

1-1 By: Shapiro S.B. No. 140
1-2 (In the Senate - Filed November 8, 2010; January 31, 2011,
1-3 read first time and referred to Committee on Education;
1-4 March 7, 2011, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 8, Nays 0; March 7, 2011,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 140 By: Shapiro

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to minimum public school attendance for class credit or a
1-11 final grade.

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

1-13 SECTION 1. The heading to Section 25.092, Education Code,
1-14 is amended to read as follows:

1-15 Sec. 25.092. MINIMUM ATTENDANCE FOR CLASS CREDIT OR FINAL
1-16 GRADE.

1-17 SECTION 2. Subsections (a), (a-1), (b), and (d), Section
1-18 25.092, Education Code, are amended to read as follows:

1-19 (a) Except as provided by this section, a student in any
1-20 grade level from kindergarten through grade 12 may not be given
1-21 credit or a final grade for a class unless the student is in
1-22 attendance for at least 90 percent of the days the class is offered.

1-23 (a-1) A student who is in attendance for at least 75 percent
1-24 but less than 90 percent of the days a class is offered may be given
1-25 credit or a final grade for the class if the student completes a
1-26 plan approved by the school's principal that provides for the
1-27 student to meet the instructional requirements of the class. A
1-28 student under the jurisdiction of a court in a criminal or juvenile
1-29 justice proceeding may not receive credit or a final grade under
1-30 this subsection without the consent of the judge presiding over the
1-31 student's case.

1-32 (b) The board of trustees of each school district shall
1-33 appoint one or more attendance committees to hear petitions for
1-34 class credit or a final grade by students who are in attendance
1-35 fewer than the number of days required under Subsection (a) and have
1-36 not earned class credit or a final grade under Subsection (a-1).
1-37 Classroom teachers shall comprise a majority of the membership of
1-38 the committee. A committee may give class credit or a final grade
1-39 to a student because of extenuating circumstances. Each board of
1-40 trustees shall establish guidelines to determine what constitutes
1-41 extenuating circumstances and shall adopt policies establishing
1-42 alternative ways for students to make up work or regain credit or a
1-43 final grade lost because of absences. The alternative ways must
1-44 include at least one option that does not require a student to pay a
1-45 fee authorized under Section 11.158(a)(15). A certified public
1-46 school employee may not be assigned additional instructional duties
1-47 as a result of this section outside of the regular workday unless
1-48 the employee is compensated for the duties at a reasonable rate of
1-49 pay.

1-50 (d) If a student is denied credit or a final grade for a
1-51 class by an attendance committee, the student may appeal the
1-52 decision to the board of trustees. The decision of the board may be
1-53 appealed by trial de novo to the district court of the county in
1-54 which the school district's central administrative office is
1-55 located.

1-56 SECTION 3. This Act applies beginning with the 2011-2012
1-57 school year.

1-58 SECTION 4. This Act takes effect immediately if it receives
1-59 a vote of two-thirds of all the members elected to each house, as
1-60 provided by Section 39, Article III, Texas Constitution. If this
1-61 Act does not receive the vote necessary for immediate effect, this
1-62 Act takes effect September 1, 2011.

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