

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 2368  
By: Campbell  
Education  
4/12/2023  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Recently, school districts have been seriously considering four-day school weeks as an option that may help with teacher retention. However, studies have proven that in the long-run, four-day school weeks do not have any impact on teacher retention. Additionally, four-day school weeks present various negative impacts on students and families which can be detrimental if implemented in school districts across the state.

Negative effects of four-day school weeks include (but are not limited to):

- Evidence from 15 years of test scores across Oregon show that student achievement drops when schools switch to four-day school weeks, and that those negative trends continue so long as five-day schedules are not restored.
- Overall weekly time in school decreases three to four hours.
  - As a result of this reduction, math scores decrease six percent of a standard deviation and reading scores decrease by four percent of a standard deviation.
- "Our Nation's Report Card," or the National Assessment of Education Progress, the effects of COVID-19 were profound: reading scores nationally dropped to 1992 levels, and math scores showed the largest decline ever recorded. Students cannot afford to lose any more precious hours of instructional time.
- Impacts parents who have five-day work weeks, especially those who may not have the budget for childcare.

S.B. 2368 amends Section 25.081 of the Education Code to mandate a minimum of 175 instructional days and at least 75,600 minutes of operation per year.

(Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 2368 amends current law relating to the minimum number of instructional days provided by public schools.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the commissioner of education is modified in SECTION 1 (Section 25.081, Education Code), SECTION 5 (Section 29.162, Education Code), and SECTION 7 (Section 48.005, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 25.081, Education Code, as follows:

Sec. 25.081. OPERATION OF SCHOOLS. (a) Requires each school district, for each school year, to operate, except as authorized under Subsection (b) of this section, Section 25.0815 (Operation and Instructional Time Waivers for School Safety Training), Section 25.084 (Year-Round System), or Section 29.0821 (Optional Flexible Year Program):

- (1) for a minimum of 175 instructional days; and

(2) for at least 75,600 minutes of operation, including time allocated for instruction, intermissions, and recesses for students.

(a-1) Requires that a school district's instructional day include at least seven hours of operation.

(b) Authorizes the commissioner of education (commissioner) to approve the operation of schools for fewer than the number of instructional days or minutes of operation required under Subsection (a) or the hours of operation per instructional day required under Subsection (a-1) if disaster, flood, extreme weather conditions, fuel curtailment, or another calamity causes the closing of schools.

(c) Makes nonsubstantive and conforming changes to this subsection.

(d) Authorizes the commissioner to adopt rules to implement this section, including rules:

(1)-(3) Redesignates existing Subsections (2)-(4) as Subsections (1)-(3). Deletes existing text authorizing the commissioner to adopt rules for the application, on the basis of the minimum of operation required by Subsection (a), of any provision of Title 2 (Public Education) that refers to a minimum number of days of instruction under this section.

(e) Provides that a school district or education program is exempt from the minimum required instructional days or minutes of operation or hours of operation per instructional day, rather than the minimum minutes of operation requirement, if the district's or program's average daily attendance is calculated under Section 48.005(j).

(f)-(g) Makes conforming changes to these subsections.

SECTION 2. Amends Sections 25.0815(a) and (b), Education Code, as follows:

(a) Requires the commissioner to provide a waiver allowing for fewer instructional days and fewer minutes of operation, rather than fewer minutes of operation and instructional time, than required under Section 25.081(a) for a school district that requires each educator employed by the district to attend an approved school safety training course.

(b) Provides that a waiver under Section 25.0815:

(1) makes no changes to this subdivision; and

(2) is prohibited from:

(A) makes no changes to this paragraph; or

(B) reducing:

(i) the number of instructional days by more than one day;  
or

(ii) the number of minutes of operation by more than 420 minutes. Makes a conforming change.

SECTION 3. Amends Section 29.026(e), Education Code, as follows:

(e) Authorizes a program under Section 29.026 (Grant Program Providing Services to Students With Autism) to:

(1) alter the length of the school day or school year or the number of instructional days or the minutes of operation allocated to instruction for students, rather than alter the minutes of instruction received by students; and

(2)-(4) makes no changes to these subdivisions.

SECTION 4. Amends Section 29.0822(c), Education Code, to make a conforming change.

SECTION 5. Amends Section 29.162(a), Education Code, as follows:

(a) Authorizes the commissioner to adopt rules for Subchapter E (Kindergarten and Prekindergarten Programs), including rules establishing full-day and half-day instructional days and minutes of operation requirements as provided by Section 25.081, notwithstanding the hours of operation per day requirement under Subsection (a-1) of that section.

SECTION 6. Amends Section 37.011(f), Education Code, as follows:

(f) Requires that a juvenile justice alternative education program operate at least seven hours per day and 175, rather than 180, days per year, except that a program is authorized to apply to the Texas Juvenile Justice Department for a waiver of the 175-day, rather than 180-day, requirement.

SECTION 7. Amends Sections 48.005(i), (j), and (m), Education Code, as follows:

(i) Provides that a district or a charter school operating under Chapter 12 (Charters) that operates a prekindergarten program is eligible to receive one-half of average daily attendance under Subsection (a) (relating to the definition of average daily attendance) if the district's or charter school's prekindergarten program provides at least 32,400 minutes of instructional time to students over the minimum required number of instructional days.

(j) Provides that a district or charter school is eligible to earn full average daily attendance under Subsection (a) if the district or school provides at least 43,200 minutes of instructional time during a school year to students enrolled in certain programs.

(m) Requires the commissioner to adopt rules necessary to implement Section 46.005 (Average Daily Attendance), including rules that:

(1)-(2) makes no changes to these subdivisions;

(3) proportionally reduce the average daily attendance for a school district if any campus or instructional program in the district provides to students fewer than the required minimum number of instructional days or minutes of operation, rather than provides fewer than the required minimum minutes of instruction to students; and

(4) makes no changes to this subdivision.

SECTION 8. Amends Section 48.0051(a), Education Code, as follows:

(a) Requires the commissioner, rather than requires the commissioner subject to Subsection (a-1), to adjust the average daily attendance of a school district or open-enrollment charter school under Section 48.005 (Average Daily Attendance) in the manner provided by Subsection (b) (relating to determining the amount by which the commissioner increases the average daily attendance for certain school districts or charter schools) if the district or school:

(1) provides the minimum number of minutes of operational and instructional time required under Section 25.081 and commissioner rules adopted under that

section over the minimum required number of instructional days or minutes of operation, rather than over at least 180 days of instruction; and

(2) makes no changes to this subdivision.

SECTION 9. Provides that this Act applies beginning with the 2024–2025 school year.

SECTION 10. Effective date: September 1, 2023.