

1-1 By: King of Hemphill H.B. No. 2442  
 1-2 (Senate Sponsor - Taylor of Galveston)  
 1-3 (In the Senate - Received from the House May 5, 2017;  
 1-4 May 11, 2017, read first time and referred to Committee on  
 1-5 Education; May 23, 2017, reported adversely, with favorable  
 1-6 Committee Substitute by the following vote: Yeas 9, Nays 0;  
 1-7 May 23, 2017, sent to printer.)

1-8 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-9 Taylor of Galveston	X			
1-10 Lucio	X			
1-11 Bettencourt	X			
1-12 Campbell	X			
1-13 Hall			X	
1-14 Huffines	X			
1-15 Hughes	X			
1-16 Seliger	X			
1-17 Taylor of Collin	X			
1-18 Uresti	X			
1-19 West			X	

1-21 COMMITTEE SUBSTITUTE FOR H.B. No. 2442 By: Taylor of Galveston

1-22 A BILL TO BE ENTITLED  
 1-23 AN ACT

1-24 relating to the minimum amount of student instruction required to  
 1-25 be provided by public schools and education programs and  
 1-26 calculation of average daily attendance for public school students.

1-27 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-28 SECTION 1. Sections 25.081(a), (b), and (c), Education  
 1-29 Code, are amended to read as follows:

1-30 (a) Except as authorized under [~~Subsection (b) of~~] this  
 1-31 section, Section 25.084, or Section 29.0821, for each school year  
 1-32 each school district must operate so that the district provides for  
 1-33 at least 180 days of instruction for students. A district may elect  
 1-34 to provide less than 180 days of instruction for students if the  
 1-35 district provides at least 75,600 minutes of instruction, including  
 1-36 intermissions and recesses, for students.

1-37 (b) The commissioner may approve the instruction of  
 1-38 students for fewer than the number of days or minutes required under  
 1-39 Subsection (a) if disaster, flood, extreme weather conditions, fuel  
 1-40 curtailment, or another calamity causes the closing of schools.

1-41 (c) If the commissioner does not approve reduced  
 1-42 instruction time under Subsection (b), a school district may add  
 1-43 additional days to the district's normal school calendar or  
 1-44 additional minutes to the end of the district's normal school hours  
 1-45 as necessary to compensate for days or minutes of instruction lost  
 1-46 due to school closures caused by disaster, flood, extreme weather  
 1-47 conditions, fuel curtailment, or another calamity.

1-48 SECTION 2. Section 25.082, Education Code, is amended by  
 1-49 amending Subsection (a) and adding Subsection (a-1) to read as  
 1-50 follows:

1-51 (a) A school day shall be at least seven hours each day,  
 1-52 including intermissions and recesses, except as provided by  
 1-53 Subsection (a-1).

1-54 (a-1) Subsection (a) does not apply to a campus that only  
 1-55 operates a program authorized as a half-day program by law or by  
 1-56 rule or to a charter school operating under Chapter 12.

1-57 SECTION 3. Section 42.005, Education Code, is amended by  
 1-58 amending Subsection (a) and adding Subsections (a-1), (g-1), and  
 1-59 (i) through (o) to read as follows:

1-60 (a) In this chapter, average daily attendance is:

2-1 (1) the quotient of the sum of attendance for each day  
2-2 [~~of the minimum number of days~~] of instruction as described under  
2-3 Section 25.081(a) divided by the actual [~~minimum~~] number of days of  
2-4 instruction;

2-5 (2) for a district that operates under a flexible year  
2-6 program under Section 29.0821, the quotient of the sum of  
2-7 attendance for each actual day of instruction as permitted by  
2-8 Section 29.0821(b)(1) divided by the number of actual days of  
2-9 instruction as permitted by Section 29.0821(b)(1); or

2-10 (3) for a district that operates under a flexible  
2-11 school day program under Section 29.0822, the average daily  
2-12 attendance as calculated by the commissioner in accordance with  
2-13 Sections 29.0822(d) and (d-1).

2-14 (a-1) For purposes of calculating average daily attendance,  
2-15 a student is eligible for inclusion on the basis of a full day of  
2-16 attendance if the student is enrolled for at least 240 minutes of  
2-17 instructional time.

2-18 (g-1) The commissioner shall adopt rules to calculate  
2-19 average daily attendance for students participating in a blended  
2-20 learning program in which classroom instruction is supplemented  
2-21 with applied workforce learning opportunities, including  
2-22 participation of students in internships, externships, and  
2-23 apprenticeships.

2-24 (i) A district or a charter school operating under Chapter  
2-25 12 that operates a prekindergarten program is eligible to receive  
2-26 one-half of average daily attendance under Subsection (a) if the  
2-27 district's or charter school's prekindergarten program provides at  
2-28 least:

2-29 (1) 32,400 minutes of instructional time to students;  
2-30 or

2-31 (2) 180 days of instruction to students, with a number  
2-32 of hours of instruction per day that results in the equivalent of  
2-33 32,400 minutes of instructional time.

2-34 (j) A district or charter school is eligible to earn full  
2-35 average daily attendance under Subsection (a) if the district or  
2-36 school provides at least 43,200 minutes of instructional time to  
2-37 students enrolled in:

2-38 (1) a dropout recovery school or program operating  
2-39 under Section 12.1141(c) or Section 39.0548;

2-40 (2) an alternative education program operating under  
2-41 Section 37.008, if Section 25.082(a) does not apply to the program;

2-42 (3) a school program located at a day treatment  
2-43 facility, residential treatment facility, psychiatric hospital, or  
2-44 medical hospital;

2-45 (4) a school program offered at a correctional  
2-46 facility; or

2-47 (5) a school operating under Section 29.259.

2-48 (k) A charter school operating under a charter granted under  
2-49 Chapter 12 before September 1, 2015, is eligible to earn full  
2-50 average daily attendance under Subsection (a), as that subsection  
2-51 existed immediately before September 1, 2015, for:

2-52 (1) all campuses of the charter school operating  
2-53 before September 1, 2015; and

2-54 (2) any campus or site expansion approved on or after  
2-55 September 1, 2015.

2-56 (l) A school district campus described by Section  
2-57 25.082(a-1) or charter school may operate more than one program and  
2-58 be eligible for full average daily attendance for each program if  
2-59 the programs operated by the district campus or charter school  
2-60 satisfy all applicable state and federal requirements.

2-61 (m) In accordance with rules adopted by the commissioner,  
2-62 each charter school operating under Chapter 12 shall notify the  
2-63 commissioner if the charter school will provide:

2-64 (1) at least 180 days of instruction for students; or

2-65 (2) less than 180 days of instruction for students,  
2-66 but at least 75,600 minutes of instruction, including intermissions  
2-67 and recess.

2-68 (n) The commissioner shall adopt rules necessary to  
2-69 implement this section, including rules that:

3-1 (1) establish the minimum amount of instructional time  
3-2 per day that allows a school district or charter school to be  
3-3 eligible for full average daily attendance, which may differ based  
3-4 on the instructional program offered by the district or charter  
3-5 school;

3-6 (2) establish the requirements necessary for a school  
3-7 district or charter school to be eligible for one-half of average  
3-8 daily attendance, which may differ based on the instructional  
3-9 program offered by the district or charter school; and

3-10 (3) proportionally reduce the average daily  
3-11 attendance for a school district if any campus or instructional  
3-12 program in the district provides fewer than the required minimum  
3-13 days or minutes of instruction to students.

3-14 (o) To assist school districts in implementing this section  
3-15 as amended by H.B. 2442, Acts of the 85th Legislature, Regular  
3-16 Session, 2017, or similar legislation, the commissioner may waive a  
3-17 requirement of this section or adopt rules to implement this  
3-18 section. This subsection expires at the end of the 2018-2019 school  
3-19 year.

3-20 SECTION 4. Section 25.081(e), Education Code, is repealed.

3-21 SECTION 5. This Act applies beginning with the 2017-2018  
3-22 school year.

3-23 SECTION 6. This Act takes effect immediately if it receives  
3-24 a vote of two-thirds of all the members elected to each house, as  
3-25 provided by Section 39, Article III, Texas Constitution. If this  
3-26 Act does not receive the vote necessary for immediate effect, this  
3-27 Act takes effect September 1, 2017.

3-28 \* \* \* \* \*