

By: Ogden

S.B. No. 346

A BILL TO BE ENTITLED

AN ACT

1
2 relating to an optional flexible year program for public school
3 students who fail to perform satisfactorily on an assessment
4 instrument or who would not otherwise be promoted.

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

6 SECTION 1. Subchapter C, Chapter 29, Education Code, is
7 amended by adding Section 29.0821 to read as follows:

8 Sec. 29.0821. OPTIONAL FLEXIBLE YEAR PROGRAM. (a) A
9 school district may apply to the commissioner for approval to
10 provide a flexible year program for students who did not or are
11 likely not to perform successfully on an assessment instrument
12 administered under Section 39.023 or who would not otherwise be
13 promoted to the next grade level.

14 (b) To enable a school district to provide additional
15 instructional days for a program under this section, with the
16 approval of the commissioner, a school district may:

17 (1) provide a number of days of instruction during the
18 regular school year that is not more than 10 days fewer than the
19 number required under Section 25.081(a); and

20 (2) use for instructional purposes not more than five
21 days that would otherwise be used for staff development or teacher
22 preparation.

23 (c) Notwithstanding any reduction in the number of
24 instructional days in the regular school year or in the number of

1 staff development days, each educator employed under a 10-month
2 contract must provide the minimum days of service required under
3 Section 21.401.

4 (d) A school district may require educational support
5 personnel to provide service as necessary for an optional flexible
6 year program.

7 (e) The commissioner may adopt rules for the administration
8 of programs provided under this section.

9 SECTION 2. Subsection (a), Section 25.081, Education Code,
10 is amended to read as follows:

11 (a) Except as authorized under Subsection (b) of this
12 section, [ex] Section 25.084, or Section 29.0821, for each school
13 year each school district must operate so that the district
14 provides for at least 180 days of instruction for students.

15 SECTION 3. Subsection (a), Section 42.005, Education Code,
16 is amended to read as follows:

17 (a) In this chapter, average daily attendance is:

18 (1) the quotient of the sum of attendance for each day
19 of the minimum number of days of instruction as described under
20 Section 25.081(a) divided by the minimum number of days of
21 instruction; or

22 (2) for a district that operates under a flexible year
23 program under Section 29.0821, the quotient of the sum of
24 attendance for each actual day of instruction as permitted by
25 Section 29.0821(b)(1) divided by the number of actual days of
26 instruction as permitted by Section 29.0821(b)(1).

27 SECTION 4. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2003.