S.B. No. 1364

A BILL TO BE ENTITLED

AN ACT

1
2 relating to minimum public school attendance for class credit or a
3 grade.

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

5 SECTION 1. The heading to Section 25.092, Education Code,
6 is amended to read as follows:

7 Sec. 25.092. MINIMUM ATTENDANCE FOR CLASS CREDIT OR GRADE.

8 SECTION 2. Sections 25.092(a), (a-1), (b), and (d),
9 Education Code, are amended to read as follows:

10 (a) Except as provided by this section, a student in any
11 grade level from kindergarten through grade 12 may not be given
12 credit or a grade for a class unless the student is in attendance
13 for at least 90 percent of the days the class is offered.

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 or a grade for the class if the student completes a plan
17 approved by the school's principal that provides for the student to
18 meet the instructional requirements of the class. A student under
19 the jurisdiction of a court in a criminal or juvenile justice
20 proceeding may not receive credit or a grade under this subsection
21 without the consent of the judge presiding over the student's case.

22 (b) The board of trustees of each school district shall
23 appoint one or more attendance committees to hear petitions for
24 class credit or a grade by students who are in attendance fewer than

1 the number of days required under Subsection (a) and have not earned
2 class credit or a grade under Subsection (a-1). Classroom teachers
3 shall comprise a majority of the membership of the committee. A
4 committee may give class credit or a grade to a student because of
5 extenuating circumstances. Each board of trustees shall establish
6 guidelines to determine what constitutes extenuating circumstances
7 and shall adopt policies establishing alternative ways for students
8 to make up work or regain credit or a grade lost because of
9 absences. The alternative ways must include at least one option
10 that does not require a student to pay a fee authorized under
11 Section 11.158(a)(15). A certified public school employee may not
12 be assigned additional instructional duties as a result of this
13 section outside of the regular workday unless the employee is
14 compensated for the duties at a reasonable rate of pay.

15 (d) If a student is denied credit or a grade for a class by
16 an attendance committee, the student may appeal the decision to the
17 board of trustees. The decision of the board may be appealed by
18 trial de novo to the district court of the county in which the
19 school district's central administrative office is located.

20 SECTION 3. This Act applies beginning with the 2009-2010
21 school year.

22 SECTION 4. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2009.