

House Bill 2610

Frequently Asked Questions

House Bill (HB) 2610, passed by the 84th Texas Legislature, amends Texas Education Code (TEC), §25.081, by striking language requiring 180 days of instruction and replacing this language with language requiring districts to provide at least 75,600 minutes of instruction, including intermissions and recess. The bill also allows school districts to add minutes as necessary to compensate for minutes of instruction lost due to school closures caused by disaster, flood, extreme weather conditions, fuel curtailment, or another calamity.

Below is a list of frequently asked questions that may be of assistance. We have also included a sample calendar at the end of this document.

- 1. When does HB 2610 take effect?** HB 2610 took immediate effect meaning that the new requirements are in effect for the 2015–2016 school year and will be reflected in the 2015–2016 Student Attendance Accounting Handbook.
- 2. How does HB 2610 affect charter schools?** Charter schools are not subject to the 75,600 minutes requirement. However, state funding will be reduced in proportion to the number of minutes by which a charter school's calendar falls below 75,600 minutes. To receive full funding, a charter school must offer 75,600 minutes of instruction, including intermissions and recess, minus any minutes waived by the TEA in writing.
- 3. Will reporting requirements change as a function of HB 2610, and, if so, when will these changes become effective?** Although the bill is effective for the 2015–2016 school year, school districts and charter schools will not be required to modify information submitted through the Public Education Information Management System (PEIMS) or to the Texas Education Data System (TEDS) until the 2016–2017 school year. However, districts must maintain local documentation, showing the instructional days and start and end times, for the 2015–2016 school year that is sufficient to prove that the district met the minimum required 75,600 minutes. Charter schools must maintain local documentation, showing the number of instructional days and start and end times for the 2015–2016 school year, that is sufficient to prove the charter school met the required minutes outlined in their charter. The TEA will examine this documentation in any attendance audits relevant to the 2015–2016 school year.
- 4. Does HB 2610 change attendance-taking procedures?** HB 2610 does not change attendance-taking procedures in that staff will still be required to take attendance at the same time each day. Students must be scheduled for and provided instruction at least two hours each day (excluding intermissions and recess) to be eligible to be coded for half-day attendance; students must be provided instruction at least four hours each day (excluding intermissions and recess) to be eligible to be coded for full-day attendance.

5. **Does HB 2610 change the calculation of average daily attendance (ADA) for the purpose of state funding under the foundation school program?** ADA will continue to be calculated based on the number of days present each six weeks divided by the number of days taught. Each calendar day represents one day taught, regardless of the number of minutes of instruction that occurred that day. The result for each six-week period will be added together and divided by six to calculate annual ADA. ADA will be reduced for failure to meet the required number of minutes per TEC, §25.081, in proportion to the percentage of minutes that the district fell short of meeting the 75,600 minute requirement.
6. **What kinds of time count toward meeting the 75,600 minute requirement?** HB 2610 specifies that intermissions and recess count toward meeting the 75,600 minute requirement. Lunch is considered an intermission and will be counted toward meeting this requirement.
7. **Have teacher contract requirements changed in conjunction with HB 2610?** No. TEC, §41.401, still requires that teachers employed under a 10 month contract provide a minimum of 187 days of service. Districts should consider this when creating calendars that are shorter than the traditional 180 days.
8. **I have already been granted a waiver for the 2015–2016 school year. Is it still in effect?** Yes. The TEA will honor all waivers previously granted that are in effect for the 2015–2016 school year. Each waiver day will count for 420 minutes of the total 75,600 minutes required under HB 2610. Waivers granted for a half-day are worth up to 210 minutes, depending on the time students were released from school.
9. **Is the TEA continuing to grant new waivers given HB 2610?** The TEA is continuing to grant waivers for the 2015–2016 school year. However, districts should consider whether they need a waiver given the new language in HB 2610. If a district meets the 75,600 minute requirements without a waiver, it does not need to request a waiver related to student attendance and ADA (for example, staff development, missed instruction, and early release) from the TEA. The TEA will review its waiver policy for the 2016–2017 school year and beyond. We will notify districts of any changes to that policy related to HB 2610 later in the 2015–2016 school year.
10. **What should the district's or charter school's calendar include?** Each calendar should include the equivalent of two bad weather makeup days (or 840 minutes) and should reflect any waivers that have been granted. Districts' and charter schools' calendars should include the following:
 - Bad weather makeup days
 - Early release days
 - Staff development or teacher prep days
11. **Does HB 2610 apply to an alternative campus that runs longer periods in a quarter system to enable students to make up classes necessary for graduation?** Yes. A district must ensure that alternative education programs meet the requirements of HB 2610 (a total of 75,600 minutes of instruction, including intermissions and recess) for funding purposes.

- 12. How does HB 2610 affect the two- or 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?** Students must be scheduled for and provided instruction for at least two hours each day (excluding intermissions and recess) to be coded as eligible for half-day attendance and scheduled for and provided instruction for at least four hours (excluding intermissions and recess) to be coded as eligible for full-day attendance.
- 13. Will there be a minimum number of minutes required for a class to count as a semester class or a full-year class?** No. HB 2610 only requires districts to provide a total of 75,600 minutes for instruction, including intermissions and recesses, per school year.
- 14. Would excess contact hours earned by any combination of special education and career and technical education (CTE) classes still be deducted from the student's primary special education instructional setting?** Yes. Any combination of CTE and special education services that exceeds six hours per day must be subtracted from the primary special education instructional setting.
- 15. Will the TEA grant a waiver if doing so still leaves my school short of meeting the 75,600-minute requirement?** No. The TEA will only grant waivers if the sum of minutes in the school's calendar and the minutes waived are at least equal to 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 (still short of the required 75,600 minutes). Any waivers granted, in addition to satisfying independent reasons for receiving the waiver, must be sufficient to bring the school district or charter school into compliance.
- 16. Is there a limit on the number of minutes TEA will waive?** Yes. TEA will not grant more than a total of 4,200 minutes that can be counted against the 75,600 minute requirement.
- 17. Can my school district or charter school change the calendar after the school year has started to make up minutes lost to an unforeseen event?** Yes. You can add minutes to days remaining in the school year to make up for an unplanned event that caused school to be closed during the school year.

SAMPLE CALENDAR

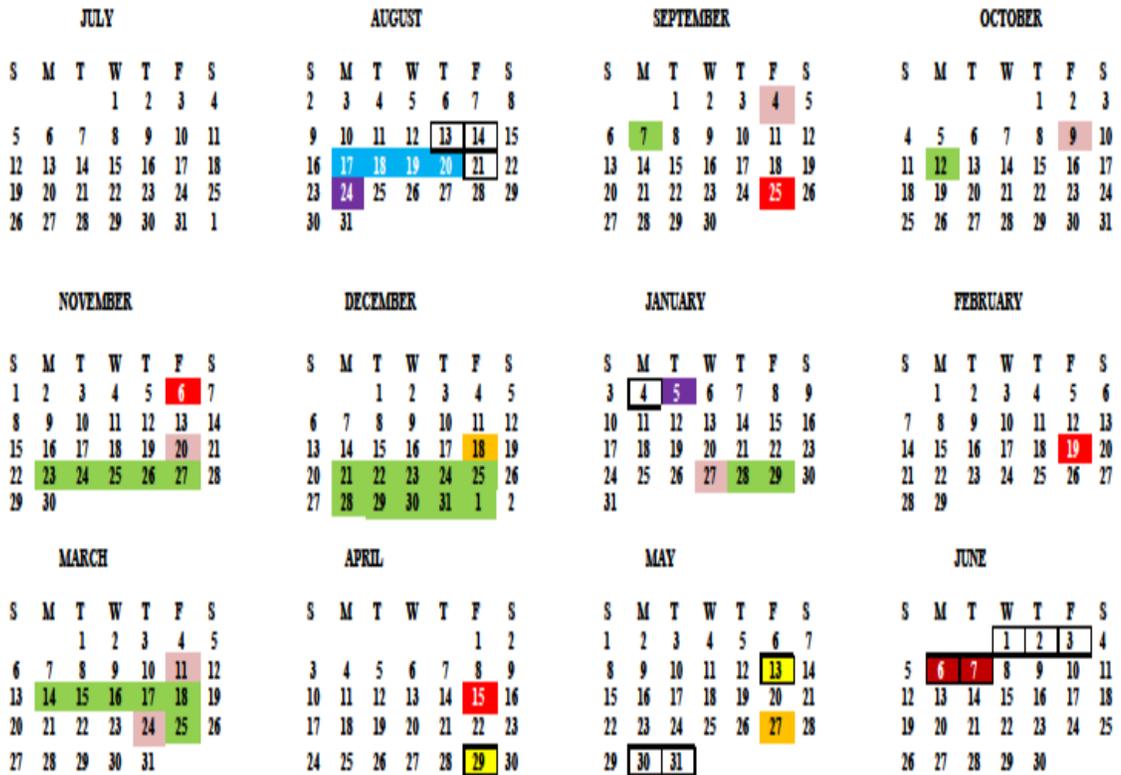
INDEPENDENT SCHOOL DISTRICT CALENDAR

2015-2016

GRADUATION
May 28, 2016

<u>SIX WEEKS PERIODS</u>		
	Days	Minutes
1 st : Aug. 24 – Sept. 25	24	10,660
2 nd : Sept. 28 – Nov. 6	29	12,910
3 rd : Nov. 9 – Dec. 18	25	10,970
First Semester	78	34,540
4 th : Jan. 5 – Feb. 19	32	14,260
5 th : Feb. 22 – April 15	34	15,020
6 th : Apr. 18 – May 27	28	12,460
Second Semester	96	41,740
Total	172	76,280
Total Minutes for the Year		76,280

	TEACHER WORKDAY
	STAFF DEVELOPMENT
	EARLY RELEASE DAY
	BEGINNING SEMESTER
	BAD WEATHER DAY
	END SIX WEEKS
	HOLIDAY
	END SEMESTER/EARLY RELEASE
	ALT. TEACHER WORKDAY



Calendar Details: (Note: this calendar is a sample courtesy of an independent school district in Texas and may be modified accordingly)

- All instructional days not marked with an exception start at 8:05am and end at 3:35pm. Instructional days = 164 (450 min*164 = 73,800 minutes)
- Instructional days that are marked as early release start at 8:05am and end at 1:15pm. Early release days = 8 (310 min*8 = 2,480) Total Instructional minutes: (73,800+2,480 = 76,280)
- There are four teacher in-service days, and eleven teacher workdays
- There are two bad weather days and an extra 680 minutes built into the calendar to cover unexpected late starts or early releases due to weather (the two bad weather days are also teacher workdays)
- Two alternate teacher workdays are included in the event the bad weather make-up days have to be used.