

By: Ogden

S.B. No. 346

Substitute the following for S.B. No. 346:

By: Grusendorf

C.S.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 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, [ex] 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

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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.