By:  Krause H.B. No. 3846

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 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, except for modifications of the first and last day of instruction under Sections 25.0811 and 25.0812.

SECTION 2.  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 or last day of instruction requirements under Sections 25.0811 and 25.0812 when a school chooses to reapply to adopt a district of innovation plan.

SECTION 3.  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.

SECTION 4.  Section 25.0812, Education Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a)  Except as provided by Subsection (a-1) or (b), a school district may not schedule the last day of school for students for a school year before May 15 or after the Friday preceding Memorial Day.

(a-1)  A school district may schedule the last day of school for students for a school year after the Friday preceding Memorial Day if the district operates a year-round system under Section 25.084.

SECTION 5.  Section 25.084(a), Education Code, is amended to read as follows:

(a)  A school district may operate its schools year-round on either a single-track or a multitrack calendar. If a school district adopts a year-round system, the district may modify:

(1)  the number of contract days of employees and the number of days of operation, including any time required for staff development, planning and preparation, and continuing education, otherwise required by law;

(2)  testing dates, data reporting, and related matters;

(3)  the date of the first day of instruction of the school year under Section 25.0811 and the date of the last day of school for a school year under Section 25.0812 for a school that was operating year-round for the 2020-2021 [~~2000-2001~~] school year; and

(4)  a student's eligibility to participate in extracurricular activities when the student's calendar track is not in session.

SECTION 6.  To the extent of any conflict, this Act prevails over another Act of the 87th Legislature, Regular Session, 2021, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 7.  This Act applies beginning with the 2022-2023 school year.

SECTION 8.  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, 2021.