

By: Callegari

H.B. No. 1117

A BILL TO BE ENTITLED

1 AN ACT

2 relating to a waiver for certain 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 amending Subsection (a) and adding Subsections (c), (d), and (e) to
7 read as follows:

8 (a) Except as provided by Subsection (c), a [A] school
9 district may not begin instruction for students for a school year
10 before the fourth Monday in August unless the district operates a
11 year-round system under Section 25.084.

12 (c) A school district located wholly or partly in a county
13 with a population of more than 3.3 million may apply under Section
14 7.056 for a waiver of the prohibition prescribed by Subsection
15 (a). A school district applying for an exemption under this
16 subsection may not begin instruction before the second Monday in
17 August.

18 (d) A school district applying for a waiver as provided by
19 Subsection (c) must:

20 (1) at least 60 days before the date the district
21 submits the application for the waiver, post notice on the
22 district's Internet website:

23 (A) stating that the district intends to apply
24 for a waiver of the prohibition concerning the date of the first day

1 of instruction for students; and

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

4 (2) solicit written comments from the public
5 concerning the date of the first day of instruction for students.

6 (e) The application for a waiver under Subsection (c) must
7 include a summary of any opinions expressed in written comments
8 submitted by the public under Subsection (d)(2), including any
9 consensus of opinion expressed concerning the date of the first day
10 of instruction for students.

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

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

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

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

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

23 (A) essential knowledge or skills under Section
24 28.002 or high school graduation requirements under Section 28.025;

25 (B) public school accountability as provided by
26 Subchapters B, C, D, E, and J, Chapter 39;

27 (C) extracurricular activities under Section

1 33.081 or participation in a University Interscholastic League
2 area, regional, or state competition under Section 33.0812;

3 (D) health and safety under Chapter 38;

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

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

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

9 (H) at-risk programs under Subchapter C, Chapter
10 29;

11 (I) prekindergarten programs under Subchapter E,
12 Chapter 29;

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

16 (K) special education programs under Subchapter
17 A, Chapter 29;

18 (L) bilingual education programs under
19 Subchapter B, Chapter 29; or

20 (M) the requirements for the first day of
21 instruction, except as provided by [~~under~~] Section 25.0811.

22 SECTION 3. This Act applies beginning with the 2011-2012
23 school year.

24 SECTION 4. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2011.