

1-1 By: Taylor of Galveston S.B. No. 1660
1-2 (In the Senate - Filed March 9, 2017; March 22, 2017, read
1-3 first time and referred to Committee on Education; May 3, 2017,
1-4 reported adversely, with favorable Committee Substitute by the
1-5 following vote: Yeas 11, Nays 0; May 3, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			

1-19 COMMITTEE SUBSTITUTE FOR S.B. No. 1660 By: Taylor of Galveston

1-20 A BILL TO BE ENTITLED
1-21 AN ACT

1-22 relating to the minimum amount of student instruction required to
1-23 be provided by school districts and calculation of average daily
1-24 attendance for public school students.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Section 25.081, Education Code, is amended by
1-27 amending Subsections (a), (b), (c), and (e) and adding Subsection
1-28 (a-1) to read as follows:

1-29 (a) Except as authorized under Subsection (b) of this
1-30 section, Section 25.084, or Section 29.0821, for each school year
1-31 each school district must operate so that the district provides for
1-32 at least, at the choice of the district:

1-33 (1) 75,600 minutes of instruction, including
1-34 intermissions and recesses, for students; or

1-35 (2) 180 days of instruction for students.

1-36 (a-1) In accordance with rules adopted by the commissioner,
1-37 each school district shall notify the commissioner whether the
1-38 district will comply with Subsection (a) on the basis of minutes of
1-39 instruction or days of instruction.

1-40 (b) The commissioner may approve the instruction of
1-41 students for fewer than the number of minutes or days required under
1-42 Subsection (a) if disaster, flood, extreme weather conditions, fuel
1-43 curtailment, or another calamity causes the closing of schools.

1-44 (c) If the commissioner does not approve reduced
1-45 instruction time under Subsection (b), a school district may add
1-46 additional minutes to the end of the district's normal school hours
1-47 or additional days to the district's normal school calendar as
1-48 necessary to compensate for minutes or days of instruction lost due
1-49 to school closures caused by disaster, flood, extreme weather
1-50 conditions, fuel curtailment, or another calamity.

1-51 (e) For purposes of this code, a reference to a day of
1-52 instruction means a calendar day in which a student is scheduled for
1-53 and receives at least the minimum number of instructional minutes
1-54 required for the student to be considered full-time for the purpose
1-55 of calculating average daily attendance under Section 42.005 [420
1-56 minutes of instruction].

1-57 SECTION 2. Section 25.082(a), Education Code, is amended to
1-58 read as follows:

1-59 (a) A school day shall be at least seven hours each day,
1-60 including intermissions and recesses, except as otherwise provided

2-1 for a school or program described by Section 42.005(j).

2-2 SECTION 3. Section 42.005, Education Code, is amended by
2-3 amending Subsection (a) and adding Subsections (a-1), (a-2), and
2-4 (i) through (n) to read as follows:

2-5 (a) In this chapter, average daily attendance is:

2-6 (1) the quotient of the sum of attendance for each day
2-7 of the minimum number of days of instruction or the minimum number
2-8 of minutes of instruction, including intermissions and recesses, as
2-9 described under Section 25.081(a) divided by the minimum number of
2-10 days of instruction or the minimum number of minutes of
2-11 instruction, including intermissions and recesses;

2-12 (2) for a district that operates under a flexible year
2-13 program under Section 29.0821, the quotient of the sum of
2-14 attendance for each actual day of instruction as permitted by
2-15 Section 29.0821(b)(1) divided by the number of actual days of
2-16 instruction as permitted by Section 29.0821(b)(1); or

2-17 (3) for a district that operates under a flexible
2-18 school day program under Section 29.0822, the average daily
2-19 attendance as calculated by the commissioner in accordance with
2-20 Sections 29.0822(d) and (d-1).

2-21 (a-1) If a district or charter school provides more than 180
2-22 days or 75,600 minutes of instruction to students, the commissioner
2-23 may adjust the determination of average daily attendance under
2-24 Subsection (a) to reflect the increased instructional time.

2-25 (a-2) A district or charter school is eligible to earn full
2-26 average daily attendance under Subsection (a) if the school or
2-27 district provides at least 240 minutes of instructional time to
2-28 students each day.

2-29 (i) A district or a charter school operating under
2-30 Subchapter B, D, or E, Chapter 12, that operates a prekindergarten
2-31 program is eligible to receive one-half of average daily attendance
2-32 under Subsection (a) if the district's or charter school's
2-33 prekindergarten program provides at least 32,400 minutes of
2-34 instructional time to students.

2-35 (j) A district or charter school is eligible to earn full
2-36 average daily attendance under Subsection (a) if the district or
2-37 school provides at least 43,200 minutes of instructional time to
2-38 students enrolled in:

2-39 (1) a dropout recovery school or program operating
2-40 under Section 12.1141(c) or Section 39.0548;

2-41 (2) an alternative education program operating under
2-42 Section 37.008 or 37.011;

2-43 (3) a school program located at a day treatment
2-44 facility, residential treatment facility, psychiatric hospital, or
2-45 medical hospital;

2-46 (4) a school program offered at a correctional
2-47 facility; or

2-48 (5) a charter school operating under Subchapter B, D,
2-49 or E, Chapter 12.

2-50 (k) A charter school operating under a charter granted under
2-51 Subchapter B, D, or E, Chapter 12, before September 1, 2015, is
2-52 eligible to earn full average daily attendance under Subsection
2-53 (a), as that subsection existed immediately before September 1,
2-54 2015, for:

2-55 (1) all campuses of the charter school operating
2-56 before September 1, 2015; and

2-57 (2) any campus or site expansion approved on or after
2-58 September 1, 2015.

2-59 (l) A district or charter school may operate two programs
2-60 and be eligible for full average daily attendance for both
2-61 programs, if the programs operated by the district or charter
2-62 school satisfy all applicable state and federal requirements.

2-63 (m) The commissioner shall adopt rules necessary to
2-64 implement this section, including rules that:

2-65 (1) establish the minimum number of minutes of
2-66 instructional time per day that results in 180 days of instruction
2-67 or 75,600 minutes of instruction for students, as applicable;

2-68 (2) establish any requirements necessary to allow a
2-69 district or charter school to be eligible for one-half of average

3-1 daily attendance under Subsection (a), which may differ based on
3-2 the instructional program offered by the district or charter
3-3 school; and

3-4 (3) proportionally reduce the amount of funding a
3-5 district or open-enrollment charter school receives under this
3-6 chapter, Chapter 41, or Chapter 46 and the average daily attendance
3-7 for the district or charter school if the district or
3-8 open-enrollment charter school operates on a calendar that provides
3-9 fewer than the required minimum days or minutes of instruction to
3-10 students.

3-11 (n) In this section, "instructional time" means the time
3-12 allocated by a district or charter school toward instructing
3-13 students in the required curriculum described by Section 28.002 and
3-14 includes time allocated for recess, intermissions, and serving
3-15 breakfast and lunch to students.

3-16 SECTION 4. This Act applies beginning with the 2017-2018
3-17 school year.

3-18 SECTION 5. This Act takes effect immediately if it receives
3-19 a vote of two-thirds of all the members elected to each house, as
3-20 provided by Section 39, Article III, Texas Constitution. If this
3-21 Act does not receive the vote necessary for immediate effect, this
3-22 Act takes effect September 1, 2017.

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