

1-1 By: Watson S.B. No. 496  
 1-2 (In the Senate - Filed February 9, 2015; February 11, 2015,  
 1-3 read first time and referred to Committee on Education;  
 1-4 April 27, 2015, reported favorably by the following vote: Yeas 10,  
 1-5 Nays 0; April 27, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Taylor of Galveston	X			
1-8 Lucio	X			
1-9 Bettencourt	X			
1-10 Campbell	X			
1-11 Garcia	X			
1-12 Huffines	X			
1-13 Kolthorst	X			
1-14 Rodríguez	X			
1-15 Seliger			X	
1-16 Taylor of Collin	X			
1-17 West	X			

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to Foundation School Program funding for students enrolled  
 1-22 in an optional flexible school day program.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 29.0822, Education Code, is amended by  
 1-25 amending Subsection (d) and adding Subsection (d-1) to read as  
 1-26 follows:

1-27 (d) The commissioner may adopt rules for the administration  
 1-28 of this section, including rules establishing application  
 1-29 requirements. Subject to Subsection (d-1), the [The] commissioner  
 1-30 shall calculate average daily attendance for students served under  
 1-31 this section. The commissioner shall allow accumulations of hours  
 1-32 of instruction for students whose schedule would not otherwise  
 1-33 allow full state funding. Funding under this subsection shall be  
 1-34 determined based on the number of instructional days in the school  
 1-35 district calendar and a seven-hour school day, but attendance may  
 1-36 be cumulated over a school year, including any summer or vacation  
 1-37 session. The attendance of students who accumulate less than the  
 1-38 number of attendance hours required under this subsection shall be  
 1-39 proportionately reduced for funding purposes. The commissioner  
 1-40 may:

1-41 (1) set maximum funding amounts for an individual  
 1-42 course under this section; and

1-43 (2) limit funding for the attendance of a student  
 1-44 described by Subsection (a)(3) in a course under this section to  
 1-45 funding only for the attendance necessary for the student to earn  
 1-46 class credit that, as a result of attendance requirements under  
 1-47 Section 25.092, the student would not otherwise be able to receive  
 1-48 without retaking the class.

1-49 (d-1) In calculating average daily attendance for students  
 1-50 served under this section, the commissioner shall ensure that  
 1-51 funding for attendance in a course in a program under this section  
 1-52 is based on the same instructional hour requirements of the regular  
 1-53 program rather than a full-time equivalent student basis that  
 1-54 requires six hours of student contact time to qualify for a full day  
 1-55 of attendance.

1-56 SECTION 2. Section 42.005(a), Education Code, is amended to  
 1-57 read as follows:

1-58 (a) In this chapter, average daily attendance is:

1-59 (1) the quotient of the sum of attendance for each day  
 1-60 of the minimum number of days of instruction as described under  
 1-61 Section 25.081(a) divided by the minimum number of days of

2-1 instruction;  
2-2 (2) for a district that operates under a flexible year  
2-3 program under Section 29.0821, the quotient of the sum of  
2-4 attendance for each actual day of instruction as permitted by  
2-5 Section 29.0821(b)(1) divided by the number of actual days of  
2-6 instruction as permitted by Section 29.0821(b)(1); or  
2-7 (3) for a district that operates under a flexible  
2-8 school day program under Section 29.0822, the average daily  
2-9 attendance as calculated by the commissioner in accordance with  
2-10 Sections [Section] 29.0822(d) and (d-1).  
2-11 SECTION 3. This Act applies beginning with the 2015-2016  
2-12 school year.  
2-13 SECTION 4. This Act takes effect immediately if it receives  
2-14 a vote of two-thirds of all the members elected to each house, as  
2-15 provided by Section 39, Article III, Texas Constitution. If this  
2-16 Act does not receive the vote necessary for immediate effect, this  
2-17 Act takes effect September 1, 2015.

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