1   AN ACT

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 provide a flexible year program for students

10   who did not or are likely not to perform successfully on an

11   assessment instrument administered under Section 39.023 or who

12   would not otherwise be promoted to the next grade level.

13   (b) To enable a school district to provide additional

14   instructional days for a program under this section, with the

15   approval of the commissioner, a school district may:

16   (1) provide a number of days of instruction during the

17   regular school year that is not more than 10 days fewer than the

18   number required under Section 25.081(a); and

19   (2) use for instructional purposes not more than five

20   days that would otherwise be used for staff development or teacher

21   preparation.

22   (c) Notwithstanding any reduction in the number of

23   instructional days in the regular school year or in the number of

24   staff development days, each educator employed under a 10-month

1 contract must provide the minimum days of service required under

2 Section 21.401.

3   (d) A school district may require educational support

4 personnel to provide service as necessary for an optional flexible

5 year program.

6   (e) The commissioner may adopt rules for the administration

7 of programs provided under this section.

8   SECTION 2. Subsection (a), Section 25.081, Education Code,

9 is amended to read as follows:

10   (a) Except as authorized under Subsection (b) of this

11 section, [or] Section 25.084, or Section 29.0821, for each school

12 year each school district must operate so that the district

13 provides for at least 180 days of instruction for students.

14   SECTION 3. Subsection (a), Section 42.005, Education Code,

15 is amended to read as follows:

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

17   (1) the quotient of the sum of attendance for each day

18 of the minimum number of days of instruction as described under

19 Section 25.081(a) divided by the minimum number of days of

20 instruction; or

21   (2) for a district that operates under a flexible year

22 program under Section 29.0821, the quotient of the sum of

23 attendance for each actual day of instruction as permitted by

24 Section 29.0821(b)(1) divided by the number of actual days of

25 instruction as permitted by Section 29.0821(b)(1).

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

27 a vote of two-thirds of all the members elected to each house, as

1 provided by Section 39, Article III, Texas Constitution. If this

2 Act does not receive the vote necessary for immediate effect, this

3 Act takes effect September 1, 2003.

_____   _____
    President of the Senate   Speaker of the House

I hereby certify that S.B. No. 346 passed the Senate on March 12, 2003, by the following vote: Yeas 30, Nays 0; and that the Senate concurred in House amendment on May 30, 2003, by the following vote: Yeas 31, Nays 0.

                                 _____
                                  Secretary of the Senate

I hereby certify that S.B. No. 346 passed the House, with amendment, on May 28, 2003, by the following vote: Yeas 134, Nays 0, two present not voting.

                                 _____
                                  Chief Clerk of the House

Approved:

_____
                Date

_____
                Governor