

SUBJECT: Using optional flexible school day to allow students to make up absences

COMMITTEE: Public Education — committee substitute recommended

VOTE: 8 ayes — Eissler, Hochberg, Allen, Aycock, Jackson, Patrick, Shelton, Weber

0 nays

3 absent — Dutton, Farias, Olivo

WITNESSES: For — Sarah Winkler, Texas Association of School Boards (TASB) and Alief Independent School District; (*Registered, but did not testify*, Amy Beneski, Texas Association of School Administrators; Portia Bosse, Texas State Teachers Association; Bill Carpenter, Texas Council of Administrators of Special Education; Robby Collins, Dallas Independent School District; David Duty, Texas Association of Community Schools; Monty Exter, Association of Texas Professional Educators; Rebecca Flores, Houston Independent School District; Lindsay Gustafson, Texas Classroom Teachers Association; Dwight Harris, Texas—American Federation of Teachers; Alejandra Martin, Texas Association of School Personnel Administrators; Lynn Moak, Texas School Alliance; Martin Pena, South Texas Association of Schools.)

Against — None

BACKGROUND: Education Code, secs. 25.081 and 25.082 require public schools to have at least 180 instructional school days lasting at least seven hours each, including breaks and recess.

If a student fails to attend 90 percent of the instructional classes for a course, the student does not receive credit for the course under sec. 25.092. If a student has attended 75 percent of instructional days but less than 90 percent, the student may receive credit for the course if the student completes a plan designed by the school's principal to meet the instructional requirements of the class. Otherwise, students who do not meet attendance requirements must re-take the class in order to receive credit.

The optional flexible school day, described in Education Code, sec. 29.0822, allows public school districts to apply to the commissioner of education for an extended school day to meet the needs of students in grades 9-12 who have dropped out of school, are at risk of dropping out, or who attend campuses undergoing innovative redesign. Districts may provide flexibility in the hours per day a student attends classes or the number of days a week the student attends classes or may allow a student to enroll in less than or more than a full course load. These students still must meet the state minimum instructional hours mandate to receive course credit. School districts receive funding for an Optional Flexible School Day Program by the calculating average daily attendance for students served during a school year, including summer and vacation sessions.

DIGEST:

CSHB 1297 would amend sec. 29.0822 of the Education Code — the Optional Flexible School Day Program — to include programs designed to allow students, who would otherwise not receive credit for a course because of absences, to make up missed instruction time.

These programs would be exempt from minimum instructional time requirements to allow the program to provide only the number of instructional days the student missed. The bill would permit school districts to offer these programs during the school year or during the summer.

The commissioner could limit funding school districts receive for Optional Flexible School Day programs that allow students to make up absences to the attendance necessary for the student to earn class credit.

CSHB 1297 no longer would limit such programs to grades 9-12.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2009.

**SUPPORTERS
SAY:**

CSHB 1297 would help reduce the number of dropouts and provide another avenue by which school districts could reach out to at-risk students. School districts that provide programs to help students make up absences in classes for which they may not otherwise receive credit have found that most of these students participate and excel. These programs help students to reach their grade level and finish high school. Students,

especially at-risk students, are not likely to retake a class due to absences. Unconventional school hours often are needed to provide a schedule that matches certain students' unique circumstances, and CSHB 1297 would allow districts more flexibility to tailor their programs to meet students' needs.

The current funding structure does not provide incentives to school districts to give students a means to make up absences. CSHB 1297 would fund these programs with no additional cost to the state and ultimately would result in a savings. It is more expensive for the state to fund a student retaking a course than it is to pay for a student to make up the days the student missed. This bill would be a small, but significant step the state could take toward improving public education in Texas.

OPPONENTS
SAY:

No apparent opposition.

NOTES:

The committee substitute differs from the bill as filed by stating that the commissioner could limit funding for students making up absences through the optional flexible school day to only the minimum number of instructional days the student would have to complete in order to earn course credit.