

By: Campbell

S.B. No. 2368

A BILL TO BE ENTITLED

AN ACT

relating to the minimum number of instructional days provided by public schools.

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

SECTION 1. Section 25.081, Education Code, is amended to read as follows:

Sec. 25.081. OPERATION OF SCHOOLS. (a) Except as authorized under Subsection (b) of this section, Section 25.0815, Section 25.084, or Section 29.0821, for each school year each school district must operate:

(1) for a minimum of 175 instructional days; and

(2) for at least 75,600 minutes of operation, including time allocated for instruction, intermissions, and recesses for students.

(b) The commissioner may approve the operation of schools for fewer than the number of instructional days or minutes of operation required under Subsection (a) if disaster, flood, extreme weather conditions, fuel curtailment, or another calamity causes the closing of schools.

(c) If the commissioner does not approve reduced instructional days or minutes of operation [~~time~~] under Subsection (b), a school district may add additional instructional days to the school year or minutes of operation to the end of the district's normal school hours as necessary to compensate for instructional

1 days or minutes of operation lost due to school closures caused by
2 disaster, flood, extreme weather conditions, fuel curtailment, or
3 another calamity.

4 (d) The commissioner may adopt rules to implement this
5 section, including rules:

6 (1) [~~for the application, on the basis of the minimum~~
7 ~~minutes of operation required by Subsection (a), of any provision~~
8 ~~of this title that refers to a minimum number of days of instruction~~
9 ~~under this section;~~

10 [~~(2)~~] to determine the minutes of operation that are
11 equivalent to a day;

12 (2) [~~(3)~~] defining minutes of operation and
13 instructional time; and

14 (3) [~~(4)~~] establishing the minimum number of minutes of
15 instructional time required for a full-day and a half-day program
16 to meet the time requirements under Subsection (a).

17 (e) A school district or education program is exempt from
18 the minimum required instructional days or minutes of operation
19 [~~requirement~~] if the district's or program's average daily
20 attendance is calculated under Section 48.005(j).

21 (f) The commissioner may proportionally reduce the amount
22 of funding a district receives under Chapter 46, 48, or 49 and the
23 average daily attendance calculation for the district if the
24 district operates on a calendar that provides fewer instructional
25 days or minutes of operation than required under Subsection (a).

26 (g) A school district may not provide student instruction on
27 Memorial Day. If a school district would be required to provide

1 student instruction on Memorial Day to compensate for instructional
2 days or minutes of operation [~~instruction~~] lost because of school
3 closures caused by disaster, flood, extreme weather conditions,
4 fuel curtailment, or another calamity, the commissioner shall
5 approve the instruction of students for fewer than the number of
6 instructional days or minutes of operation required under
7 Subsection (a).

8 SECTION 2. Sections 25.0815(a) and (b), Education Code, are
9 amended to read as follows:

10 (a) The commissioner shall provide a waiver allowing for
11 fewer instructional days and fewer minutes of operation [~~and~~
12 ~~instructional time~~] than required under Section 25.081(a) for a
13 school district that requires each educator employed by the
14 district to attend an approved school safety training course.

15 (b) A waiver under this section:

16 (1) must allow sufficient time for the school
17 district's educators to attend the school safety training course;
18 and

19 (2) may not:

20 (A) result in an inadequate number of minutes of
21 instructional time for students; or

22 (B) reduce:

23 (i) the number of instructional days by
24 more than one day; or

25 (ii) the number of minutes of operation
26 [~~and instructional time~~] by more than 420 minutes.

27 SECTION 3. Section 29.026(e), Education Code, is amended to

1 read as follows:

2 (e) A program under this section may:

3 (1) alter the length of the school day or school year
4 or the number of instructional days or the minutes of operation
5 allocated to instruction for ~~[received by]~~ students;

6 (2) coordinate services with private or
7 community-based providers;

8 (3) allow the enrollment of students without
9 disabilities or with other disabilities, if approved by the
10 commissioner; and

11 (4) adopt staff qualifications and staff to student
12 ratios that differ from the applicable requirements of this title.

13 SECTION 4. Section 29.0822(c), Education Code, is amended to
14 read as follows:

15 (c) Except in the case of a course designed for a student
16 described by Subsection (a) (3) or enrolled in a course described by
17 Subsection (b) (4), a course offered in a program under this section
18 must provide for at least the same number of instructional hours as
19 required for a course offered in a program that meets the required
20 minimum number of instructional days ~~[minutes of operation]~~ under
21 Section 25.081.

22 SECTION 5. Section 29.162(a), Education Code, is amended to
23 read as follows:

24 (a) The commissioner may adopt rules for this subchapter,
25 including rules establishing full-day and half-day instructional
26 days and minutes of operation requirements as provided by Section
27 25.081.

1 SECTION 6. Section 37.011(f), Education Code, is amended to
2 read as follows:

3 (f) A juvenile justice alternative education program must
4 operate at least seven hours per day and 175 [~~180~~] days per year,
5 except that a program may apply to the Texas Juvenile Justice
6 Department for a waiver of the 175-day [~~180-day~~] requirement. The
7 department may not grant a waiver to a program under this subsection
8 for a number of days that exceeds the highest number of
9 instructional days waived by the commissioner during the same
10 school year for a school district served by the program.

11 SECTION 7. Sections 48.005(i), (j), and (m), Education
12 Code, are amended to read as follows:

13 (i) A district or a charter school operating under Chapter
14 12 that operates a prekindergarten program is eligible to receive
15 one-half of average daily attendance under Subsection (a) if the
16 district's or charter school's prekindergarten program provides at
17 least 32,400 minutes of instructional time to students over the
18 minimum required number of instructional days.

19 (j) A district or charter school is eligible to earn full
20 average daily attendance under Subsection (a) if the district or
21 school provides at least 43,200 minutes of instructional time
22 during a school year to students enrolled in:

23 (1) a dropout recovery school or program operating
24 under Section 12.1141(c) or Section 39.0548;

25 (2) an alternative education program operating under
26 Section 37.008;

27 (3) a school program located at a day treatment

1 facility, residential treatment facility, psychiatric hospital, or
2 medical hospital;

3 (4) a school program offered at a correctional
4 facility; or

5 (5) a school operating under Subchapter G, Chapter 12.

6 (m) The commissioner shall adopt rules necessary to implement
7 this section, including rules that:

8 (1) establish the minimum amount of instructional time
9 per day that allows a school district or charter school to be
10 eligible for full average daily attendance, which may differ based
11 on the instructional program offered by the district or charter
12 school;

13 (2) establish the requirements necessary for a school
14 district or charter school to be eligible for one-half of average
15 daily attendance, which may differ based on the instructional
16 program offered by the district or charter school;

17 (3) proportionally reduce the average daily
18 attendance for a school district if any campus or instructional
19 program in the district provides to students fewer than the
20 required minimum number of instructional days or minutes of
21 operation [~~instruction to students~~]; and

22 (4) allow a grade or course repeated under Section
23 28.02124 to qualify for average daily attendance even if the
24 student previously passed or earned credit for the grade or course,
25 if the grade or course would otherwise be eligible.

26 SECTION 8. Section 48.0051(a), Education Code, is amended
27 to read as follows:

1 (a) Subject to Subsection (a-1), the commissioner shall
2 adjust the average daily attendance of a school district or
3 open-enrollment charter school under Section 48.005 in the manner
4 provided by Subsection (b) if the district or school:

5 (1) provides the minimum number of minutes of
6 operational and instructional time required under Section 25.081
7 and commissioner rules adopted under that section over the minimum
8 required number of instructional days or minutes of operation [~~at~~
9 ~~least 180 days of instruction~~]; and

10 (2) offers an additional 30 days of half-day
11 instruction for students enrolled in prekindergarten through fifth
12 grade.

13 SECTION 9. This Act applies beginning with the 2024-2025
14 school year.

15 SECTION 10. This Act takes effect September 1, 2023.