

By: Truitt

H.B. No. 130

A BILL TO BE ENTITLED

1 AN ACT

2 relating to a waiver for school districts from first day of
3 instruction requirements.

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

5 SECTION 1. Section 25.0811, Education Code, is amended by
6 adding Subsections (b) through (d) to read as follows:

7 (b) If a school district intends to apply under Section
8 7.056 for a waiver of the prohibition prescribed by Subsection (a),
9 the district must:

10 (1) at least 60 days before the date the district
11 submits the application for the waiver, publish notice in a
12 newspaper having general circulation in the district:

13 (A) stating that the district intends to apply
14 for a waiver of the prohibition concerning the date of the first day
15 of instruction for students; and

16 (B) specifying the date on which the district
17 intends to begin instruction for students; and

18 (2) hold a public hearing concerning the date of the
19 first day of instruction for students.

20 (c) The application for a waiver of the prohibition
21 prescribed by Subsection (a) must include a summary of the opinions
22 expressed at the public hearing held under Subsection (b)(2),
23 including any consensus of opinion expressed concerning the date of
24 the first day of instruction for students.

1 (d) If the commissioner grants a school district a waiver of
2 the prohibition prescribed by Subsection (a), for each day that the
3 district instructs students before the date prescribed by that
4 subsection, the commissioner shall assess a fee against the
5 district in an amount determined by the commissioner in accordance
6 with a rule adopted by the commissioner for that purpose. The
7 amount of the fee must be based on the number of days the school
8 district begins instruction before the date prescribed in
9 Subsection (a) and the number of students in average daily
10 attendance in the district and must reasonably reflect the cost to
11 the state resulting from the district's early school start date.
12 Any fee assessed under this subsection shall be deposited in the
13 general revenue fund. The commissioner shall adopt rules necessary
14 to administer this subsection.

15 SECTION 2. Section 7.056(e), Education Code, is amended to
16 read as follows:

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

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

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

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

27 (A) essential knowledge or skills under Section

1 28.002 or minimum graduation requirements under Section 28.025;

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

4 (C) extracurricular activities under Section
5 33.081 or participation in a University Interscholastic League
6 area, regional, or state competition under Section 33.0812;

7 (D) health and safety under Chapter 38;

8 (E) purchasing under Subchapter B, Chapter 44;

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

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

13 (H) at-risk programs under Subchapter C, Chapter
14 29;

15 (I) prekindergarten programs under Subchapter E,
16 Chapter 29;

17 (J) educator rights and benefits under
18 Subchapters A, C, D, E, F, G, and I, Chapter 21, or under Subchapter
19 A, Chapter 22;

20 (K) special education programs under Subchapter
21 A, Chapter 29; or

22 (L) bilingual education programs under
23 Subchapter B, Chapter 29[~~, or~~

24 [~~(M) the requirements for the first day of~~
25 ~~instruction under Section 25.0811].~~

26 SECTION 3. This Act applies beginning with the 2007-2008
27 school year.

1 SECTION 4. 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 September 1, 2007.