

1 AN ACT

2 relating to optional flexible school day program courses offered by
3 school districts to enable students to earn course credit under
4 certain circumstances.

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

6 SECTION 1. Section 29.0822, Education Code, is amended by
7 amending Subsections (a), (c), and (d) and adding Subsection (e) to
8 read as follows:

9 (a) Notwithstanding Section 25.081 or 25.082, a school
10 district may apply to the commissioner to provide a flexible school
11 day program for students [~~in grades nine through 12~~] who:

12 (1) have dropped out of school or are at risk of
13 dropping out of school as defined by Section 29.081; [~~or~~]

14 (2) attend a campus that is implementing an innovative
15 redesign of the campus or an early college high school under a plan
16 approved by the commissioner; or

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

20 (c) Except in the case of a course designed for a student
21 described by Subsection (a)(3), a [A] course offered in a program
22 under this section must provide for at least the same number of
23 instructional hours as required for a course offered in a program
24 that meets the required minimum number of instructional days under

1 Section 25.081 and the required length of school day under Section
2 25.082.

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

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

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

25 (e) A student described by Subsection (a)(3) may enroll in a
26 course in a program under this section offered during the school
27 year or during the period in which school is recessed for the summer

1 to enable the student to earn class credit that, as a result of
2 attendance requirements under Section 25.092, the student would not
3 otherwise be able to receive without retaking the class.

4 SECTION 2. This Act applies beginning with the 2009-2010
5 school year.

6 SECTION 3. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2009.

David Newkirk

President of the Senate

Jon Stroman

Speaker of the House

I certify that H.B. No. 1297 was passed by the House on March 31, 2009, by the following vote: Yeas 147, Nays 0, 1 present, not voting.

Robert Hancey

Chief Clerk of the House

I certify that H.B. No. 1297 was passed by the Senate on May 21, 2009, by the following vote: Yeas 31, Nays 0.

Patsy Spaw

Secretary of the Senate

APPROVED: 19 JUN '09

Date

RICK PERRY

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE

2PM O'CLOCK

JUN 19 2009

Colby Hunter III