

CHAPTER 557

S.B. No. 679

AN ACT

relating to average daily attendance and an extended year program for certain public school students.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter O, Chapter 21, Education Code, is amended by adding Section 21.562 to read as follows:

Sec. 21.562. STATE-FUNDED OPTIONAL EXTENDED YEAR PROGRAM. (a) A school district may apply to the commissioner of education for funding and approval of an extended year program for a period not to exceed 30 days for students in kindergarten through grade level eight who are identified as likely not to be promoted to the next grade level for the succeeding school year.

(b) The commissioner may adopt rules for the administration of programs provided under this section.

(c) A school district may not enroll more than 12 students in a class provided under this section.

(d) Each class provided under this section shall be taught by a teacher who has completed successfully a program that provides training to teach a class under this section and that satisfies standards the commissioner establishes.

(e) A student who attends at least 85 percent of the program days of a program under this section shall be promoted to the next grade level at the beginning of the next school year unless a parent of the student presents a written request to the school principal that the student not be promoted to the next grade level. As soon as practicable after receiving the request from a parent, the principal shall hold a formal meeting with the student's parent, extended year program teacher, and counselor. During the meeting, the principal, teacher, or counselor shall explain the longitudinal statistics on the academic performance of students who are not promoted to the next grade level and provide information on the effect of retention on a student's self-esteem and on the likelihood of a student dropping out of school. After the meeting, the parent may withdraw the request that the student not be promoted to the next grade level. If the parent of a student eligible for promotion under this subsection withdraws the request, the student shall be promoted. If a student is promoted under this subsection, the school district shall continue to use innovative practices to ensure that the student is successful in school in succeeding years.

(f) A school district that provides a program under this section shall adopt a policy designed to lead to immediate reduction and ultimate elimination of student retention.

(g) A school district may apply for approval under this section only for a pilot program for students in grade level one for the 1993–1994 school year and only for a pilot program for students in grade levels one and two for the 1994–1995 school year. The state's share of a pilot program under this section may not exceed the amount appropriated for program purposes. Funds provided to a pilot program may be used for transportation of eligible students. This subsection expires September 1, 1995.

SECTION 2. Subchapter O, Chapter 21, Education Code, is amended by adding Section 21.563 to read as follows:

Sec. 21.563. OPTIONAL EXTENDED YEAR PROGRAM. (a) A school district may apply to the commissioner of education for approval to provide an extended year program for a period not to exceed 45 days for students in kindergarten through grade level eight who would otherwise be retained.

(b) In order to provide the funding necessary for a program approved under this section, with the approval of the commissioner a school district may provide a number of days of instruction for students during the regular school term that is up to five days less than the number otherwise required under Section 16.052(a). A school district providing a program under this section is not entitled to funding appropriated for purposes of providing programs under Section 21.562.

(c) The commissioner of education may adopt rules for the administration of programs provided under this section.

SECTION 3. Subsection (c), Section 21.032, Education Code, is amended to read as follows:

(c) Unless specifically exempted by Section 21.033 of this code, a student enrolled in a public school district must attend an extended year program for which the student is eligible that is provided by the district for students identified as likely not to be promoted to the next grade level or tutorial classes required by the district under Section 21.103(b) of this code. A district shall provide transportation services to each student required under this section to attend an extended year program who would be eligible for transportation services during a regular school term. A school district is not required to provide transportation services to accommodate [such] students required under this section to attend tutorial classes.

SECTION 4. Subsection (a), Section 16.006, Education Code, is amended to read as follows:

(a) In this chapter:

(1) for the 1993–1994 and 1994–1995 school years, average daily attendance is determined by the daily attendance as averaged each month of the minimum school year as described under Section 16.052(a); and

(2) for the 1995–1996 school year and each year thereafter, average daily attendance is the quotient of the sum of attendance for each day of the minimum school year as described under Section 16.052(a) and for each day approved by the commissioner of education for an extended year program under Section 21.562 divided by the number of days in the minimum school year [of this code].

SECTION 5. This Act applies beginning with the 1993–1994 school year.

SECTION 6. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on April 28, 1993: Yeas 30, Nays 1; the Senate concurred in House amendments on May 28, 1993, by a viva-voce vote; passed the House, with amendments, on May 26, 1993, by a non-record vote.

Approved June 11, 1993.

Effective Aug. 30, 1993, 90 days after date of adjournment.