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Opinion Committee

July 21, 1994

The Honorable Dan Morales
Attorney General of Texas
P.O. Box 12548
Austin, Texas 78711

Attention, Opinions Committee

Dear General Morales:

As Chairman of the House Environmental Regulation Committee, I request an opinion on § 23.34 of the Texas Education Code, which states "The board of trustees of an independent school district may contract with a public or private entity for that entity to provide educational services for the district."

When a local district contracts for services under this section, is the provider of services required to meet the same mandates that the contracting district must meet? Specifically, please give an opinion on the following mandates:

- § 16.052 - Each school district must provide for not less than 180 days of instruction for students and not less than three days of preparation for teachers and each district must provide for not less than 20 hours of staff development.
- § 13.101 - Each teacher shall be employed under a probationary or continuing contract.
- § 16.054 - A school district may not enroll more than 22 students in a kindergarten, first, second, third, or fourth grade class.
- § 13.909 - Each teacher is entitled to at least a 30-minute lunch period free from all duties and responsibilities connected with the instruction and teaching of students.

- § 21.920(b) - A student enrolled in a school district in this state shall be suspended from participation in any extracurricular activity sponsored or sanctioned by the school district during the grade reporting period after a grade reporting period in which the student received a grade lower than the equivalent of 70 on a scale of 100 in any academic class.
- § 35.043(a) - a) Each school year, the Central Education Agency shall prepare and distribute to each school district a report card for each campus. The campus report cards must be based on the most current data available desegregated by student groups. Campus performance must be compared to previous campus and district performance, current district performance, state established standards, and comparable campus group performance.
- § 35.023(a) - . . . Assessment in reading and mathematics shall be annual for all nonexempt pupils in grades three through eight and assessment shall be periodic in other areas as determined by the State Board of Education.
- § 21.793(a) - . . . A school district with 500 or more students enrolled in elementary school grades shall employ a counselor certified under the rules of the State Board of Education for each elementary school in the district.

I would appreciate your guidance in this matter as soon as possible. If you require any further information, please contact me at 463-0736.

Sincerely,



Warren Chisum
Chairman, House Committee on Environmental Regulation