

- SUBJECT:** Creating optional flexible-year program for certain public school students
- COMMITTEE:** Public Education — committee substitute recommended
- VOTE:** 7 ayes — Grusendorf, Oliveira, Branch, Dawson, Dutton, Eissler, Hochberg
0 nays
2 absent — Griggs, Madden
- SENATE VOTE:** On final passage, March 12 — 30-0
- WITNESSES:** None
- BACKGROUND:** Education Code, sec. 29.082 allows a school district to set aside money from its compensatory education allotment or to apply to the Texas Education Agency for funding of a 30-day extended-year program for students in kindergarten through eighth grade identified as likely not to be promoted to the next grade level. No more than 16 students may be enrolled, and after completing 90 percent of the program, they must be promoted to the next grade unless a parent requests in writing that they not be promoted. The commissioner has rulemaking authority over the program.
- School districts must provide 180 days of instruction to students per school year, and an educator employed under a 10-month contract must provide at least 187 days of service.
- DIGEST:** CSSB 346 would allow a school district to provide a flexible-year program for students who did not or likely would not perform well on the Texas Assessment of Knowledge and Skills or who otherwise would not be promoted to the next grade.
- With the commissioner's approval, a school district could exchange 10 days of regular instruction and five days of staff development during the regular school year to run the flexible-year program, so long as the district provided 180 days of total instruction and teachers provided 187 days of service under their 10-month contracts. A school district could require support staff to work

as necessary during the flexible-year program. The commissioner would have rulemaking authority over the program.

The bill would adjust the formula for calculating average daily attendance for the purposes of school funding to allow school districts to use state aid to pay for the flexible-year program without losing attendance credits.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2003.

**SUPPORTERS
SAY:**

CSSB 346 would give school districts the flexibility to tailor instructional programs to help at-risk students without losing state aid. Under current law, the extended-year program covers only part of the costs for a participating school district, requires commissioner approval to participate, and does not allow districts to serve students beyond the eighth grade. The bill would allow school districts shorten the school year for all students in order to add more instructional days for at-risk students at any grade level. Not all students learn at the same rate, and schools should be given the flexibility to work with students who need extra attention before they fail.

At least one school district has restructured its accelerated summer school program to serve at-risk students during the two weeks before the beginning of the school year, rather than during the four weeks after the school year ends. Students who were struggling academically and had marginal grades or failing test scores received two weeks of intensive instruction, with tremendous results. These students scored higher on their first semester report cards than did students who did not participate in the program. They also felt more comfortable in school and had better communication with teachers.

School districts are trying to meet higher accountability standards in times of increased financial stress. CSSB 346 would allow districts to provide targeted interventions, such as a lower teacher-to-student ratio, individualized instruction, and focused instruction in the student's area of need, without adding stress to district budgets. The bill even might enable schools to save money through reduced or eliminated summer-school costs.

**OPPONENTS
SAY:**

Districts that chose to offer a flexible-year program could incur additional salary costs for employing support staff during the program. Depending on implementation, the program also could result in some teachers' contracts being lengthened. Because this would be a new program, the commissioner should have to approve flexible-year programs up front. School districts could be granted more freedom after the program developed a track record.

NOTES:

The committee substitute differs from the Senate engrossed version of SB 346 by allowing a school district to provide a flexible-year program without having to apply to the education commissioner for approval.