

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, except class size limits for prekindergarten classes
3 imposed under Section 25.112, which do not apply;

4 (G) extracurricular activities under Section
5 33.081;

6 (H) health and safety under Chapter 38;

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

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

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

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

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

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

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

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

27 (B) criminal history records under Subchapter C,

- 1 Chapter 22;
- 2 (C) reading instruments and accelerated reading
3 instruction programs under Section 28.006;
- 4 (D) accelerated instruction under Section
5 28.0211;
- 6 (E) high school graduation requirements under
7 Section 28.025;
- 8 (F) special education programs under Subchapter
9 A, Chapter 29;
- 10 (G) bilingual education under Subchapter B,
11 Chapter 29;
- 12 (H) prekindergarten programs under Subchapter E
13 or E-1, Chapter 29, except class size limits for prekindergarten
14 classes imposed under Section 25.112, which do not apply;
- 15 (I) extracurricular activities under Section
16 33.081;
- 17 (J) discipline management practices or behavior
18 management techniques under Section 37.0021;
- 19 (K) health and safety under Chapter 38;
- 20 (L) public school accountability under
21 Subchapters B, C, D, F, G, and J, Chapter 39, and Chapter 39A;
- 22 (M) the requirement under Section 21.006 to
23 report an educator's misconduct;
- 24 (N) intensive programs of instruction under
25 Section 28.0213;
- 26 (O) the right of a school employee to report a
27 crime, as provided by Section 37.148;

1 (P) bullying prevention policies and procedures
2 under Section 37.0832;

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

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

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

12 (T) establishment of residency under Section
13 25.001*i*;

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

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

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

21 SECTION 6. This Act applies beginning with the 2021-2022
22 school year.

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

27 SECTION 8. This Act takes effect immediately if it receives

S.B. No. 2081

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

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 2081 passed the Senate on
May 12, 2021, by the following vote: Yeas 24, Nays 6.

Secretary of the Senate

I hereby certify that S.B. No. 2081 passed the House on
May 26, 2021, by the following vote: Yeas 87, Nays 61, one present
not voting.

Chief Clerk of the House

Approved:

Date

Governor