

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 perform
11 successfully on an assessment instrument administered under
12 Section 39.023 or who would not otherwise be promoted to the next
13 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) An optional flexible year program may be at the
8 beginning or end of the regular school year.

9 (f) The commissioner may adopt rules for the administration
10 of programs provided under this section.

11 SECTION 2. Section 25.081(a), Education Code, is amended to
12 read as follows:

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

17 SECTION 3. This Act takes effect September 1, 2003.