



## House Bills 2610 and 2442

### Frequently Asked Questions

May 2018

House Bill (HB) 2610, passed by the 84th Texas Legislature, amends the Texas Education Code (TEC), §25.081. The bill strikes language requiring 180 days of instruction and replaces this language with language requiring school districts and charter schools to provide at least 75,600 minutes of instruction, including intermissions and recess.

With the passage of HB 2442, in the 85th Texas Legislature, that repeals the seven-hour (420 minutes) school day requirement in Texas Education Code (TEC), §25.082 and allows school districts to adopt a shortened school day is an update to HB 2610.

Beginning in the 2018–2019 school year, school districts and charter schools are required to submit calendars and select program type codes (see page 3), showing the amount of time that school is held each day and any waiver minutes granted by the Texas Education Agency (TEA) through the Texas Student Data System Public Education Information Management System (TSDS PEIMS) summer data submission.

Below is a list of frequently asked questions that may be of assistance. We have grouped the questions into categories. Please click the applicable section.

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#### [General](#)

**When does HB 2442 take effect?** HB 2442 will be fully implemented in the 2018–2019 school year and is reflected in the 2018–2019 SAAH.

**What types of time count toward instructional time?** The two-through-four-hour rule, in-class breakfast, and recess count toward instructional time.

**What is the difference between instructional and operational time?** The Student Attendance Accounting Handbook (SAAH) defines the instructional day as “That portion of the school day in which instruction takes place. The instructional day includes recess and in-class breakfast.” The SAAH defines operational time as “The time between the first instructional school bell and the last instructional school bell (bell to bell).”

### [Attendance Taking](#)

**Does HB 2442 change attendance-taking procedures?** No. HB 2442 does not change attendance-taking procedures. See section 3.6 of the SAAH for current general attendance-taking rules.

**What should district calendars include?** The TEA encourages districts to include additional minutes to account for bad weather or other missed school days related to health and safety concerns in their adopted calendars. District calendars should provide at least 75,600 minutes of operation, including any approved minutes waived for staff development.

**What should charter school calendars include?** Depending on when the charter was approved (see the Charter Schools section for further information), the TEA encourages charter schools to include additional minutes or days to account for bad weather or other missed school days related to health and safety concerns in their adopted calendars. Charter school calendars should provide at least 75,600 minutes of operation or 180 days, including any approved minutes waived for staff development, depending on when the charter was approved for operation.

**How does HB 2442 affect the two-through-four-hour rule for half days already scheduled? Do these scheduled half days count only for the time attended instead of as a half day?** HB 2442 does not affect the instructional time requirements for half-day or full-day funding eligibility. Students must be scheduled for and provided classroom time of at least two hours (120 minutes) each day to be coded as eligible for half-day attendance and at least four hours (240 minutes) to be coded as eligible for full-day attendance.

**Can a school district or charter school change the calendar after the school year has started to make up minutes lost due to an unforeseen event?** Yes. A district or charter school can add minutes to the days remaining in the school year to make up for an unplanned event that causes school to be closed during the school year.

**If there is a district level reason to close campuses, will the campuses that close have to make up the missed days?** If your district calendar has enough minutes built into the calendar and the 75,600 minutes are met by the time the school year has ended, any missed days do not have to be made up.

**I have a campus that operates extra minutes Monday through Thursday. Can this campus release students early every Friday since it will meet the required 75,600 minutes by May 20 of the school year?** Yes. HB 2442 repeals the seven-hour school requirement in TEC, §25.082, beginning in the 2018–2019 school year. If the 75,600 minutes requirement is not met, a proportionate funding reduction will occur.

**If a district closes early due to a health or safety issue, do any minutes prior to the closing count toward the 75,600 minutes? Does attendance need to be taken?** Yes. The minutes that school is in

operation before a health or safety event count toward the 75,600 minutes requirement. Attendance should be taken before releasing students early for the day.

**Do all instructional minutes in the school day count toward meeting the 75,600 minutes requirement?**

Yes. All instructional time (classroom minutes), from the first instructional bell to the last instructional bell, counts toward the 75,600 operational minutes requirement. This includes recess and in-class breakfast.

[TSDS PEIMS](#)

**Will reporting requirements change as a function of HB 2442?** Effective in the 2018–2019 school year, school districts and charter schools must submit their calendars and identify their program types in the summer submission in TSDS PEIMS. See the chart below.

Code Table IDTable ID	Name	XML Name	Date Issued	Date Updated
C215	INSTRUCTIONAL-PROGRAM-TYPE	TX-InstructionalProgramType	12/1/2017	
Code	Translation			
01	Standard program for school district campus following 75,600 operational minutes (does not include prekindergarten programs/grades)			
02	Charter school campus issued to operate after 1/1/2015 and following 75,600 operational minutes (does not include prekindergarten programs/grades)			
03	Charter school campus operating before 1/1/2015 and electing to follow a 180-day school year calendar (includes prekindergarten program/grades)			
04	Pre-kindergarten program (includes school districts and charter schools approved to operate after January 1, 2015)			
05	Dropout recovery program/campus TEC, 12.114(c), or TEC, 39.0548			
06	Disciplinary alternative education program /campus TEC, 37.008			
07	Correctional facility program/campus (adult or juvenile)			
08	Residential treatment facility program/campus			
09	Day treatment facility program/campus			
10	Psychiatric hospital program/campus			
11	Medical hospital program/campus			
12	Charter school issued under TEC, §29.259 (Excel Academy 227-827 only)			

**When do districts or charter schools select which program types they are?** Districts and charter schools identify which program types they are in the TSDS PEIMS fall submission. Once the program type has been identified and reported, it cannot be changed for the school year.

**How do I identify a district that has prekindergarten and drop out recovery programs?** You identify program type(s) when reporting to TSDS PEIMS in your fall submission based on the instructional track. Therefore, you would report 75,600 operational minutes for your regular track, 32,400 instructional minutes for your prekindergarten track, and 43,200 instructional minutes for your drop out recovery track.

**If the days taught for one group of students is different than another group of students on the same campus, do I need to report separate tracks?** Yes. An instructional track is defined as the number of days taught for a group of students in a reporting period at a campus when the reporting periods are the same. It is recommended that a campus report different tracks if the number of days taught and operational times for a group of students is different in a reporting period.

#### [Average Daily Attendance/Funding](#)

The following table provides the required number of operational and/or instructional minutes for districts and charter schools to receive full funding.

Program Type	Operational Minutes	Instructional Minutes	Days of Instruction	Full Funding
School Districts	75,600			Provide 75,600 minutes of operation along with any applicable waivers.
Charter Schools Operating Before January 1, 2015	75,600		180	Provide 180 days of attendance with a minimum of four hours of daily instruction along with any applicable waivers and comply with charter contract terms regarding student instruction time OR provide 75,600 minutes of operation along with any applicable waivers.
Charter Schools Operating After January 1, 2015	75,600			Provide 75,600 minutes of operation along with any applicable waivers.
Prekindergarten		32,400		Provide 32,400 minutes of instruction along with any applicable waivers.

Dropout Recovery Campus(es) or Program(s) <sup>1</sup>		43,200		Provide 43,200 minutes of instruction along with any applicable waivers.
Day Treatment Facility				
Residential Treatment Facility				
Psychiatric Hospital				
Medical Hospital				
Correctional Facility				
Disciplinary Alternative Education Program (DAEP)				
Adult High <sup>2</sup> School and Industry Certification				
Charter School				
Juvenile Justice Alternative Education Program (JJAEP)			180	Provide seven hours (420 minutes) of operation per day. Refer to 10.3.1 Requirements for JJAEP.

**Does HB 2442 change the calculation of average daily attendance (ADA) for the purpose of state funding under the Foundation School Program (FSP)?** ADA continues to be calculated based on the number of days present divided by the number of days taught in each six-week period. However, if a district or charter school fails to operate for at least 75,600 minutes, funding is reduced proportionately to the number of minutes the district or charter school falls short of the 75,600 minutes requirement. If a different program type listed in the chart above operates on days or another instructional minute requirement, funding is reduced proportionately to the number of minutes or days the district or charter school falls short of the minute or day requirement. See section 13 of the SAAH for a more detailed explanation of the calculation of ADA.

**If a district or charter school calendar exceeds 75,600 minutes or 180 days, does the district or charter school receive additional funding for the additional minutes or days over the required 75,600 minutes**

<sup>1</sup> [TEC, §12.1141\(c\) or §39.0548; school program\(s\) and campus\(es\)](#)

<sup>2</sup> [TEC, §29.259](#)

**or 180 days?** No. Minutes or days of operation over the required 75,600 minutes or 180 days do not generate additional funding.

## Waivers

**The “To the Administrator Addressed” letter, dated December 20, 2017, states that early release waivers are going away. What do we do on the days we release early?** Since HB 2442 repeals the seven-hour day requirement from TEC, §25.082, early release waivers are no longer needed. Districts may have as many early release days they need as long as they comply with the two-through-four-hour rule and reach 75,600 minutes by the end of the school year.

**Are staff development waivers approved for days or minutes?** Beginning in the 2018–2019 school year, the TEA will offer a staff development waiver that provides for a maximum of 2,100 total waiver minutes to use for professional development. This waiver will be available in the spring of 2018.

**Can districts or charter schools use staff development waivers the week before student instruction begins or the day after the last day of school?** No. Waiver minutes are for staff development in place of student instruction; therefore, the waiver minutes are only applicable to staff development provided instead of student instruction during the school year. Effective with the 2018–2019 school year, staff development waiver minutes may not be used prior to the first day of student instruction or after the last day of student instruction.

**How many minutes of instruction must be provided on a day that a district or charter school plans to have instruction and staff development?** On staff development days when students are in attendance part of the day, the district or charter school must provide at least 120 minutes of student instruction to receive full ADA funding. Instructional minutes are defined in the SAAH as the portion of the school day in which instruction takes place along with other exceptions. In addition to the 120 minutes of student instruction, any staff development waiver minutes reported must reflect actual staff development minutes provided.

**Does the TEA grant a waiver if doing so leaves a school short of meeting the 75,600 minutes requirement?** No. The TEA only grants waivers if the total of minutes in the school’s calendar and the minutes waived equal at least 75,600. For example, if a school district or charter school submits a calendar that includes 75,000 minutes and asks for one waiver day, the waiver will be denied because granting it would only bring the district or charter school to 75,420 and fall short of the required 75,600 minutes. In addition to satisfying independent reasons for receiving the waiver, any waivers granted must be sufficient to bring the school district or charter school into compliance.

The link below provides further information in regards to waivers for the 2018–2019 school year:

[Information concerning changes to Staff Development and Early Release Waivers for 2018–2019 and Beyond \(2nd notice\)](#)

## Charter Schools

**Does HB 2442 affect charter schools?** If a charter school was operating before January 1, 2015, it can decide to provide 180 days with at least 240 instructional minutes per day or 75,600 operational minutes. If a charter school was operating after January 1, 2015, it must provide 75,600 operational

minutes. If a charter school has instructional requirements in its approved charter, it must continue to meet those requirements.

**Our charter school serves morning and afternoon students. Each session is 4 hours and 10 minutes (250 minutes) a day. Attendance is taken during third period in the morning session and eighth period in the afternoon session. Are we in compliance with HB 2442?** Charter schools that offer one four-hour session in the morning and one four-hour session in the afternoon need to report at least 43,200 instructional minutes per session to comply with HB 2442.

### [Prekindergarten](#)

**If a district or charter school has a prekindergarten campus, how many minutes does it need to comply with HB 2442?** Beginning in the 2018–2019 school year, prekindergarten programs need to provide 32,400 minutes of instruction. The SAAH defines instructional time as “That portion of the school day in which instruction takes place. The instructional day includes recess and in-class breakfast.” Prekindergarten programs, regardless if they are stand alone or on the same campus as other programs, need to be reported on a separate instructional track.

**Since prekindergarten is funded on half days, do each group, morning and afternoon, need to meet 32,400 minutes, or is it a total of 32,400 minutes for both groups?** Each prekindergarten session, morning and afternoon, must have 32,400 instructional minutes.

**Our morning prekindergarten program offers breakfast to our students. Can we count the minutes when students eat breakfast toward the 32,400 instructional minutes for prekindergarten?** Breakfast that is offered in class for prekindergarten students counts toward the 32,400 minutes.

### [Districts of Innovation](#)

HB 1842 (84th Texas Legislature) amends Chapter 12 of TEC to create [Districts of Innovation \(DOI\)](#). Districts are eligible for this designation if certain performance requirements are met and certain procedures for adoption outlined in the statute are followed. This designation allows a district to be exempt from certain sections of TEC that inhibit the goals of the district as outlined in its locally adopted Innovation Plan.

**A district has been designated as a District of Innovation and is exempt from the dates of the first and last day of school in its approved DOI plan. Can it be exempt from the required 75,600 minutes? No.** Each DOI must reach 75,600 minutes by the end of the school year or its funding could be proportionally reduced.

**If a District of Innovation starts school earlier in August and uses the first five days for staff development, can these five days be used as staff development waiver days?** If the staff development days occur on or after the start date (i.e., the first day of school) that is chosen in the board-approved DOI plan and are used in place of student instruction, these days may count toward the 2,100 minutes it receives when it applies for a staff development waiver. Note: Starting with the 2018–2019 school year, staff development waiver minutes may not be used prior to the first day of student instruction or after the last day of student instruction.