

- SUBJECT:** Adjusting requirements for public school minutes of operation
- COMMITTEE:** Public Education — committee substitute recommended
- VOTE:** 10 ayes — Huberty, Bernal, Allen, Bohac, Deshotel, Gooden, K. King, Koop, Meyer, VanDeaver
- 0 nays
- 1 absent — Dutton
- SENATE VOTE:** On final passage, May 9 — 31-0
- WITNESSES:** For — Fred Brown, Texans Can Academy; Christine Nishimura, Texas Charter Schools Association; Brance Barker, UME Preparatory Academy; (*Registered, but did not testify*: Claudia Russell, Chaparral Star Academy; Jesus Chavez, South Texas Association of Schools; Miranda Goodsheller, Texas Association of Business; Dianne Wheeler)
- Against — None
- On — (*Registered, but did not testify*: Von Byer and Leonardo Lopez, Texas Education Agency; Amanda List, Texas League of Community Charter Schools)
- BACKGROUND:** The 84th Legislature in 2015 enacted HB 2610 by K. King. The bill modified Education Code, sec. 25.081 to change the minimum amount of instruction time each school district is required to provide each school year from 180 days to 75,600 minutes, with certain exceptions. Interested parties say that changes are needed to facilitate the implementation of HB 2610 for certain schools, including dropout recovery schools and charter schools that operate outside the normal school day.
- DIGEST:** CSSB 1660 would modify requirements related to the 75,600 minutes of operation required in a school year. It would authorize the Commissioner of Education to determine the number of minutes required for a full-day

and half-day of operation and an alternative minimum minutes of operation under certain circumstances.

Operation time. The bill would replace the requirement that each public school district operate for each school year so that the district provides for at least 75,600 minutes of instruction, including intermissions and recesses, with a requirement that each district would operate for each school year for at least 75,600 minutes, including time allocated for instruction, intermissions, and recesses for students.

The bill would replace references related to instruction time with references related to operation time. The Commissioner of Education would be authorized to adopt rules to implement provisions relating to the required operation of schools, including:

- rules to determine the minutes of operation that were equivalent to a day of instruction;
- rules defining instructional time, which may include time allocated for recess and serving breakfast or lunch to students; and
- establishing the minimum number of minutes of instruction required for a full-day and a half-day program to meet the operation time requirements.

A district or education program would be exempted from the minimum minutes of operation requirement if its average daily attendance was calculated under provisions in the bill that would allow an alternative minimum amount of minutes for a dropout recovery school or program and a school program offered at a residential or correctional facility. The commissioner could determine the qualifications to be considered a dropout recovery school that were different from those required under other sections of the Education Code.

The commissioner would be authorized to adopt rules establishing full-day and half-day minutes of operation for kindergarten and prekindergarten programs. A district that operated a half-day prekindergarten program would be eligible to receive the half-day average

daily attendance calculation if the program provided at least 32,400 minutes of instruction.

On application from an open-enrollment charter school or a charter school operated by a college or university, the commissioner would be required to calculate the average daily attendance for the school using an alternative minimum amount of minutes of operation if:

- during the 2014-2015 school year, the school was eligible to earn a full average daily attendance calculation under the applicable law governing the school during that year; and
- the school provided at least the same amount of instruction to students as it provided during the 2014-2015 school year and was no longer eligible to earn the full average daily attendance during the current school year.

Funding. The commissioner could proportionally reduce the amount of funding a district received under Education Code, chs. 41, 42, or 46 and the average daily attendance calculation if the district operated on a calendar that provided fewer than 75,600 minutes of operation.

Other provisions. The bill would repeal Education Code requirements that a day of instruction means 420 minutes of instruction and a school day must be at least seven hours, including intermissions and recesses.

The bill would apply beginning with the 2018-2019 school year. It 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, 2017.