



House Bill 2610

Frequently Asked Questions

Version 6, December 8, 2016

House Bill (HB) 2610, passed by the 84th Texas Legislature, amends the 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 operate for a minimum of 75,600 minutes (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 the 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 Texas Student Data System (TSDS) - Public Education Information Management System (PEIMS) summer data submission. The TEA will use the data to verify that school districts and charter schools operated for at least 75,600 minutes (including intermissions and recess). Districts and charter schools that do not meet the requirement will have their funding reduced proportionately to the number of minutes they fell short of the 75,600 minutes requirement.

The TEA will grant a one-time waiver for the 2016–2017 school year to Alternative Education Programs (AEP), Disciplinary Alternative Education Programs (DAEP), and charter schools that operate for less than 75,600 minutes. This waiver requires a formal request on file to be approved. Please refer to the [waiver summary](#) under **Additional Resources** on the Student Attendance Accounting Handbook web page for information regarding the waiver.

The TEA will grant an automatic one-time waiver for the school year 2016–2017 to districts and charter schools that operate a prekindergarten program for less than 37,800 total minutes but offer at least 120 minutes of classroom time per day including recess and in-class breakfast. No application for this waiver is necessary.

Below is a list of frequently asked questions grouped by category that may be of assistance. Click the applicable link below to review specific questions related to each category. There is also a summary sample worksheet of reporting minutes at the end of this document.

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General

When does HB 2610 take effect? HB 2610 took immediate effect meaning that the new requirements were in effect for the 2015–2016 school year and were reflected in the 2015–2016 Student Attendance Accounting Handbook (SAAH).

What kinds of time count toward meeting the 75,600 minutes requirement? HB 2610 specifies that intermissions and recesses count toward meeting the 75,600 minutes requirement. Lunch and in-class breakfast are considered intermission and will be counted toward meeting this requirement. From the time the first bell rings to the last bell constitutes all eligible minutes to count towards the 75,600 minutes requirement.

Have teacher contract requirements changed in conjunction with HB 2610? No. TEC, §21.401, 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.

Attendance Taking

Does HB 2610 change attendance-taking procedures? No, HB 2610 does not change attendance-taking procedures. Please see section 3.6 of the SAAH for current general attendance-taking rules.

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

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 operation, including intermissions and recess) for funding purposes.

How does HB 2610 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 2610 does not affect the classroom 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.

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 of operation (including intermissions and recess) per school year.

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.

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.

If I have a district level UIL competition (for example, band or basketball) and I want to close campuses 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 into the calendar and the 75,600 minutes are met by the time school has ended, then any missed days do not have to be made up.

Is the HB 2610 minutes requirement, a district requirement or is it based on individual campuses? Our elementary campus 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 report each campus on a separate track.

Now that we are required to meet the 75,600 minutes minimum, are we also bound by a certain number of days? For instance, if we reach the required 75,600 minutes in 169 instructional days, 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 with 75,600 minutes of operation (including intermissions and recess), districts and charter schools are no longer bound by days with regard to instruction. However, TEC, §21.401, 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.

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 operational day? The minutes for the school day start when the first bell rings at 8:00 am to convene school. The district may consider adjusting the bell schedule to capture the 15 minutes described in the scenario.

I have a campus that operates school extra minutes Monday through Thursday. Can the campus release students early every Friday since we will meet the required 75,600 minutes by May 20th of the school year? Districts are still subject to the 7-hour school day requirement of TEC, §25.082. However, districts are funded based on meeting 75,600 minutes in total. Therefore, based on this scenario, the district can schedule early release on Fridays without experiencing a funding reduction. Please note that the district would also be in violation of the TEC. Districts should consult with the district's legal counsel regarding what this violation could potentially mean for your district.

If our district had to close early due to a health or safety issue, will any minutes prior to school closing count towards the 75,600 minutes? Would attendance need to be taken? Yes. The minutes that school was in operation before the health or safety event will be counted toward the 75,600 minutes requirement. Attendance should be taken before releasing students early for the day.

What is considered as a school operational time? The time the first school bell rings to the ending school bell (bell to bell) is considered school operational time.

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

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

PEIMS

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 TSDS PEIMS until the 2016–2017 school year. However, districts and charter schools must maintain local documentation showing the operational 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.

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 particular 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.

ADA/Funding

Does HB 2610 change the calculation of average daily attendance (ADA) for the purpose of state funding under the foundation school program (FSP)? ADA will continue to be calculated based on the number of days present divided by the number of days taught in each six-weeks period. However, if a district or charter school fails to operate for at least 75,600 minutes, funding will be reduced proportionately to the number of minutes the district or charter school fell short of the 75,600 minutes requirement. Please see the section 13 of the SAAH for a more detailed explanation about the calculation of ADA.

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 minutes requirement. Please see the section 13 of the SAAH for a more detailed explanation about the calculation of ADA.

If the district's calendar exceeds the 75,600 minutes requirement, would the district receive additional funding for the additional minutes in excess of the required 75,600 minutes? No. Minutes of operation in excess of the 75,600 minutes requirement will not generate additional funding.

Waivers

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 180 minutes, depending on the time students were released from school.

Is the TEA continuing to grant new waivers given HB 2610? The TEA is currently conducting an internal review of its waiver policy. No decisions have been made on whether the practice of granting waivers will be discontinued or revised under HB 2610.

Will the TEA grant a waiver if doing so still leaves my school short of meeting the 75,600 minutes 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.

Do I still need to apply for staff development waivers if I exceed 75,600 minutes? If the district or charter school meets (or exceeds) the 75,600 minutes requirement without a waiver, it does not need to request a waiver.

Will the TEA grant waivers for districts and charter schools that offer programs that operate for less than 75,600 minutes? The TEA will grant a one-time waiver for the 2016–2017 school year for AEP, DAEP, and charter schools that operate for less than 75,600 minutes per school year.

If a district does not have an approved waiver and operates for less than 420 minutes in school day, do any of those minutes count toward the 75,600 minutes requirement? Yes, the minutes would count toward the 75,600 minutes requirement. Please note that since districts are still subject to the 7-hour (420 minutes) school day requirement of TEC, §25.082, a district would be in violation of the TEC. Please consult with your district's legal counsel regarding what this violation could potentially mean for your district.

Charter School

How does HB 2610 affect charter schools? Charter schools are not subject to the 75,600 minutes requirement. However, to receive full funding, a charter school must have 75,600 minutes of operation (including intermissions and recess). Approved waiver minutes from TEA (in writing) count towards this requirement.

Our charter school serves morning and afternoon students. Each session is 4 hours and 10 minutes (250 minutes) a day. Attendance is taken during 3rd period for the morning session and 8th period for the afternoon session. In light of HB 2610, will our funding be cut in half since we do not serve a single student all day long? In addition to requiring 240 minutes of daily classroom time for full day FSP funding, every instructional track will also be required to operate for 75,600 minutes per year to qualify for full day FSP funding. Instructional tracks that fall short of 75,600 minutes of operation will have funding reduced in proportion to the number of minutes that the track was below 75,600 minutes.

Prekindergarten

If my district or charter school only has a prekindergarten campus, how many minutes does it need to meet to comply with HB 2610? If the campus is solely a prekindergarten campus and has only an a.m. or p.m. group of students, it would need to have a total of 37,800 minutes, including recess and in-class breakfast for each group since prekindergarten is funded on a half day of ADA. With the exception of students that are prekindergarten and special education coded.

Our prekindergarten students (3 and 4 year old program) attend school for 6 hours per day. Since we get funded for half days, do we have to comply with HB 2610's mandatory operational minute guideline of 75,600 or 37,800 (half of the calculation)? Prekindergarten students are only eligible for half-day FSP funding. For the 2016-2017 school year, districts and charter schools that offer prekindergarten programs of less than 37,800 minutes will be automatically granted a waiver by the TEA. No application for this waiver is necessary. In addition to requiring 120 minutes of daily classroom time, prekindergarten programs will be required to operate for 37,800 minutes per year to qualify for half-day FSP funding for the 2017-2018 school year. Funding will be reduced in proportion to the number of minutes below 37,800 minutes beginning with the 2017-2018 school year, for prekindergarten programs that fall short of 37,800 minutes of operation.

Our prekindergarten stand-alone campus has two groups daily (a.m. and p.m. groups). Each group meets for 130 minutes daily for a total of 260 minutes per day. Are we in compliance if we combine the a.m. and p.m. group to meet the required 37,800 minutes? Each prekindergarten group (a.m. and p.m.) must have 37,800 minutes (including recess and in-class breakfast) for the school year to comply with the requirements of HB 2610. Districts and charter schools that offer prekindergarten programs of less than 37,800 minutes per year will be automatically granted a waiver by the TEA for the 2016–2017 school year. No application for this waiver is necessary.

Our a.m. prekindergarten program offers breakfast to our students. May we count the minutes that students are eating breakfast towards meeting the 37,800 minutes for pre-k? Breakfast that is offered in class for pre-k students will count toward the 37,800 minutes.

Note: This sample is for illustration purposes only and meant to provide general guidelines. Each district's or charter's actual reporting may be different.

Reporting Minutes in TSDS PEIMS

HB 2610 - 75,600 minutes School Year

Learning ISD operates the school year on a 420 minute (7 hour) school day.
The following facts exist for the Leaning ISD calendar.

First Day of School	8/22/2016
Last Day of First Reporting Period	9/30/2016
Beginning of Second Reporting Period	10/3/2016
Last Day of Second Reporting Period	11/10/2016
Beginning of Third Reporting Period	11/11/2016
Last Day of Third Reporting Period	12/16/2016
Beginning of Fourth Reporting Period	1/3/2017
Last Day of Fourth Reporting Period	2/17/2017
Beginning of Fifth Reporting Period	2/20/2017
Last Day of Fifth Reporting Period	4/7/2017
Beginning of Sixth Reporting Period	4/10/2017
Last Day of School	5/26/2017

Staff Development School Day Waivers 10/10/2016, 11/11/2016, 1/2/2017

Missed School Days Waivers 1/9/2017, 2/4/2017

Shortened School Days Waivers 9/30/2016, 10/10/2016, 12/16/2016, 2/13/2017, 4/3/2017, 5/29/2017

Low Attendance School Day Waivers 3/4/2017

District	Campus	Reporting Period Indicator Code	Reporting Period Begin Date	Reporting Period End Date	In-struct-ional Track	Days Taught	Total School Day Operational Minutes	Total Staff Development Waiver Minutes	Total Missed School Days Waiver Minutes	Total Short-ened School Days Waiver Minutes	Total Low Attendance Waiver Minutes	Total Other School Days Waiver Minutes	Total (Not Reported - Calculated by TEA)	
999999	101	1	8/22/2016	9/30/2016		29	12000	0	0	180	0	0	12180	
999999	101	2	10/3/2016	11/10/2016		28	11580	840	0	180	0	0	12600	
999999	101	3	11/11/2016	12/16/2016		22	9060	0	0	180	0	0	9240	
999999	101	4	1/2/2017	2/17/2017		32	13260	420	840	180	0	0	14700	
999999	101	5	2/20/2017	4/7/2017		28	11580	0	0	180	420	0	12180	
999999	101	6	4/10/2017	5/26/2017		35	14520	0	0	180	0	0	14700	
Total (Not Reported - Calculated by TEA)							174	72000	1260	840	1080	420	0	75600