

By: Marquez

H.B. No. 2742

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 25.0811, Education Code, is amended to read as follows:

Sec. 25.0811. FIRST DAY OF INSTRUCTION. ~~[(a)]~~ The board of trustees of a [A] school district shall determine the first day of ~~[may not begin] instruction for students [for a school year before the fourth Monday in August unless the district operates a year-round system under Section 25.084].~~

~~[(b) Notwithstanding Subsection (a), a school district that does not offer each grade level from kindergarten through grade 12 and whose prospective or former students generally attend school in another state for the grade levels the district does not offer may start school on any date permitted under Subsection (a) or the law of the other state.]~~

SECTION 2. 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,

1 including a requirement for special education or bilingual
2 education programs; or

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

5 (A) essential knowledge or skills under Section
6 28.002 or minimum graduation requirements under Section 28.025;

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

9 (C) extracurricular activities under Section
10 33.081 or participation in a University Interscholastic League
11 area, regional, or state competition under Section 33.0812;

12 (D) health and safety under Chapter 38;

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

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

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

18 (H) at-risk programs under Subchapter C, Chapter
19 29;

20 (I) prekindergarten programs under Subchapter E,
21 Chapter 29;

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

25 (K) special education programs under Subchapter
26 A, Chapter 29; or

27 (L) bilingual education programs under

1 Subchapter B, Chapter 29~~[, or~~

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

4 SECTION 3. Section 25.084(a), Education Code, is amended to
5 read as follows:

6 (a) A school district may operate its schools year-round on
7 either a single-track or a multitrack calendar. If a school
8 district adopts a year-round system, the district may modify:

9 (1) the number of contract days of employees and the
10 number of days of operation, including any time required for staff
11 development, planning and preparation, and continuing education,
12 otherwise required by law;

13 (2) testing dates, data reporting, and related
14 matters; and

15 (3) [~~the date of the first day of instruction of the~~
16 ~~school year under Section 25.0811 for a school that was operating~~
17 ~~year-round for the 2000-2001 school year, and~~

18 [~~(4)~~] a student's eligibility to participate in
19 extracurricular activities when the student's calendar track is not
20 in session.

21 SECTION 4. This Act applies beginning with the 2009-2010
22 school year.

23 SECTION 5. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2009.