

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

1-7		Yea	Nay	Absent	PNV
1-8	Taylor of Galveston	X			
1-9	Lucio	X			
1-10	Bettencourt	X			
1-11	Campbell	X			
1-12	Garcia	X			
1-13	Huffines	X			
1-14	Kolkhorst	X			
1-15	Rodríguez	X			
1-16	Seliger			X	
1-17	Taylor of Collin	X			
1-18	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.

2-18 \* \* \* \* \*