

By: Dutton

H.B. No. 369

A BILL TO BE ENTITLED

AN ACT

relating to reducing class size when the students of a certain grade level perform poorly on an assessment instrument.

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 and except as provided by Section 25.114, a school district may not enroll more than 22 students in a 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 42.005(c); or

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

SECTION 2. Subchapter D, Chapter 25, Education Code, is amended by adding Section 25.114 to read as follows:

Sec. 25.114. MANDATORY CLASS SIZE REDUCTION. If 50 percent or more of the students at the third, fourth, or fifth grade level at a campus do not perform satisfactorily on an assessment instrument administered under Section 39.023(a), for the following school year and each school year thereafter until a majority of those students whose combined performance triggered a class size

1 reduction under this section complete the sixth grade, the campus
2 may not enroll those students in a class the size of which exceeds
3 75 percent of the usual class size for that grade level at that
4 campus.

5 SECTION 3. This Act applies beginning with the 2004-2005
6 school year.

7 SECTION 4. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2003.