

## **BILL ANALYSIS**

Senate Research Center  
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C.S.S.B. 1660  
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Education  
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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 (TEA) intervention, many charter schools and pre-kindergarten programs across the state would have seen a significant reduction in funding before the 85th legislative session.

S.B. 1660 attempts to address this problem by:

- Allowing districts to choose between minutes or hours of instruction.
- Removing statutory language defining the word "day" as 420 minutes of instruction. Instead, S.B. 1660 ties the definition to the minimum number of instructional hours required for the student to be considered full-time under Section 42.005 of the Education Code.
- Requiring school districts to notify the commissioner of education of their decision. (Original Author's / Sponsor's Statement of Intent)

C.S.S.B. 1660 amends current law relating to the minimum amount of student instruction required to be provided by school districts and calculation of average daily attendance for public school students.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the commissioner of education in SECTION 1 (Section 25.081, Education Code) and SECTION 3 (Section 42.005, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 25.081, Education Code, by amending Subsections (a), (b), (c), and (e) and adding Subsection (a-1), as follows:

(a) Requires each school district, for each year, except as authorized by certain other provisions, to operate so that the district provides for at least, at the choice of the district:

(1) creates this subdivision from existing text and makes no further changes to this subdivision; or

(2) 180 days of instruction for students.

(a-1) Requires each school district, in accordance with rules adopted by the commissioner of education (commissioner), to notify the commissioner whether the district will comply with Subsection (a) on the basis of minutes of instruction or days of instruction.

(b) Authorizes the commissioner to approve the instruction of students for fewer than the number of minutes or days, rather than fewer than the number of minutes, required under Subsection (a) under certain conditions.

(c) Authorizes a school district, if the commissioner does not approve reduced instruction time under Subsection (b), to take certain actions, including adding additional days to the district's normal school calendar, as necessary to compensate for minutes or days, rather than for minutes, of instruction lost due to certain school closures.

(e) Provides that, for purposes of this code, a reference to a day of instruction means a calendar day in which a student is scheduled for and receives at least the minimum number of instructional minutes required for the student to be considered full-time for the purpose of calculating average daily attendance under Section 42.005 (Average Daily Attendance), rather than means 420 minutes of instruction.

SECTION 2. Amends Section 25.082(a), Education Code, to create an exception as provided by Section 42.005(j) to the requirement that a school day be at least seven hours each day, including intermissions and recesses.

SECTION 3. Amends Section 42.005, Education Code, by amending Subsection (a) and adding Subsections (a-1), (a-2), and (i) through (n), as follows:

(a) Provides that in this chapter (Foundation School Program), average daily attendance is calculated in certain manners, including the quotient of the sum of attendance for each day of a certain minimum number of days of instruction or the minimum number of minutes of instruction, including intermissions and recesses, divided by the minimum number of days of instruction or the minimum number of minutes of instruction, including intermissions and recesses.

(a-1) Authorizes the commissioner, if a district or charter school provides more than 180 days or 75,600 minutes of instruction to students, to adjust the determination of average daily attendance under Subsection (a) to reflect the increased instructional time.

(a-2) Provides that a district or charter school is eligible to earn full average daily attendance under Subsection (a) if the school or district provides at least 240 minutes of instructional time to students each day.

(i) Provides that a district or a charter school operating under Subchapter B (Home-Rule School District Charter), D (Open-Enrollment Charter School), or E (College or University or Junior College Charter School), Chapter 12 (Charters), that operates a prekindergarten program is eligible to receive one-half of average daily attendance under Subsection (a) if the district's or charter school's prekindergarten program provides at least 32,400 minutes of instructional time to students.

(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 to students enrolled in certain programs or schools.

(k) Provides that a charter school operating under a charter granted under Subchapter B, D, or E, Chapter 12, before September 1, 2015, is eligible to earn full average daily attendance 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 district or charter school to operate two programs and be eligible for full average daily attendance for both programs, if the programs operated by the district or charter school satisfy all applicable state and federal requirements.

(m) Requires the commissioner to adopt rules necessary to implement this section, including rules that:

(1) establish the minimum number of minutes of instructional time per day that results in 180 days of instruction or 75,600 minutes of instruction for students, as applicable;

(2) establish any requirements necessary to allow a district or charter school to be eligible for one-half of average daily attendance under Subsection (a), which may differ based on the instructional program offered by the district or charter school; and

(3) proportionally reduce the amount of funding a district or open-enrollment charter school receives under this chapter, Chapter 41 (Equalized Wealth Level), or Chapter 46 (Assistance with Instructional Facilities and Payment of Existing Debt) and the average daily attendance for the district or charter school if the district or open-enrollment charter school operates on a calendar that provides fewer than the required minimum days or minutes of instruction to students.

(n) Defines "instructional time."

SECTION 4. Provides that this Act applies beginning with the 2017-2018 school year.

SECTION 5. Effective date: upon passage or September 1, 2017.