

BILL ANALYSIS

Senate Research Center
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H.B. 2442
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Education
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Last session, H.B. 2610, also referred to as the "Minutes Bill," required school districts to provide 75,600 minutes of instruction. The purpose of H.B. 2610 was to allow schools greater flexibility in making up time from missed school days due to extreme weather conditions. However, H.B. 2610 had unintended consequences. Without the Texas Education Agency intervention, many charter schools and pre-kindergarten programs across the state would have seen a significant reduction in funding before the 85th legislative session.

H.B. 2442 attempts to address this problem by:

- Allowing districts to report either minutes or hours of instruction.
- Requiring school districts to notify the Commissioner of their decision.
- Providing stable funding for charters that were affected by the Minute's bill and ensuring that their programs can continue.

H.B. 2442 amends current law relating to the minutes of operation required for public school districts, charter schools, and other education programs and to calculating the average daily attendance for certain education programs.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education (commissioner) in SECTION 5 (Section 29.162, Education Code) and SECTION 8 (Section 42.005, Education Code) of this bill.

Rulemaking authority previously granted to the commissioner is modified in SECTION 1 (Section 25.081, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 25.081, Education Code, as follows:

Sec. 25.081. OPERATION OF SCHOOLS. (a) Requires each school district, except as authorized under certain sections, for each school year, to operate for at least 75,600 minutes, including time allocated for instruction, intermissions, and recesses for students, rather than to operate so that the district provides for at least 75,600 minutes of instruction, including intermissions and recesses, for students.

(b) Authorizes the commissioner of education (commissioner) to approve the operation of schools, rather than the instruction of students, for fewer than the number of minutes required under Subsection (a) if certain calamities cause the closing of schools.

(c) Authorizes a school district, if the commissioner does not approve reduced operation, rather than reduced instruction, time under Subsection (b), to add additional minutes to the end of the district's normal school hours as necessary to

compensate for minutes, rather than minutes of instruction, lost due to school closures cause by certain occurrences.

(d) Authorizes the commissioner to adopt rules to implement this section, including certain rules.

(e) Provides that a school district or education program is exempt from the minimum minutes of operation requirement if the district's or program's average daily attendance (ADA) is calculated under Section 42.005(j). Authorizes the commissioner to establish the alternative minimum minutes of operation required for a district or program that is subject to Section 42.005(j). Provides that the commissioner's determination under this subsection is final and is prohibited from being appealed. Deletes existing text providing that, for purposes of this code, a reference to a day of instruction means 420 minutes of instruction.

(f) Authorizes the commissioner to proportionally reduce the amount of funding a district receives under Chapter 41 (Equalized Wealth Level), 42 (Foundation School Program), or 46 (Assistance with Instructional Facilities and Payment of Existing Debt) and the ADA calculation for the district if the district operates on a calendar that provides fewer minutes of operation than required under Subsection (a).

SECTION 2. Amends the heading to Section 25.082, Education Code, to read as follows:

Sec. 25.082. PLEDGES OF ALLEGIANCE; MINUTE OF SILENCE.

SECTION 3. Amends Section 29.0822(c), Education Code, to require a course offered in a program under this section, except in the case of a certain course, to provide for at least the same number of instructional hours as required for a course offered in a program that meets the required minimum number of minutes of operation under Section 25.081, rather than the required minimum number of instructional days under Section 25.081 and the required length of school day under Section 25.082.

SECTION 4. Amends Section 29.087(j), Education Code, to authorize a student attending a program authorized by this section, for purposes of funding under Chapters 41, 42, and 46, to be counted in attendance only for the actual number of hours each school day the student attends the program, in accordance with Section 25.081, rather than Sections 25.081 and 25.082.

SECTION 5. Amends Subchapter E, Chapter 29, Education Code, by adding Section 29.162, as follows:

Sec. 29.162. DETERMINATION OF FULL-DAY AND HALF-DAY. Authorizes the commissioner to adopt rules for this subchapter establishing full-day and half-day minutes of operation requirements as provided by Section 25.081.

SECTION 6. Amends Section 30A.104(a), Education Code, to delete existing text requiring a course offered through the state virtual school to be the equivalent in instructional rigor and scope to a course that is provided in a traditional classroom setting during a school day that meets the minimum length of a school day required under Section 25.082.

SECTION 7. Amends Section 37.008(a), Education Code, to delete existing text requiring each school district to provide a disciplinary alternative education program that provides not less than the minimum amount of instructional time per day required by Section 25.082(a).

SECTION 8. Amends Section 42.005, Education Code, by amending Subsection (a) and adding Subsections (i), (j), (k), (l), and (m), as follows:

(a) Provides that, in this chapter, ADA is a certain value, including, for a district that operates a half-day program, one-half of the ADA calculated under Subdivision (1)

(relating to calculating ADA by a certain formula using the minimum number of days of instruction).

(i) Provides that a district that operates a half-day prekindergarten program is eligible to receive the half-day average daily attendance calculation under Subsection (a)(4) if the district's prekindergarten program provides at least 32,400 minutes of instruction to students.

(j) Authorizes the commissioner, notwithstanding Subsection (a), to calculate the ADA of a district using an alternative minimum amount of minutes of operation for a dropout recover school or program and a school program offered at a residential or correctional facility.

(k) Authorizes the commissioner to determine the qualifications to be considered a dropout recovery school for the purposes of Subsection (j). Authorizes the qualifications selected by the commissioner to differ from the qualifications required for a dropout recovery school under Sections 12.137 (Certain Charter Holders Authorized to Provide Combined Services for Certain Adult and High School Dropout Recovery Programs) and 39.0548 (Evaluating Dropout Recovery Schools).

(l) Requires the commissioner, on application from an open-enrollment charter school or a charter school operating under Subchapter E (College or University or Junior College Charter School), Chapter 12 (Charters), to calculate the ADA for the school using an alternative minimum amount of minutes of operation if certain conditions are met.

(m) Authorizes the commissioner, to assist school districts in implementing this section as amended by H.B. 2442, Acts of the 85th Legislature, Regular Session, 2017, or similar legislation, to waive a requirement of this section or adopt rules to implement this section. Provides that this subsection expires September 1, 2018.

SECTION 9. Repealer: Section 25.082(a) (relating to a school day being seven hours each day, including intermissions and recesses) Education Code.

SECTION 10. Provides that this Act applies beginning with the 2018-2019 school year.

SECTION 11. Effective date: upon passage or September 1, 2017.