ATTACHMENT I

Statutory Citations Relating to Amendments to 19 TAC Chapter 129, Student Attendance, Subchapter AA, Commissioner's Rules

19 TAC §129.1023, Student Attendance Accounting Standards

Texas Education Code, Chapter 42, Foundation School Program, Subchapter A, General Provisions, §42.004, Administration of the Program.

The commissioner, in accordance with the rules of the State Board of Education, shall take such action and require such reports consistent with this chapter as may be necessary to implement and administer the Foundation School Program.

19 TAC §129.1027, Optional Flexible School Day Program

Texas Education Code, Chapter 29, Educational Programs, Subchapter C, Compensatory Education Programs, §29.0822, Optional Flexible School Day Program.

(a) Notwithstanding Section 25.081 or 25.082, a school district may apply to the commissioner to provide a flexible school day program for students in grades nine through 12 who:

(1) have dropped out of school or are at risk of dropping out of school as defined by Section 29.081; or

(2) 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.

(b) To enable a school district to provide a program under this section that meets the needs of students described by Subsection (a), a school district that meets application requirements may:

(1) provide flexibility in the number of hours each day a student attends;

(2) provide flexibility in the number of days each week a student attends; or

(3) allow a student to enroll in less than or more than a full course load.

(c) A course offered in a program under this section must provide for at least the same number of instructional hours as required for a course offered in a program that meets the required minimum number of instructional days under Section 25.081 and the required length of school day under Section 25.082.

(d) The commissioner may adopt rules for the administration of this section, including rules establishing application requirements. The commissioner shall calculate average daily attendance for students served under this section. The commissioner shall allow accumulations of hours of instruction for students whose schedule would not otherwise allow full state funding. Funding under this subsection shall 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. The attendance of students who accumulate less than the number of attendance hours required under this subsection shall be proportionately reduced for funding purposes. The commissioner may set maximum funding amounts for an individual course under this section.