

**SUBJECT:** Minimum school attendance for class credit and school day interruptions

**COMMITTEE:** Public Education — committee substitute recommended

**VOTE:** 7 ayes — Eissler, Allen, Aycock, Farias, Jackson, Olivo, Shelton  
0 nays  
4 absent — Hochberg, Dutton, Patrick, Weber

**SENATE VOTE:** On final passage, April 2 — 31 - 0

**WITNESSES:** For — Robert Floyd, Texas Coalition for Quality Arts Education;  
(*Registered, but did not testify:* Jay Arnold, Texas Parent Teacher Association; Portia Bosse, Texas State Teachers Association; Betsy Cornwell, Texas Education Theatre Association; Monty Exter, Association of Texas Professional Educators; Lindsay Gustafson, TCTA; Ted Melina Raab, Texas AFT)  
Against — None  
On — Amanda Brownson, Texas School Alliance

**BACKGROUND:** Under Education Code, sec. 25.092(a), a student may not be given credit for a class unless the student is in attendance for at least 90 percent of days the class is offered.

**DIGEST:** CSSB 1364 would require a school district board of trustees to adopt and enforce a policy limiting the removal of students from class for remedial tutoring or test preparation if the student would miss more than 10 percent of the school days on which the class is offered as a result of the removal. A parent or guardian could provide written consent to the district for the removal of the student from class for remedial tutoring or test preparation.  
  
The bill would prohibit a school from awarding any student in any grade from kindergarten through 12 credit for a class in which the student attended less than 90 percent of the days the class was offered.  
The bill would apply beginning with the 2009-2010 school year, and

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:**

CSSB 1364 would specify that all students must attend 90 percent of class days to receive credit. Some school districts have misinterpreted credit to mean only high school credit for graduation, but credit actually applies to all grade levels and all academic disciplines. As a result of this misconception, pulling students from fine arts and other enrichment classes for tutoring for the TAKS test has become common, sometimes for as much as half or more of the days that the classes are offered. Students are receiving grades and class credit for courses they do not attend fully, and are missing out on the valuable knowledge that these courses provide. The bill still would allow about 18 days during which the school could remove the students for intervention purposes.

**OPPONENTS  
SAY:**

CSSB 1364 would limit the local control afforded to school districts. A school district knows its students and collaborates with parents and faculty to make sure students receive the instruction they need. School districts alone should have control over how to tutor their students. Removing students from non-core subject classes allows students to receive the additional tutoring they may need to graduate or proceed to the next grade level. Many students are not able to stay after school or arrive early for tutoring because of work or transportation issues and so arrange for in-school tutoring. These programs only help students; they do not harm their education. The bill would not provide districts enough flexibility to be able to provide the intervention necessary for students to be successful.

**NOTES:**

The substitute differs from the Senate-passed version of SB 1364 by adding an exception to the prohibition on a student's removal from class if the student's parent or another person standing in parental relation to the student provided written consent.