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 under this subsection shall be proportionately reduced for funding purposes. The commissioner may:

(1) set maximum funding amounts for an individual course under this section; and
(2) limit funding for the attendance of a student described by Subsection (a)(3) in a course under this section to funding only for the attendance necessary for the student to earn class credit that, as a result of attendance requirements under Section 25.092, the student would not otherwise be able to receive without retaking the class.

(e) A student described by Subsection (a)(3) may enroll in a course in a program under this section offered during the school year or during the period in which school is recessed for the summer to enable the student to earn class credit that, as a result of attendance requirements under Section 25.092, the student would not otherwise be able to receive without retaking the class.

SECTION 2. This Act applies beginning with the 2009-2010 school year.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

Passed by the House on March 31, 2009: Yeas 147, Nays 0, 1 present, not voting; passed by the Senate on May 21, 2009: Yeas 31, Nays 0.

Approved June 19, 2009.

CHAPTER 365

H.B. No. 1326

AN ACT
relating to a plan to replenish the food supplies of food banks or food pantries following a disaster.

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

SECTION 1. Section 418.042(a), Government Code, is amended to read as follows:

(a) The division shall prepare and keep current a comprehensive state emergency management plan. The plan may include:

(1) provisions for prevention and minimization of injury and damage caused by disaster;
(2) provisions for prompt and effective response to disaster;
(3) provisions for emergency relief;
(4) provisions for energy emergencies;
(5) identification of areas particularly vulnerable to disasters;
(6) recommendations for zoning, building restrictions, and other land-use controls, safety measures for securing mobile homes or other nonpermanent or semipermanent structures, and other preventive and preparedness measures designed to eliminate or reduce disasters or their impact;
(7) provisions for assistance to local officials in designing local emergency management plans;
(8) authorization and procedures for the erection or other construction of temporary works designed to protect against or mitigate danger, damage, or loss from flood, fire, or other disaster;
(9) preparation and distribution to the appropriate state and local officials of state catalogs of federal, state, and private assistance programs;
(10) organization of manpower and channels of assistance;
(11) coordination of federal, state, and local emergency management activities;
(12) coordination of the state emergency management plan with the emergency management plans of the federal government;
(13) coordination of federal and state energy emergency plans;
(14) provisions for education and training of local officials on activation of the Emergency Alert System established under 47 C.F.R. Part 11; [and]
(15) provisions for quickly replenishing the food supplies of area food banks or food pantries following a disaster; and
(16) other necessary matters relating to disasters.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

Passed by the House on May 15, 2009: Yeas 139, Nays 0, 1 present, not voting; passed by the Senate on May 27, 2009: Yeas 31, Nays 0.

Approved June 19, 2009.

CHAPTER 366
H.B. No. 1332
AN ACT
relating to responsibility for public school textbooks and technological equipment and to failure by students to return textbooks or technological equipment.

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

SECTION 1. Section 31.104(d), Education Code, is amended to read as follows:

(d) Each student, or the student’s parent or guardian, is responsible for each textbook, including an electronic textbook, and all technological equipment not returned in an acceptable condition by the student. A student who fails to return in an acceptable condition all textbooks, including electronic textbooks, and technological equipment forfeits the right to free textbooks, including electronic textbooks, and technological equipment until each textbook, including an electronic textbook, and all technological equipment previously issued but not returned in an acceptable condition is paid for by the student, parent, or guardian. As provided by policy of the board of trustees or governing body, a school district or open-enrollment charter school may waive or reduce the payment requirement if the student is from a low-income family. The district or school shall allow the student to use textbooks, including electronic textbooks, and technological equipment at school during each school day. If a textbook, including an electronic textbook, or technological equipment is not returned in an acceptable condition or paid for, the district or school may withhold the student’s records. A district or school may not, under this subsection, prevent a student from graduating, participating in a graduation ceremony, or receiving a diploma. The commissioner by rule shall adopt criteria for determining whether a textbook, including an electronic textbook, and technological equipment are returned in an acceptable condition.

SECTION 2. This Act applies beginning with the 2009–2010 school year.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.