

AN ACT

relating to eligibility and attendance requirements in public schools.

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

SECTION 1. Section 25.001, Education Code, is amended by amending Subsections (a) and (b) and adding Subsections (b-1) and (b-2) to read as follows:

(a) A person who, on the first day of September of any school year, is at least five years of age and under 21 years of age, or is at least 21 years of age and under 26 years of age and is admitted by a school district to complete the requirements for a high school diploma [~~on the first day of September of any school year~~] is entitled to the benefits of the available school fund for that year. Any other person enrolled in a prekindergarten class under Section 29.153 is entitled to the benefits of the available school fund.

(b) The board of trustees of a school district or its designee shall admit into the public schools of the district free of tuition a person who is over five and younger than 21 years of age on the first day of September of the school year in which admission is sought, and may admit a person who is at least 21 years of age and under 26 years of age for the purpose of completing the requirements for a high school diploma, if:

(1) the person and either parent of the person reside in the school district;

1           (2) the person does not reside in the school district  
2 but a parent of the person resides in the school district and that  
3 parent is a joint managing conservator or the sole managing  
4 conservator or possessory conservator of the person;

5           (3) the person and the person's guardian or other  
6 person having lawful control of the person under a court order  
7 reside within the school district;

8           (4) the person has established a separate residence  
9 under Subsection (d);

10          (5) the person is homeless, as defined by 42 U.S.C.  
11 Section 11302, regardless of the residence of the person, of either  
12 parent of the person, or of the person's guardian or other person  
13 having lawful control of the person;

14          (6) the person is a foreign exchange student placed  
15 with a host family that resides in the school district by a  
16 nationally recognized foreign exchange program, unless the school  
17 district has applied for and been granted a waiver by the  
18 commissioner under Subsection (e);

19          (7) the person resides at a residential facility  
20 located in the district;

21          (8) the person resides in the school district and is 18  
22 years of age or older or the person's disabilities of minority have  
23 been removed; or

24          (9) the person does not reside in the school district  
25 but the grandparent of the person:

26               (A) resides in the school district; and

27               (B) provides a substantial amount of

1 after-school care for the person as determined by the board.

2 (b-1) A person who is 21 years of age or older and is  
3 admitted by a school district for the purpose stated in Subsection  
4 (b) is not eligible for placement in a disciplinary alternative  
5 education program or a juvenile justice alternative education  
6 program if the person engages in conduct that would require or  
7 authorize such placement for a student under the age of 21. If the  
8 student engages in conduct that would otherwise require such  
9 placement, the district shall revoke admission of the student into  
10 the public schools of the district.

11 (b-2) A person who is 21 years of age or older who is  
12 admitted by a school district to complete the requirements for a  
13 high school diploma and who has not attended school in the three  
14 preceding school years may not be placed with a student who is 18  
15 years of age or younger in a classroom setting, a cafeteria, or  
16 another district-sanctioned school activity. Nothing in this  
17 subsection prevents a student described by this subsection from  
18 attending a school-sponsored event that is open to the public as a  
19 member of the public.

20 SECTION 2. Section 25.085(f), Education Code, as added by  
21 H.B. No. 566, Acts of the 80th Legislature, Regular Session, 2007,  
22 is amended to read as follows:

23 (f) The board of trustees of a school district may adopt a  
24 policy requiring a person described by Subsection (e) who is under  
25 21 years of age to attend school until the end of the school year.  
26 Section 25.094 applies to a person subject to a policy adopted under  
27 this subsection. Sections 25.093 and 25.095 do not apply to the

1 parent of a person subject to a policy adopted under this  
2 subsection.

3 SECTION 3. Section 25.092, Education Code, is amended by  
4 adding Subsection (a-1) and amending Subsection (b) to read as  
5 follows:

6 (a-1) A student who is in attendance for at least 75 percent  
7 but less than 90 percent of the days a class is offered may be given  
8 credit for the class if the student completes a plan approved by the  
9 school's principal that provides for the student to meet the  
10 instructional requirements of the class. A student under the  
11 jurisdiction of a court in a criminal or juvenile justice  
12 proceeding may not receive credit under this subsection without the  
13 consent of the judge presiding over the student's case.

14 (b) The board of trustees of each school district shall  
15 appoint one or more attendance committees to hear petitions for  
16 class credit by students who are in attendance fewer than the number  
17 of days required under Subsection (a) and have not earned class  
18 credit under Subsection (a-1). Classroom teachers shall comprise a  
19 majority of the membership of the committee. A committee may give  
20 class credit to a student because of extenuating circumstances.  
21 Each board of trustees shall establish guidelines to determine what  
22 constitutes extenuating circumstances and shall adopt policies  
23 establishing alternative ways for students to make up work or  
24 regain credit lost because of absences. The alternative ways must  
25 include at least one option that does not require a student to pay a  
26 fee authorized under Section 11.158(a)(15). A certified public  
27 school employee may not be assigned additional instructional duties

1 as a result of this section outside of the regular workday unless  
2 the employee is compensated for the duties at a reasonable rate of  
3 pay.

4 SECTION 4. Section 29.153(b), Education Code, is amended to  
5 read as follows:

6 (b) A child is eligible for enrollment in a prekindergarten  
7 class under this section if the child is at least three years of age  
8 and [~~is~~]:

9 (1) is unable to speak and comprehend the English  
10 language;

11 (2) is educationally disadvantaged;

12 (3) is a homeless child, as defined by 42 U.S.C.  
13 Section 11434a [~~11302~~], regardless of the residence of the child,  
14 of either parent of the child, or of the child's guardian or other  
15 person having lawful control of the child;

16 (4) is the child of an active duty member of the armed  
17 forces of the United States, including the state military forces or  
18 a reserve component of the armed forces, who is ordered to active  
19 duty by proper authority; [~~or~~]

20 (5) is the child of a member of the armed forces of the  
21 United States, including the state military forces or a reserve  
22 component of the armed forces, who was injured or killed while  
23 serving on active duty; or

24 (6) is or ever has been in the conservatorship of the  
25 Department of Family and Protective Services following an adversary  
26 hearing held as provided by Section 262.201, Family Code.

27 SECTION 5. Section 42.003(a), Education Code, is amended to

1 read as follows:

2 (a) A student is entitled to the benefits of the Foundation  
3 School Program if, on September 1 of the school year, the student is  
4 5 years of age or older and under 21 years of age [~~on September 1 of~~  
5 ~~the school year~~] and has not graduated from high school, or is at  
6 least 21 years of age and under 26 years of age and has been admitted  
7 by a school district to complete the requirements for a high school  
8 diploma.

9 SECTION 6. This Act applies beginning with the 2007-2008  
10 school year.

11 SECTION 7. This Act takes effect immediately if it receives  
12 a vote of two-thirds of all the members elected to each house, as  
13 provided by Section 39, Article III, Texas Constitution. If this  
14 Act does not receive the vote necessary for immediate effect, this  
15 Act takes effect September 1, 2007.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 1137 was passed by the House on May 8, 2007, by the following vote: Yeas 144, Nays 2, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 1137 on May 25, 2007, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 1137 on May 27, 2007, by the following vote: Yeas 145, Nays 0, 2 present, not voting.

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Chief Clerk of the House

H.B. No. 1137

I certify that H.B. No. 1137 was passed by the Senate, with amendments, on May 23, 2007, by the following vote: Yeas 29, Nays 1; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 1137 on May 27, 2007, by the following vote: Yeas 30, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor