

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

1 under Sections 25.0811 and 25.0812.

2 SECTION 2. Section 12A.004(a), Education Code, is amended
3 to read as follows:

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

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

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

13 (3) state curriculum and graduation requirements
14 adopted under Chapter 28; ~~and~~

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

17 (5) the first or last day of instruction requirements
18 under Sections 25.0811 and 25.0812 when a school chooses to reapply
19 to adopt a district of innovation plan.

20 SECTION 3. Section 25.0811(a), Education Code, is amended
21 to read as follows:

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

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

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

4 (A) the district has a student enrollment of
5 190,000 or more;

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

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

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

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

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

23 (a-1) A school district may schedule the last day of school
24 for students for a school year after the Friday preceding Memorial
25 Day if the district operates a year-round system under Section
26 25.084.

27 SECTION 5. Section 25.084(a), Education Code, is amended to

1 read as follows:

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

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

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

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

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

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

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

24 SECTION 8. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section [39](#), Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2021.