

1-1 By: Shapiro S.B. No. 1364
1-2 (In the Senate - Filed March 4, 2009; March 17, 2009, read
1-3 first time and referred to Committee on Education; March 25, 2009,
1-4 reported favorably by the following vote: Yeas 8, Nays 1;
1-5 March 25, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to minimum public school attendance for class credit or a
1-9 grade.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. The heading to Section 25.092, Education Code,
1-12 is amended to read as follows:

1-13 Sec. 25.092. MINIMUM ATTENDANCE FOR CLASS CREDIT OR GRADE.

1-14 SECTION 2. Subsections (a), (a-1), (b), and (d), Section
1-15 25.092, Education Code, are amended to read as follows:

1-16 (a) Except as provided by this section, a student in any
1-17 grade level from kindergarten through grade 12 may not be given
1-18 credit or a grade for a class unless the student is in attendance
1-19 for at least 90 percent of the days the class is offered.

1-20 (a-1) A student who is in attendance for at least 75 percent
1-21 but less than 90 percent of the days a class is offered may be given
1-22 credit or a grade for the class if the student completes a plan
1-23 approved by the school's principal that provides for the student to
1-24 meet the instructional requirements of the class. A student under
1-25 the jurisdiction of a court in a criminal or juvenile justice
1-26 proceeding may not receive credit or a grade under this subsection
1-27 without the consent of the judge presiding over the student's case.

1-28 (b) The board of trustees of each school district shall
1-29 appoint one or more attendance committees to hear petitions for
1-30 class credit or a grade by students who are in attendance fewer than
1-31 the number of days required under Subsection (a) and have not earned
1-32 class credit or a grade under Subsection (a-1). Classroom teachers
1-33 shall comprise a majority of the membership of the committee. A
1-34 committee may give class credit or a grade to a student because of
1-35 extenuating circumstances. Each board of trustees shall establish
1-36 guidelines to determine what constitutes extenuating circumstances
1-37 and shall adopt policies establishing alternative ways for students
1-38 to make up work or regain credit or a grade lost because of
1-39 absences. The alternative ways must include at least one option
1-40 that does not require a student to pay a fee authorized under
1-41 Section 11.158(a)(15). A certified public school employee may not
1-42 be assigned additional instructional duties as a result of this
1-43 section outside of the regular workday unless the employee is
1-44 compensated for the duties at a reasonable rate of pay.

1-45 (d) If a student is denied credit or a grade for a class by
1-46 an attendance committee, the student may appeal the decision to the
1-47 board of trustees. The decision of the board may be appealed by
1-48 trial de novo to the district court of the county in which the
1-49 school district's central administrative office is located.

1-50 SECTION 3. This Act applies beginning with the 2009-2010
1-51 school year.

1-52 SECTION 4. This Act takes effect immediately if it receives
1-53 a vote of two-thirds of all the members elected to each house, as
1-54 provided by Section 39, Article III, Texas Constitution. If this
1-55 Act does not receive the vote necessary for immediate effect, this
1-56 Act takes effect September 1, 2009.

1-57 * * * * *