

By: Smith of Tarrant

H.B. No. 889

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the 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. Sections 29.0821(b) and (c), Education Code, are
7 amended to read as follows:

8 (b) To enable a school district to provide additional
9 instructional days for a program under this section, with the
10 approval of the commissioner, a school district may~~+~~

11 ~~[(1) provide a number of days of instruction during~~
12 ~~the regular school year that is not more than 10 days fewer than the~~
13 ~~number required under Section 25.081(a), and~~

14 ~~[(2)]~~ use for instructional purposes not more than
15 five days that would otherwise be used for staff development or
16 teacher preparation.

17 (c) Notwithstanding any reduction ~~[in the number of~~
18 ~~instructional days in the regular school year or]~~ in the number of
19 staff development days, each educator employed under a 10-month
20 contract must provide the minimum days of service required under
21 Section 21.401.

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

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

1 section or[~~7~~] Section 25.084, [~~or Section 29.0821~~7] for each school
2 year each school district must operate so that the district
3 provides for at least 180 days of instruction for students.

4 SECTION 3. Section 42.005(a), Education Code, is amended to
5 read as follows:

6 (a) In this chapter, average daily attendance is[+
7 [~~(1)~~] the quotient of the sum of attendance for each
8 day of the minimum number of days of instruction as described under
9 Section 25.081(a) divided by the minimum number of days of
10 instruction[~~7~~ or

11 [~~(2) for a district that operates under a flexible~~
12 ~~year program under Section 29.0821, the quotient of the sum of~~
13 ~~attendance for each actual day of instruction as permitted by~~
14 ~~Section 29.0821(b)(1) divided by the number of actual days of~~
15 ~~instruction as permitted by Section 29.0821(b)(1)].~~

16 SECTION 4. This Act takes effect September 1, 2005.