

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 and charter schools to provide at least 75,600 minutes of instruction, including intermissions and recess. The bill also allows school districts and charter schools 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.

Beginning in 2016–2017 school year, school districts and charter schools will be required to submit calendars showing the amount of time that school was held each day, along with any waiver minutes granted by the Texas Education Agency (TEA), through the summer data submission. The TEA will use this data to verify that school districts and charter schools met the required number of minutes of instruction. School districts and charter schools that did not meet the required number of minutes will receive a funding deduction proportionate to the amount of minutes they were short.

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 (SAAH).
- 2. How does HB 2610 affect charter schools?** Charter schools are subject to the 75,600 minutes requirement. 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 and charter schools 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 or charter school met the minimum required 75,600 minutes. 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 and charter schools 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 an early release 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 and charter schools 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 and missed instruction) 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 and charter school 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 and charter schools 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.

Additional Questions

18. **If I have a district level UIL competition (band or basketball for example) and I want to close campuses down so students can attend, will those campuses have to makeup those missed days?** If your district calendar has the missed days for UIL competition, bad weather makeup days, early release days, and staff development days built in and the your district meets the 75,600 minute requirement by the time school has ended, then your district does not have to make up any missed days.
19. **If my district or charter school only has a Pre-K campus, how many minutes does it need to meet to comply with HB 2610?** If the campus is solely a Pre-K campus, it would need to have a total of 37,800 minutes because Pre-K is funded on half day of ADA, with the exception of students that are Pre-K and special education coded.

- 20. If a district adds minutes to the school day through the year to shorten its school year by a day or more, will the fact that it has, and would report, less days in the year cause it to receive less ADA funding (not receiving funding for the shorted days)?** A district's ADA will not be reduced based on number of days. However, if the district fails to meet the required 75,600 minutes according to the TEC, §25.081 (HB 2610), the district's ADA will be reduced in proportion to the percentage of minutes that the district fell short in meeting the 75,600 minute requirement. Please note for the 2015–2016 school year the district will continue to report days in the Public Education Information Management System (PEIMS) or to the Texas Education Data System (TEDS) until the 2016–2017 school year. Districts must maintain local documentation that shows 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.
- 21. Do you have a timeframe for the decision to be made concerning the waivers for the 2016–2017 school year?** There has not been a final decision on whether or not staff development waiver days should still be included in district's calendars. We believe the intent of HB 2610 was to relieve the need for waiver days. However, discussion is still taking place with regard to certain waiver days. We would suggest that you create a calendar based on HB 2610 and no waiver days and one with waiver days. For staff development days, if the district or campus meets (or exceeds) the 75,600 minute requirement without the waiver, it does not need to request a waiver. However, for early release, districts are still subject to the 7 hour day requirement of TEC, §25.082, so a waiver must be requested if your day is less than 7 hours in length
- 22. Is the requirement a district requirement or is it based on individual campuses? Our elementary school ends school 20 minutes before our high school. Do I compute these times separately?** The requirement is a district requirement that is to be applied to individual campuses. Based on your example you would have 2 different tracks of time for each campus.
- 23. If the district calendar meets the 75,600 minutes requirement, would the district receive ADA for the additional minutes if students remain in school? (For example: the district meets the required minutes by May 18th, and had 4,900 minutes left and wanted to use the additional minutes for credit recover, early summer school, etc. since teachers are still on duty).** No, HB 2610 only requires districts to provide a total of 75,600 minutes for instruction, including intermissions and recesses, per school year. Therefore, districts will not receive funding for minutes in excess of 75,600.
- 24. Our Pre-K students (3 and 4 year old program) attend school for 6 hours per day. Since we get funded for half days, do have to comply with HB 2610 mandatory instructional minute guideline of 75,600 or 37,800 (half of the calculation)?** Pre-K classes must operate on a half-day basis which, in terms of minutes, would be half of the required number of minutes (37,800) unless funding other than Foundation School Program funding is used to offer a full-day Pre-K program, as Pre-K is state-funded only as a half-day program. In general, students who meet eligibility requirements for the Pre-K program should be coded as eligible for half-day attendance (ADA eligibility code 2) and not as eligible for full-day attendance (ADA eligibility code 1). Students in Pre-K are also eligible for special programs such as special education (that is, preschool program for children with disabilities [PPCD]) and bilingual/ESL, provided they meet

the requirements for these programs. Those programs' requirements are provided in Sections 4 and 6. Please also refer to Section 7.5 Eligible Days Present and ADA Eligibility of the SAAH (2014–2015 version) for additional information.

- 25. Now that we are required to meet the 75,600 minutes minimum, are we also bound by a certain number of days? For instance, we have been playing with sample calendars, and we can reach the required 75,600 minutes in 169 instructional days? We have 178 instructional days now. Would we need a waiver to have less than the 178 days we currently have?** Since HB 2610 replaced the language and the requirement for 180 days of instruction with 75,600 minutes of instruction, including intermissions and recess, districts and charter schools are no longer bound by days with regard to instruction. However, please note that 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. Also, note that when creating your calendar the school year cannot end before May 15th.
- 26. We provide tutorials to students from 7:45 am to 8:00 am every morning. All teachers are required to be here by that time to provide these services. Our bell to go to first period rings at 8:00 am. Can we count the 15 minutes per day of tutorial toward our instructional day?** The minutes for the school day start when the first bell rings at 8am to convene school. The district may consider adjusting the bell schedule to capture the 15 minutes described in the scenario.

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 |

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

| JULY | | | | | | | AUGUST | | | | | | | SEPTEMBER | | | | | | | OCTOBER | | | | | | |
|------|----|----|----|----|----|----|--------|----|----|----|----|----|----|-----------|----|----|----|----|----|----|---------|----|----|----|----|----|----|
| S | M | T | W | T | F | S | S | M | T | W | T | F | S | S | M | T | W | T | F | S | S | M | T | W | T | F | S |
| | | | 1 | 2 | 3 | 4 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| 5 | 6 | 7 | 8 | 9 | 10 | 11 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 11 | 12 | 13 | 14 | 15 | 16 | 17 |
| 12 | 13 | 14 | 15 | 16 | 17 | 18 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 18 | 19 | 20 | 21 | 22 | 23 | 24 |
| 19 | 20 | 21 | 22 | 23 | 24 | 25 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 27 | 28 | 29 | 30 | | | | 25 | 26 | 27 | 28 | 29 | 30 | 31 |
| 26 | 27 | 28 | 29 | 30 | 31 | 1 | 30 | 31 | | | | | | | | | | | | | | | | | | | |

| NOVEMBER | | | | | | | DECEMBER | | | | | | | JANUARY | | | | | | | FEBRUARY | | | | | | |
|----------|----|----|----|----|----|----|----------|----|----|----|----|----|----|---------|----|----|----|----|----|----|----------|----|----|----|----|----|----|
| S | M | T | W | T | F | S | S | M | T | W | T | F | S | S | M | T | W | T | F | S | S | M | T | W | T | F | S |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 1 | 2 | 3 | 4 | 5 | 6 | |
| 8 | 9 | 10 | 11 | 12 | 13 | 14 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 15 | 16 | 17 | 18 | 19 | 20 | 21 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 14 | 15 | 16 | 17 | 18 | 19 | 20 |
| 22 | 23 | 24 | 25 | 26 | 27 | 28 | 27 | 28 | 29 | 30 | 31 | 1 | 2 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 21 | 22 | 23 | 24 | 25 | 26 | 27 |
| 29 | 30 | | | | | | | | | | | | | 31 | | | | | | | 28 | 29 | | | | | |

| MARCH | | | | | | | APRIL | | | | | | | MAY | | | | | | | JUNE | | | | | | |
|-------|----|----|----|----|----|----|-------|----|----|----|----|----|----|-----|----|----|----|----|----|----|------|----|----|----|----|----|----|
| S | M | T | W | T | F | S | S | M | T | W | T | F | S | S | M | T | W | T | F | S | S | M | T | W | T | F | S |
| 6 | 7 | 8 | 9 | 10 | 11 | 12 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| 13 | 14 | 15 | 16 | 17 | 18 | 19 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 12 | 13 | 14 | 15 | 16 | 17 | 18 |
| 20 | 21 | 22 | 23 | 24 | 25 | 26 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 19 | 20 | 21 | 22 | 23 | 24 | 25 |
| 27 | 28 | 29 | 30 | 31 | | | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 26 | 27 | 28 | 29 | 30 | | |
| | | | | | | | | | | | | | | 29 | 30 | 31 | | | | | | | | | | | |

Calendar Detail: (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.