

1-1 By: Ogden S.B. No. 346
1-2 (In the Senate - Filed February 3, 2003; February 11, 2003,
1-3 read first time and referred to Committee on Education;
1-4 March 5, 2003, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; March 5, 2003,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 346 By: Ogden

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to an optional flexible year program for public school
1-11 students who fail to perform satisfactorily on an assessment
1-12 instrument or who would not otherwise be promoted.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subchapter C, Chapter 29, Education Code, is
1-15 amended by adding Section 29.0821 to read as follows:

1-16 Sec. 29.0821. OPTIONAL FLEXIBLE YEAR PROGRAM. (a) A
1-17 school district may apply to the commissioner for approval to
1-18 provide a flexible year program for students who did not or are
1-19 likely not to perform successfully on an assessment instrument
1-20 administered under Section 39.023 or who would not otherwise be
1-21 promoted to the next grade level.

1-22 (b) To enable a school district to provide additional
1-23 instructional days for a program under this section, with the
1-24 approval of the commissioner, a school district may:

1-25 (1) provide a number of days of instruction during the
1-26 regular school year that is not more than 10 days fewer than the
1-27 number required under Section 25.081(a); and

1-28 (2) use for instructional purposes not more than five
1-29 days that would otherwise be used for staff development or teacher
1-30 preparation.

1-31 (c) Notwithstanding any reduction in the number of
1-32 instructional days in the regular school year or in the number of
1-33 staff development days, each educator employed under a 10-month
1-34 contract must provide the minimum days of service required under
1-35 Section 21.401.

1-36 (d) A school district may require educational support
1-37 personnel to provide service as necessary for an optional flexible
1-38 year program.

1-39 (e) The commissioner may adopt rules for the administration
1-40 of programs provided under this section.

1-41 SECTION 2. Subsection (a), Section 25.081, Education Code,
1-42 is amended to read as follows:

1-43 (a) Except as authorized under Subsection (b) of this
1-44 section, ~~or~~ Section 25.084, or Section 29.0821, for each school
1-45 year each school district must operate so that the district
1-46 provides for at least 180 days of instruction for students.

1-47 SECTION 3. Subsection (a), Section 42.005, Education Code,
1-48 is amended to read as follows:

1-49 (a) In this chapter, average daily attendance is:

1-50 (1) the quotient of the sum of attendance for each day
1-51 of the minimum number of days of instruction as described under
1-52 Section 25.081(a) divided by the minimum number of days of
1-53 instruction; or

1-54 (2) for a district that operates under a flexible year
1-55 program under Section 29.0821, the quotient of the sum of
1-56 attendance for each actual day of instruction as permitted by
1-57 Section 29.0821(b)(1) divided by the number of actual days of
1-58 instruction as permitted by Section 29.0821(b)(1).

1-59 SECTION 4. This Act takes effect immediately if it receives
1-60 a vote of two-thirds of all the members elected to each house, as
1-61 provided by Section 39, Article III, Texas Constitution. If this
1-62 Act does not receive the vote necessary for immediate effect, this
1-63 Act takes effect September 1, 2003.

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