

By: Campbell, Middleton

S.B. No. 2368

A BILL TO BE ENTITLED

AN ACT

relating to the minimum number of instructional days provided by public schools.

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

SECTION 1. Section 25.081, Education Code, is amended to read as follows:

Sec. 25.081. OPERATION OF SCHOOLS. (a) Except as authorized under Subsection (a-1) or (b) of this section, Section 25.0815, Section 25.084, or Section 29.0821, for each school year each school district must operate:

(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) Subsection (a)(1) does not apply to a school district with a student enrollment of less than 7,000.

(b) The commissioner may approve the operation of schools for fewer than the number of instructional days or minutes of operation required under Subsection (a) if disaster, flood, extreme weather conditions, fuel curtailment, or another calamity causes the closing of schools.

(c) If the commissioner does not approve reduced instructional days or minutes of operation [~~time~~] under Subsection (b), a school district may add additional instructional days to the

1 school year or minutes of operation to the end of the district's
2 normal school hours as necessary to compensate for instructional
3 days or minutes of operation lost due to school closures caused by
4 disaster, flood, extreme weather conditions, fuel curtailment, or
5 another calamity.

6 (d) The commissioner may adopt rules to implement this
7 section, including rules:

8 (1) [~~for the application, on the basis of the minimum~~
9 ~~minutes of operation required by Subsection (a), of any provision~~
10 ~~of this title that refers to a minimum number of days of instruction~~
11 ~~under this section,~~

12 [~~(2)~~] to determine the minutes of operation that are
13 equivalent to a day;

14 (2) [~~(3)~~] defining minutes of operation and
15 instructional time; and

16 (3) [~~(4)~~] establishing the minimum number of minutes of
17 instructional time required for a full-day and a half-day program
18 to meet the time requirements under Subsection (a).

19 (e) A school district or education program is exempt from
20 the minimum required instructional days or minutes of operation
21 [~~requirement~~] if the district's or program's average daily
22 attendance is calculated under Section 48.005(j).

23 (f) The commissioner may proportionally reduce the amount
24 of funding a district receives under Chapter 46, 48, or 49 and the
25 average daily attendance calculation for the district if the
26 district operates on a calendar that provides fewer instructional
27 days or minutes of operation than required under Subsection (a).

1 (g) A school district may not provide student instruction on
2 Memorial Day. If a school district would be required to provide
3 student instruction on Memorial Day to compensate for instructional
4 days or minutes of operation [~~instruction~~] lost because of school
5 closures caused by disaster, flood, extreme weather conditions,
6 fuel curtailment, or another calamity, the commissioner shall
7 approve the instruction of students for fewer than the number of
8 instructional days or minutes of operation required under
9 Subsection (a).

10 SECTION 2. Subchapter C, Chapter 25, Education Code, is
11 amended by adding Section 25.0813 to read as follows:

12 Sec. 25.0813. MAINTENANCE OF FOUR-DAY SCHOOL WEEK SCHEDULE.
13 Notwithstanding any other law, a school district that adopted a
14 four-day school week schedule for the 2022-2023 school year may
15 maintain a four-day school week schedule in each subsequent school
16 year.

17 SECTION 3. Sections 25.0815(a) and (b), Education Code, are
18 amended to read as follows:

19 (a) The commissioner shall provide a waiver allowing for
20 fewer instructional days and fewer minutes of operation [~~and~~
21 ~~instructional time~~] than required under Section 25.081(a) for a
22 school district that requires each educator employed by the
23 district to attend an approved school safety training course.

24 (b) A waiver under this section:

25 (1) must allow sufficient time for the school
26 district's educators to attend the school safety training course;
27 and

- 1 (2) may not:
- 2 (A) result in an inadequate number of minutes of
- 3 instructional time for students; or
- 4 (B) reduce:
- 5 (i) the number of instructional days by
- 6 more than one day; or
- 7 (ii) the number of minutes of operation
- 8 [and instructional time] by more than 420 minutes.

9 SECTION 4. Section 29.026(e), Education Code, is amended to

10 read as follows:

- 11 (e) A program under this section may:
- 12 (1) alter the length of the school day or school year
- 13 or the number of instructional days or the minutes of operation
- 14 allocated to instruction for ~~[received by]~~ students;
- 15 (2) coordinate services with private or
- 16 community-based providers;
- 17 (3) allow the enrollment of students without
- 18 disabilities or with other disabilities, if approved by the
- 19 commissioner; and
- 20 (4) adopt staff qualifications and staff to student
- 21 ratios that differ from the applicable requirements of this title.

22 SECTION 5. Section 29.0822(c), Education Code, is amended

23 to read as follows:

- 24 (c) Except in the case of a course designed for a student
- 25 described by Subsection (a)(3) or enrolled in a course described by
- 26 Subsection (b)(4), a course offered in a program under this section
- 27 must provide for at least the same number of instructional hours as

1 required for a course offered in a program that meets the required
2 minimum number of instructional days [~~minutes of operation~~] under
3 Section 25.081.

4 SECTION 6. Section 29.162(a), Education Code, is amended to
5 read as follows:

6 (a) The commissioner may adopt rules for this subchapter,
7 including rules establishing full-day and half-day instructional
8 days and minutes of operation requirements as provided by Section
9 25.081.

10 SECTION 7. Section 37.011(f), Education Code, is amended to
11 read as follows:

12 (f) A juvenile justice alternative education program must
13 operate at least seven hours per day and 175 [~~180~~] days per year,
14 except that a program may apply to the Texas Juvenile Justice
15 Department for a waiver of the 175-day [~~180-day~~] requirement. The
16 department may not grant a waiver to a program under this subsection
17 for a number of days that exceeds the highest number of
18 instructional days waived by the commissioner during the same
19 school year for a school district served by the program.

20 SECTION 8. Sections 48.005(i), (j), and (m), Education
21 Code, are amended to read as follows:

22 (i) A district or a charter school operating under Chapter
23 12 that operates a prekindergarten program is eligible to receive
24 one-half of average daily attendance under Subsection (a) if the
25 district's or charter school's prekindergarten program provides at
26 least 32,400 minutes of instructional time to students over the
27 minimum required number of instructional days.

1 (j) A district or charter school is eligible to earn full
2 average daily attendance under Subsection (a) if the district or
3 school provides at least 43,200 minutes of instructional time
4 during a school year to students enrolled in:

5 (1) a dropout recovery school or program operating
6 under Section 12.1141(c) or Section 39.0548;

7 (2) an alternative education program operating under
8 Section 37.008;

9 (3) a school program located at a day treatment
10 facility, residential treatment facility, psychiatric hospital, or
11 medical hospital;

12 (4) a school program offered at a correctional
13 facility; or

14 (5) a school operating under Subchapter G, Chapter 12.

15 (m) The commissioner shall adopt rules necessary to
16 implement this section, including rules that:

17 (1) establish the minimum amount of instructional time
18 per day that allows a school district or charter school to be
19 eligible for full average daily attendance, which may differ based
20 on the instructional program offered by the district or charter
21 school;

22 (2) establish the requirements necessary for a school
23 district or charter school to be eligible for one-half of average
24 daily attendance, which may differ based on the instructional
25 program offered by the district or charter school;

26 (3) proportionally reduce the average daily
27 attendance for a school district if any campus or instructional

1 program in the district provides to students fewer than the
2 required minimum number of instructional days or minutes of
3 operation [~~instruction to students~~]; and

4 (4) allow a grade or course repeated under Section
5 28.02124 to qualify for average daily attendance even if the
6 student previously passed or earned credit for the grade or course,
7 if the grade or course would otherwise be eligible.

8 SECTION 9. Section 48.0051(a), Education Code, is amended
9 to read as follows:

10 (a) Subject to Subsection (a-1), the commissioner shall
11 adjust the average daily attendance of a school district or
12 open-enrollment charter school under Section 48.005 in the manner
13 provided by Subsection (b) if the district or school:

14 (1) provides the minimum number of minutes of
15 operational and instructional time required under Section 25.081
16 and commissioner rules adopted under that section over the minimum
17 required number of instructional days or minutes of operation [~~at~~
18 ~~least 180 days of instruction~~]; and

19 (2) offers an additional 30 days of half-day
20 instruction for students enrolled in prekindergarten through fifth
21 grade.

22 SECTION 10. This Act applies beginning with the 2024-2025
23 school year.

24 SECTION 11. This Act takes effect September 1, 2023.