

By: Howard, King of Hemphill, Allen,  
VanDeaver

H.B. No. 2660

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to Foundation School Program funding for students enrolled  
3 in an optional flexible school day program.

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

5 SECTION 1. Section 29.0822, Education Code, is amended by  
6 amending Subsection (d) and adding Subsection (d-1) to read as  
7 follows:

8 (d) The commissioner may adopt rules for the administration  
9 of this section, including rules establishing application  
10 requirements. Subject to Subsection (d-1), the ~~[The]~~ commissioner  
11 shall calculate average daily attendance for students served under  
12 this section. The commissioner shall allow accumulations of hours  
13 of instruction for students whose schedule would not otherwise  
14 allow full state funding. Funding under this subsection shall be  
15 determined based on the number of instructional days in the school  
16 district calendar and a seven-hour school day, but attendance may  
17 be cumulated over a school year, including any summer or vacation  
18 session. The attendance of students who accumulate less than the  
19 number of attendance hours required under this subsection shall be  
20 proportionately reduced for funding purposes. The commissioner  
21 may:

22 (1) set maximum funding amounts for an individual  
23 course under this section; and

24 (2) limit funding for the attendance of a student

1 described by Subsection (a)(3) in a course under this section to  
2 funding only for the attendance necessary for the student to earn  
3 class credit that, as a result of attendance requirements under  
4 Section 25.092, the student would not otherwise be able to receive  
5 without retaking the class.

6 (d-1) In calculating average daily attendance for students  
7 served under this section, the commissioner shall ensure that  
8 funding for attendance in a course in a program under this section  
9 is based on the same instructional hour requirements of the regular  
10 program rather than a full-time equivalent student basis that  
11 requires six hours of student contact time to qualify for a full day  
12 of attendance.

13 SECTION 2. Section 42.005(a), Education Code, is amended to  
14 read as follows:

15 (a) In this chapter, average daily attendance is:

16 (1) the quotient of the sum of attendance for each day  
17 of the minimum number of days of instruction as described under  
18 Section 25.081(a) divided by the minimum number of days of  
19 instruction;

20 (2) for a district that operates under a flexible year  
21 program under Section 29.0821, the quotient of the sum of  
22 attendance for each actual day of instruction as permitted by  
23 Section 29.0821(b)(1) divided by the number of actual days of  
24 instruction as permitted by Section 29.0821(b)(1); or

25 (3) for a district that operates under a flexible  
26 school day program under Section 29.0822, the average daily  
27 attendance as calculated by the commissioner in accordance with

1 Sections [~~Section~~] [29.0822\(d\)](#) and (d-1).

2 SECTION 3. This Act applies beginning with the 2015-2016  
3 school year.

4 SECTION 4. This Act takes effect immediately if it receives  
5 a vote of two-thirds of all the members elected to each house, as  
6 provided by Section [39](#), Article III, Texas Constitution. If this  
7 Act does not receive the vote necessary for immediate effect, this  
8 Act takes effect September 1, 2015.