

AN ACT

relating to Foundation School Program funding for certain students.

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

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

(a) Notwithstanding Section 25.081 or 25.082, a school district may ~~[apply to the commissioner to]~~ provide a flexible school day program for ~~[students who]~~:

(1) students who have dropped out of school or are at risk of dropping out of school as defined by Section 29.081;

(2) students who attend a campus that is implementing an innovative redesign of the campus or an early college high school under a plan approved by the commissioner; ~~[or]~~

(3) students who, as a result of attendance requirements under Section 25.092, will be denied credit for one or more classes in which the students have been enrolled; or

(4) a campus or campuses that would benefit from the program.

(b) To enable a school district to provide a program under this section that meets the needs of students described by Subsection (a), a school district ~~[that meets application requirements]~~ may:

(1) provide flexibility in the number of hours each

1 day a student attends;

2 (2) provide flexibility in the number of days each
3 week a student attends; or

4 (3) allow a student to enroll in less than or more than
5 a full course load.

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

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

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

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

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

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

11 (1) the quotient of the sum of attendance for each day
12 of the minimum number of days of instruction as described under
13 Section 25.081(a) divided by the minimum number of days of
14 instruction;

15 (2) for a district that operates under a flexible year
16 program under Section 29.0821, the quotient of the sum of
17 attendance for each actual day of instruction as permitted by
18 Section 29.0821(b)(1) divided by the number of actual days of
19 instruction as permitted by Section 29.0821(b)(1); or

20 (3) for a district that operates under a flexible
21 school day program under Section 29.0822, the average daily
22 attendance as calculated by the commissioner in accordance with
23 Sections [Section] 29.0822(d) and (d-1).

24 SECTION 3. Section 42.152, Education Code, is amended by
25 adding Subsections (c-3) and (c-4) to read as follows:

26 (c-3) Notwithstanding Subsection (c), funds allocated under
27 this section may be used to:

1 (1) provide child-care services or assistance with
2 child-care expenses for students at risk of dropping out of school,
3 as defined by Section 29.081(d)(5); or

4 (2) pay the costs associated with services provided
5 through a life skills program in accordance with Sections
6 29.085(b)(1) and (3)-(7).

7 (c-4) Not later than January 1, 2016, the commissioner shall
8 amend rules regarding the Public Education Information Management
9 System (PEIMS) to include pregnancy as a reason a student withdraws
10 from or otherwise no longer attends public school.

11 SECTION 4. This Act applies beginning with the 2015-2016
12 school year.

13 SECTION 5. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2015.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 496 passed the Senate on May 5, 2015, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendments on May 29, 2015, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

I hereby certify that S.B. No. 496 passed the House, with amendments, on May 27, 2015, by the following vote: Yeas 139, Nays 7, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor