

By: Talarico

H.B. No. 41

Substitute the following for H.B. No. 41:

By: Dutton

C.S.H.B. No. 41

A BILL TO BE ENTITLED

AN ACT

relating to class size limits for prekindergarten classes provided by or on behalf of public schools.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 25.112(a), Education Code, is amended to read as follows:

(a) Except as otherwise authorized by this section, a school district may not enroll more than 22 students in a prekindergarten, kindergarten, first, second, third, or fourth grade class. That limitation does not apply during:

(1) any 12-week period of the school year selected by the district, in the case of a district whose average daily attendance is adjusted under Section 48.005(c); or

(2) the last 12 weeks of any school year in the case of any other district.

SECTION 2. Section 29.1532(b), Education Code, is amended to read as follows:

(b) If a school district contracts with a private entity for the operation of the district's prekindergarten program, the program must at a minimum comply with:

(1) the applicable child-care licensing standards adopted by the Department of Family and Protective [~~and Regulatory~~] Services under Section 42.042, Human Resources Code; and

(2) the class size requirement for prekindergarten

1 classes imposed under Section 25.112(a).

2 SECTION 3. Section 29.171(c), Education Code, is amended to
3 read as follows:

4 (c) A prekindergarten program provided by a private
5 provider under this section is subject to:

- 6 (1) the requirements of this subchapter; and
- 7 (2) the class size requirement for prekindergarten
8 classes imposed under Section 25.112(a).

9 SECTION 4. Section 12.056(b), Education Code, is amended to
10 read as follows:

11 (b) A campus or program for which a charter is granted under
12 this subchapter is subject to:

13 (1) a provision of this title establishing a criminal
14 offense; and

15 (2) a prohibition, restriction, or requirement, as
16 applicable, imposed by this title or a rule adopted under this
17 title, relating to:

18 (A) the Public Education Information Management
19 System (PEIMS) to the extent necessary to monitor compliance with
20 this subchapter as determined by the commissioner;

21 (B) criminal history records under Subchapter C,
22 Chapter 22;

23 (C) high school graduation under Section 28.025;

24 (D) special education programs under Subchapter
25 A, Chapter 29;

26 (E) bilingual education under Subchapter B,
27 Chapter 29;

1 (F) prekindergarten programs under Subchapter E,
2 Chapter 29, including prekindergarten class size limits under
3 Section 25.112 and notice requirements under Section 25.113 if
4 granted an exception from those limits;

5 (G) extracurricular activities under Section
6 33.081;

7 (H) health and safety under Chapter 38;

8 (I) public school accountability under
9 Subchapters B, C, D, F, and J, Chapter 39, and Chapter 39A; and

10 (J) the duty to discharge or refuse to hire
11 certain employees or applicants for employment under Section
12 12.1059.

13 SECTION 5. Section 12.104(b), Education Code, as amended by
14 Chapters 262 (H.B. 1597), 464 (S.B. 11), 467 (H.B. 4170), and 943
15 (H.B. 3), Acts of the 86th Legislature, Regular Session, 2019, is
16 reenacted and amended to read as follows:

17 (b) An open-enrollment charter school is subject to:

18 (1) a provision of this title establishing a criminal
19 offense;

20 (2) the provisions in Chapter 554, Government Code;
21 and

22 (3) a prohibition, restriction, or requirement, as
23 applicable, imposed by this title or a rule adopted under this
24 title, relating to:

25 (A) the Public Education Information Management
26 System (PEIMS) to the extent necessary to monitor compliance with
27 this subchapter as determined by the commissioner;

- 1 (B) criminal history records under Subchapter C,
2 Chapter 22;
- 3 (C) reading instruments and accelerated reading
4 instruction programs under Section 28.006;
- 5 (D) accelerated instruction under Section
6 28.0211;
- 7 (E) high school graduation requirements under
8 Section 28.025;
- 9 (F) special education programs under Subchapter
10 A, Chapter 29;
- 11 (G) bilingual education under Subchapter B,
12 Chapter 29;
- 13 (H) prekindergarten programs under Subchapter E
14 or E-1, Chapter 29, including prekindergarten class size limits
15 under Section 25.112 and notice requirements under Section 25.113
16 if granted an exception from those limits;
- 17 (I) extracurricular activities under Section
18 33.081;
- 19 (J) discipline management practices or behavior
20 management techniques under Section 37.0021;
- 21 (K) health and safety under Chapter 38;
- 22 (L) public school accountability under
23 Subchapters B, C, D, F, G, and J, Chapter 39, and Chapter 39A;
- 24 (M) the requirement under Section 21.006 to
25 report an educator's misconduct;
- 26 (N) intensive programs of instruction under
27 Section 28.0213;

1 (O) the right of a school employee to report a
2 crime, as provided by Section 37.148;

3 (P) bullying prevention policies and procedures
4 under Section 37.0832;

5 (Q) the right of a school under Section 37.0052
6 to place a student who has engaged in certain bullying behavior in a
7 disciplinary alternative education program or to expel the student;

8 (R) the right under Section 37.0151 to report to
9 local law enforcement certain conduct constituting assault or
10 harassment;

11 (S) a parent's right to information regarding the
12 provision of assistance for learning difficulties to the parent's
13 child as provided by Sections 26.004(b)(11) and 26.0081(c) and (d);

14 (T) establishment of residency under Section
15 25.001*i*;

16 (U) [~~(T)~~] school safety requirements under
17 Sections 37.108, 37.1081, 37.1082, 37.109, 37.113, 37.114, 37.115,
18 37.207, and 37.2071*i*;

19 (V) [~~(T)~~] the early childhood literacy and
20 mathematics proficiency plans under Section 11.185; and

21 (W) [~~(U)~~] the college, career, and military
22 readiness plans under Section 11.186.

23 SECTION 6. This Act applies beginning with the 2021-2022
24 school year.

25 SECTION 7. To the extent of any conflict, this Act prevails
26 over another Act of the 87th Legislature, Regular Session, 2021,
27 relating to nonsubstantive additions to and corrections in enacted

1 codes.

2 SECTION 8. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2021.