BILL ANALYSIS

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Education Code calculates average daily attendance for the regular program differently than for the flex-time program. This restricts schools in their ability to offer a flexible schedule for students who wish to participate in internships, dual enrollment, or outside work. S.B. 496 removes this disparity by calculating average daily attendance for flex-time students in the same manner as it does for regular program students.

In the 83rd Legislature, legislators laid out clear policy goals for Texas high schools in H.B. 5. They asked these schools to more adequately prepare students for life beyond high school, and S.B. 496 supports their investment, planning, and preparation to achieve these objectives.

S.B. 496 amends current law relating to Foundation School Program funding for certain students.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the commissioner of education is modified in SECTION 1 (Section 29.0822, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

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

> (a) Authorizes a school district, notwithstanding Section 25.081 (Operation of Schools) or 25.082 (School Day; Pledges of Allegiance; Minute of Silence), to provide a flexible school day program for:
>
> > (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;
> >
> > (3) students who, as a result of attendance requirements under Section 25.092 (Minimum Attendance for Class Credit or Final Grade), 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.
>
> Deletes existing text authorizing a school district to apply to the commissioner of education (commissioner) to provide a flexible school day program. Makes nonsubstantive changes.
>
> (b) Makes a conforming change.
>
> (d) Authorizes the commissioner to adopt rules for the administration of this section. Requires the commissioner to calculate average daily attendance for students served

under this section, subject to Subsection (d-1). Requires the commissioner to allow accumulations of hours of instruction for students whose schedule would not otherwise allow full state funding. Requires that funding under this subsection be determined based on the number of instructional days in the school district calendar and a seven-hour school day, but attendance may be cumulated over a school year, including any summer or vacation session. Requires that the attendance of students who accumulate less than the number of attendance hours required under this subsection be proportionately reduced for funding purposes. Authorizes the commissioner to take certain actions as set forth regarding funding. Makes a conforming change.

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

SECTION 2. Amends Section 42.005(a), Education Code, as follows:

(a) Provides that the average daily attendance in this chapter is:

(1)-(2) Makes no change to these subdivisions;

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

SECTION 3. Amends Section 42.152, Education Code, by adding Subsections (c-3) and (c-4), as follows:

(c-3) Authorizes funds allocated under this section, notwithstanding Subsection (c) (relating to requiring that funds allocated under this section be used to fund certain supplemental programs and services), to be used to:

(1) provide child-care services or assistance with child-care expenses for students at risk of dropping out of school, as defined by Section 29.081(d)(5) (relating to providing that the definition of a "student at risk of dropping out" includes a student who is under the age of 26 and who is pregnant or is a parent); or

(2) pay the costs associated with services provided through a life skills program in accordance with Sections 29.085(b)(1) (relating to requiring that the program include individual counseling, peer counseling, and self-help programs) and (3) (relating to requiring that the program include day care for the students' children on the campus or at a day-care facility in close proximity to the campus), (4) (relating to requiring that the program include transportation for children of students to and from the campus or day-care facility), (5) (relating to requiring that the program include transportation for students, as appropriate, to and from the campus or day-care facility), (6) (relating to requiring that the program include instruction related to knowledge and skills in child development, parenting, and home and family living), and (7) (relating to requiring that the program include assistance to students in the program in obtaining available services from government agencies or community service organizations, including prenatal and postnatal health and nutrition programs).

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

SECTION 4. Provides that this Act applies beginning with the 2015-2016 school year.

SECTION 5. Effective date: upon passage or September 1, 2015.