

By: Shapiro

S.B. No. 140

A BILL TO BE ENTITLED

AN ACT

relating to minimum public school attendance for class credit or a final grade.

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

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

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

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

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

(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 or a final grade 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 or a final grade under this subsection without the consent of the judge presiding over the student's case.

(b) The board of trustees of each school district shall

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

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

24 SECTION 3. This Act applies beginning with the 2011-2012
25 school year.

26 SECTION 4. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2011.