

## **BILL ANALYSIS**

Senate Research Center  
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C.S.H.B. 2442  
By: King, Ken (Taylor, Larry)  
Education  
5/22/2017  
Committee Report (Substituted)

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

Last session, H.B. 2610, also referred to as the "Minutes Bill," required school districts to provide 75,600 minutes of instruction. The purpose of H.B. 2610 was to allow schools greater flexibility in making up time from missed school days due to extreme weather conditions. However, H.B. 2610 had unintended consequences. Without Texas Education Agency intervention, many charter schools and pre-kindergarten programs across the state would have seen a significant reduction in funding before the 85th legislative session.

H.B. 2442 attempts to address this problem by:

- Allowing districts to report either minutes or hours of instruction.
- Requiring school districts to notify the commissioner of education of their decision.
- Providing stable funding for charters that were affected by the Minutes Bill and ensuring that their programs can continue. (Original Author's / Sponsor's Statement of Intent)

C.S.H.B. 2442 amends current law relating to the minimum amount of student instruction required to be provided by public schools and education programs and calculation of average daily attendance for public school students.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the commissioner of education in SECTION 3 (Section 42.005, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Sections 25.081(a), (b), and (c), Education Code, as follows:

- (a) Deletes a reference to Subsection (b) as providing an exception to this subsection. Requires each school district to operate so that the district provides for at least 180 days of instruction for students. Authorizes a district to elect to provide less than 180 days of instruction for students if the district provides at least 75,600 minutes of instruction, including intermissions and recesses, for students.
- (b) Authorizes the commissioner of education (commissioner) to approve the instruction of students for fewer than the number of days or minutes, rather than number of minutes, required under Subsection (a) if disaster, flood, extreme weather conditions, fuel curtailment, or another calamity causes the closing of schools.
- (c) Authorizes a school district, if the commissioner does not approve reduced instruction time under Subsection (b), to add additional days to the district's normal school calendar or additional minutes to the end of the district's normal school hours as necessary to compensate for days or minutes of instruction lost due to school closures caused by disaster, flood, extreme weather conditions, fuel curtailment, or another calamity.

SECTION 2. Amends Section 25.082, Education Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Requires that a school day be at least seven hours each day, including intermissions and recess, except as provided by Subsection (a-1).

(a-1) Provides that Subsection (a) does not apply to a campus that only operates a program authorized as a half-day program by law or by rule or to a charter school operating under Chapter 12 (Charters).

SECTION 3. Amends Section 42.005, Education Code, by amending Subsection (a) and adding Subsections (a-1), (g-1), and (i) through (o), as follows:

(a) Redefines "average daily attendance" (ADA).

(a-1) Provides that for purposes of calculating ADA, a student is eligible for inclusion on the basis of a full day of attendance if the student is enrolled for at least 240 minutes of instructional time.

(g-1) Requires the commissioner to adopt rules to calculate ADA for students participating in a blended learning program in which classroom instruction is supplemented with applied workforce learning opportunities, including participation of students in internships, externships, and apprenticeships.

(i) Provides that a district or charter school operating under Chapter 12 that operates a prekindergarten program is eligible to receive one-half of ADA under Subsection (a) if the district's or charter school's prekindergarten program provides at least

(1) 32,400 minutes of instructional time to students; or

(2) 180 days of instruction to students, with a number of hours of instruction per day that results in the equivalent of 32,400 minutes of instructional time.

(j) Provides that a district or charter school is eligible to earn full ADA under Subsection (a) if the district or school provides at least 43,200 minutes of instructional time to certain students.

(k) Provides that a charter school operating under a charter granted under Chapter 12 before September 1, 2015, is eligible to earn full ADA under Subsection (a), as that subsection existed immediately before September 1, 2015, for all campuses of the charter school operating before September 1, 2015, and any campus or site expansion approved on or after September 1, 2015.

(l) Authorizes a school district campus described by Section 25.082(a-1) or charter school to operate more than one program and be eligible for a full ADA for each program if the programs operated by the district campus or charter school satisfy all applicable state and federal requirements.

(m) Requires each charter school operating under Chapter 12, in accordance with rules adopted by the commissioner, to notify the commissioner if the charter school will provide at least 180 days of instruction for students or less than 180 days of instruction for students, but at least 75,600 minutes of instruction, including intermissions and recess.

(n) Requires the commissioner to adopt rules necessary to implement this section, including rules that meet certain criteria.

(o) Authorizes the commissioner, to assist school districts in implementing this section as amended by H.B. 2442, Acts of the 85th Legislature, Regular Session, 2017, or similar

legislation, to waive a requirement of this section or adopt rules to implement this section. Provides that this subsection expires at the end of the 2018-2019 school year.

SECTION 4. Repealer: Section 25.081(e) (relating to a reference to a day of instruction meaning 420 minutes of instruction), Education Code.

SECTION 5. Provides that this Act applies beginning with the 2017-2018 school year.

SECTION 6. Effective date: upon passage or September 1, 2017.