

August 31, 2017

**ACTION REQUIRED**

**TO THE ADMINISTRATOR ADDRESSED (TAA):**

**Subject: Minutes of Operation - Updates to House Bill (HB) 2442 – (2nd notice)**

*Reissue of Minutes of Operation letter regarding the 2018-2019 school year; no changes were made from the original issuance on August 31, 2017.*

The information in this TAA letter pertains to the 2018–2019 school year; therefore, having no immediate impact on school districts and charter schools. Accommodations and additional guidance may be made in 2018–2019, as necessary, for those school districts and charter schools affected by Hurricane Harvey.

The 85th Legislature changed requirements for minutes of operation and average daily attendance (ADA). To assist school districts and charter schools in complying with HB 2442 while developing their 2018–2019 school year calendars over the coming months, please see the following significant updates that TEA will propose in rule for the 2018–2019 school year. These changes will be adopted in the 2018–2019 Student Attendance Accounting Handbook (SAAH) following public comment.

Further guidance regarding the Texas Student Data System (TSDS) Public Educational Information Management System (PEIMS) reporting for the 2018–2019 school year will be provided in January 2018.

**Starting in the 2018–2019 School Year**

Effective in the 2018–2019 school year, HB 2442 repealed the seven-hour (420 minutes) school day requirement from Texas Education Code (TEC), §25.082; allowing school districts to adopt a shortened school day. However, as noted under the Funding section of this letter, school districts and charter schools failing to meet HB 2442 minutes requirements may be subject to a reduction of their full ADA for the year.

**Requirements for Full Funding at Most School District and Open-Enrollment Charter Schools**

- To receive full ADA funding (and avoid a reduction of funding), school districts, including Districts of Innovation and open-enrollment charter schools must:
  - (1) provide 75,600 *operational* minutes along with any applicable waivers; the SAAH defines *operational* minutes as the time from the first school bell to the last school bell (bell to bell); and
  - (2) provide *instructional* minute requirements in accordance with the proposed 2017–2018 SAAH, two-hour rule for half-day funding or four-hour rule for full-day funding; the SAAH defines *instructional* minutes as the portion of the school day in

which instruction takes place along with certain other exceptions and are considered a subset of operational minutes.

- To receive full-one-half ADA for half-day prekindergarten programs, school districts and open-enrollment charter schools must provide 32,400 *instructional* minutes along with any applicable waivers.

### **Requirements for Full Funding in Special Cases**

- Full ADA funding will also be provided to entities meeting any of the following requirements:
  1. Dropout recovery campus(es) or program(s) operating under TEC, §12.1141(c) or §39.0548; school program(s) and campus(es) located at a day treatment facility, a residential treatment facility, a psychiatric hospital, a medical hospital, a correctional facility; or a disciplinary alternative education program (DAEP) providing 43,200 *instructional* minutes with any applicable waivers.
  2. Open-enrollment charter schools granted a charter before January 1, 2015, and satisfying the relevant ADA requirements in effect immediately prior to January 1, 2015, (e.g., provide 180 days of attendance with a minimum of four hours of instructional time per day) with any applicable waivers and complying with their charter contract terms regarding student instruction time.
  3. Open-enrollment charter campuses approved by the commissioner after January 1, 2015, belonging to open-enrollment charter schools referenced above and meeting academic accountability requirements.
- Satisfying funding requirements does not relieve an open-enrollment charter school from the terms of its contract and any changes must be reflected in a commissioner-approved amendment.
- Adult High School and Industry Certification charter school pilots providing 43,200 *instructional* minutes will receive the appropriated funding as provided by TEC, §29.259.

### **TEA Assistance to Avoid Funding Reductions**

Please note that if required *operational* and/or *instructional* minutes/days listed above and in the 2018–2019 SAAH are not followed, funding will be reduced for your school district or open-enrollment charter school.

Since school districts and open-enrollment charter schools—as part of their third TSDS PEIMS data submission—do not report their minutes to TEA until after the school year is complete, districts may not realize they are subject to a reduction of funding until time has expired to correct their calendars. Therefore, please:

- ensure that you have the required number of minutes/days built into your school board approved calendar.

- **contact TEA for a calendar review/consultation if necessary.**

### **Waivers**

- Attendance waiver applications available for the 2018–2019 school year include staff development (2,100 minutes total), low attendance, and missed school day(s) due to a calamity. Please see the corresponding TAA letter dated August 31, 2017 from the Waivers Division for additional information concerning changes to waivers.
- Due to the flexibilities provided by 75,600 minutes of operation and the repeal of the seven-hour school day requirement by HB 2442, school districts and open-enrollment charter schools that meet certain requirements may release their students early from school and still receive full funding. Therefore, early release waivers are no longer necessary.
- Early release waivers previously approved for the 2018–2019 school year are rescinded. Please see the corresponding TAA letter dated August 31, 2017 from the Waivers Division as official notice of rescinded waivers.

### **Attendance**

- Districts and charter schools must continue to follow the rules in the SAAH. As referenced above, the 2018–2019 SAAH will be modified by rule in the coming months to include these changes.
- Student attendance will continue to be captured during the designated official attendance taking time as required by the SAAH and/or determined by your local policy.
- Please note, the 2-through-4-hour rule is still in effect for attendance purposes.
- Students eligible to participate in the Optional Flexible School Day Program (OFSDP) will receive full funding if they comply with TEC, §29.0822, and applicable rules.

### **CONTACT FOR FURTHER INFORMATION OR CALENDAR ASSISTANCE:**

Please contact Chanda Williams at (512) 475-2012 or Yolanda Walker at (512) 463-0947 or at [attendance@tea.texas.gov](mailto:attendance@tea.texas.gov).

Regards,

David Marx  
Director of Financial Compliance