

By: Seaman

H.B. No. 46

A BILL TO BE ENTITLED

AN ACT

relating to the first day of instruction at a public school.

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

SECTION 1. Section 7.056(e), Education Code, is amended to read as follows:

(e) Except as provided by Subsection (f), a school campus or district may not receive an exemption or waiver under this section from:

(1) a prohibition on conduct that constitutes a criminal offense;

(2) a requirement imposed by federal law or rule, including a requirement for special education or bilingual education programs; or

(3) a requirement, restriction, or prohibition relating to:

(A) essential knowledge or skills under Section 28.002 or minimum graduation requirements under Section 28.025;

(B) public school accountability as provided by Subchapters B, C, D, and G, Chapter 39;

(C) extracurricular activities under Section 33.081 or participation in a University Interscholastic League area, regional, or state competition under Section 33.0812;

(D) health and safety under Chapter 38;

(E) purchasing under Subchapter B, Chapter 44;

1 (F) elementary school class size limits, except
2 as provided by Section 25.112;

3 (G) removal of a disruptive student from the
4 classroom under Subchapter A, Chapter 37;

5 (H) at-risk programs under Subchapter C, Chapter
6 29;

7 (I) prekindergarten programs under Subchapter E,
8 Chapter 29;

9 (J) educator rights and benefits under
10 Subchapters A, C, D, E, F, G, and I, Chapter 21, or under Subchapter
11 A, Chapter 22;

12 (K) special education programs under Subchapter
13 A, Chapter 29; ~~or~~

14 (L) bilingual education programs under
15 Subchapter B, Chapter 29; or

16 (M) the requirements for the first day of
17 instruction under Section 25.0811.

18 SECTION 2. Section 25.0811(a), Education Code, is amended
19 to read as follows:

20 (a) A school district shall ~~[may not]~~ begin instruction for
21 students for a school year on the first Tuesday in September ~~[before~~
22 ~~the week in which August 21 falls. For purposes of this subsection,~~
23 ~~Sunday is considered the first day of the week].~~

24 SECTION 3. Sections 25.0811(b) and (c), Education Code, are
25 repealed.

26 SECTION 4. This Act applies beginning with the 2007-2008
27 school year.

1 SECTION 5. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect on the 91st day after the last day of the
6 legislative session.