86R26417 SRS-D

By:  Krause, Minjarez, et al. H.B. No. 233

Substitute the following for H.B. No. 233:

By:  Bernal C.S.H.B. No. 233

A BILL TO BE ENTITLED

AN ACT

relating to the scheduling of the first day of school for students by school districts and open-enrollment charter schools.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Section 12.104(b), Education Code, as amended by Chapters 324 (S.B. 1488), 522 (S.B. 179), and 735 (S.B. 1153), Acts of the 85th Legislature, Regular Session, 2017, is reenacted and amended to read as follows:

(b)  An open-enrollment charter school is subject to:

(1)  a provision of this title establishing a criminal offense; and

(2)  a prohibition, restriction, or requirement, as applicable, imposed by this title or a rule adopted under this title, relating to:

(A)  the Public Education Information Management System (PEIMS) to the extent necessary to monitor compliance with this subchapter as determined by the commissioner;

(B)  criminal history records under Subchapter C, Chapter 22;

(C)  reading instruments and accelerated reading instruction programs under Section 28.006;

(D)  accelerated instruction under Section 28.0211;

(E)  high school graduation requirements under Section 28.025;

(F)  special education programs under Subchapter A, Chapter 29;

(G)  bilingual education under Subchapter B, Chapter 29;

(H)  prekindergarten programs under Subchapter E or E-1, Chapter 29;

(I)  extracurricular activities under Section 33.081;

(J)  discipline management practices or behavior management techniques under Section 37.0021;

(K)  health and safety under Chapter 38;

(L)  public school accountability under Subchapters B, C, D, F, G, and J, Chapter 39, and Chapter 39A;

(M)  the requirement under Section 21.006 to report an educator's misconduct;

(N)  intensive programs of instruction under Section 28.0213;

(O)  the right of a school employee to report a crime, as provided by Section 37.148; [~~and~~]

(P)  bullying prevention policies and procedures under Section 37.0832;

(Q)  the right of a school under Section 37.0052 to place a student who has engaged in certain bullying behavior in a disciplinary alternative education program or to expel the student; [~~and~~]

(R)  the right under Section 37.0151 to report to local law enforcement certain conduct constituting assault or harassment;

(S) [~~(P)~~]  a parent's right to information regarding the provision of assistance for learning difficulties to the parent's child as provided by Sections 26.004(b)(11) and 26.0081(c) and (d); and

(T)  the first day of instruction requirement under Section 25.0811(a)(3) applicable to a school district designated as a district of innovation under Chapter 12A.

SECTION 2.  Section 12A.003(b), Education Code, is amended to read as follows:

(b)  A local innovation plan must:

(1)  provide for a comprehensive educational program for the district, which program may include:

(A)  innovative curriculum, instructional methods, and provisions regarding community participation, campus governance, and parental involvement;

(B)  except as provided by Section 12A.004(a), modifications to the school day or year;

(C)  provisions regarding the district budget and sustainable program funding;

(D)  accountability and assessment measures that exceed the requirements of state and federal law; and

(E)  any other innovations prescribed by the board of trustees; and

(2)  identify requirements imposed by this code that inhibit the goals of the plan and from which the district should be exempted on adoption of the plan, subject to Section 12A.004.

SECTION 3.  Section 12A.004(a), Education Code, is amended to read as follows:

(a)  A local innovation plan may not provide for the exemption of a district designated as a district of innovation from the following provisions of this title:

(1)  a state or federal requirement applicable to an open-enrollment charter school operating under Subchapter D, Chapter 12;

(2)  Subchapters A, C, D, and E, Chapter 11, except that a district may be exempt from Sections 11.1511(b)(5) and (14) and Section 11.162;

(3)  state curriculum and graduation requirements adopted under Chapter 28; [~~and~~]

(4)  academic and financial accountability and sanctions under Chapters 39 and 39A; and

(5)  the first day of instruction requirement under Section 25.0811(a)(3).

SECTION 4.  Section 25.0811(a), Education Code, is amended to read as follows:

(a)  Except as provided by this section, a school district may not begin instruction for students for a school year before the fourth Monday in August. A school district may:

(1)  begin instruction for students for a school year before the fourth Monday in August if the district operates a year-round system under Section 25.084; [~~or~~]

(2)  begin instruction for students for a school year on or after the first Monday in August at a campus or at not more than 20 percent of the campuses in the district if:

(A)  the district has a student enrollment of 190,000 or more;

(B)  the district at the beginning of the school year provides, financed with local funds, days of instruction for students at the campus or at each of the multiple campuses, in addition to the minimum [~~number of days of~~] instruction time required under Section 25.081;

(C)  the campus or each of the multiple campuses is [~~are~~] undergoing comprehensive reform, as determined by the board of trustees of the district; and

(D)  a majority of the students at the campus or at each of the multiple campuses are educationally disadvantaged; or

(3)  begin instruction for students for a school year on or after the third Monday in August if the district is designated as a district of innovation under Chapter 12A.

SECTION 5.  To the extent of any conflict, this Act prevails over another Act of the 86th Legislature, Regular Session, 2019, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 6.  This Act applies beginning with the 2020-2021 school year.

SECTION 7.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.