

ATTACHMENT I

Statutory Citations Relating to Amendment to 19 TAC Chapter 129, Student Attendance, Subchapter AA, Commissioner's Rules, §129.1029, Optional Flexible Year Program

Texas Education Code (TEC), §29.0821, Optional Flexible Year Program:

- (a) A school district may provide a flexible year program for students who did not or are likely not to perform successfully on an assessment instrument administered under Section 39.023 or who would not otherwise be promoted to the next grade level.
- (b) To enable a school district to provide additional instructional days for a program under this section, with the approval of the commissioner, a school district may:
 - (1) provide a number of days of instruction during the regular school year that is not more than 10 days fewer than the number required under Section 25.081(a); and
 - (2) use for instructional purposes not more than five days that would otherwise be used for staff development or teacher preparation.
- (c) Notwithstanding any reduction in the number of instructional days in the regular school year or in the number of staff development days, each educator employed under a 10-month contract must provide the minimum days of service required under Section 21.401.
- (d) A school district may require educational support personnel to provide service as necessary for an optional flexible year program.
- (e) The commissioner may adopt rules for the administration of programs provided under this section.

TEC, §12A.004, Limitation of Permissible Exemptions:

- (a) A local innovation plan may not provide for the exemption of a district designated as a district of innovation from the following provisions of this title:
 - (1) a state or federal requirement applicable to an open-enrollment charter school operating under Subchapter D, Chapter 12;
 - (2) Subchapters A, C, D, and E, Chapter 11, except that a district may be exempt from Sections 11.1511(b)(5) and (14) and Section 11.162;
 - (3) state curriculum and graduation requirements adopted under Chapter 28; and
 - (4) academic and financial accountability and sanctions under Chapters 39 and 39A.
- (b) The commissioner shall:
 - (1) maintain a list of provisions of this title from which school districts designated as districts of innovation are exempt under this chapter; and
 - (2) notify the legislature of each provision from which districts enrolling a majority of students in this state are exempt.

TEC, §21.401, Minimum Service Required:

- (a) A contract between a school district and an educator must be for a minimum of 10 months' service.
- (b) An educator employed under a 10-month contract must provide a minimum of 187 days of service.

- (c) The commissioner, as provided by Section 25.081(b), may reduce the number of days of service required by this section. A reduction by the commissioner does not reduce an educator's salary.
- (d) Subsections (a) and (b) do not apply to a contract between a school district and an educational diagnostician.