

By: King of Parker

H.B. No. 158

A BILL TO BE ENTITLED

1 AN ACT

2 relating to exempting certain school districts from certain laws
3 and rules.

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

5 SECTION 1. Sections 39.074(a) and (b), Education Code, are
6 amended to read as follows:

7 (a) The commissioner may:

8 (1) to ensure compliance with federal law or
9 regulations, direct the agency to conduct on-site investigations at
10 any time of [~~to answer any questions concerning~~] a program,
11 including a special education program, required by federal law or
12 for which the district receives federal funds; and

13 (2) raise or lower the performance rating as a result
14 of the investigation.

15 (b) Except as provided by Subsection (a), the [~~The~~]
16 commissioner may direct the agency to conduct [~~shall determine the~~
17 ~~frequency of~~] on-site investigations of a district only if the
18 district was rated academically unacceptable under Section 39.072
19 for the preceding school year [~~by the agency according to annual~~
20 ~~comprehensive analyses of student performance and equity in~~
21 ~~relation to the academic excellence indicators adopted under~~
22 ~~Section 39.051~~].

23 SECTION 2. Section 39.112, Education Code, is amended by
24 amending Subsections (a), (b), and (d) and adding Subsections (c-1)

1 and (e) to read as follows:

2 (a) Except as provided by Subsection (b) or (c-1), a school
3 campus or district that is rated exemplary is exempt from
4 requirements and prohibitions imposed under this code, including
5 rules adopted under this code.

6 (b) A school campus or district is not exempt under this
7 section from:

8 (1) a prohibition on conduct that constitutes a
9 criminal offense;

10 (2) requirements imposed by federal law or rule,
11 including requirements for special education or bilingual
12 education programs; or

13 (3) a requirement, restriction, or prohibition
14 relating to:

15 (A) curriculum essential knowledge and skills
16 under Section 28.002 or minimum graduation requirements under
17 Section 28.025;

18 (B) public school accountability as provided by
19 Subchapters B, C, D, and G;

20 (C) extracurricular activities under Section
21 33.081;

22 (D) health and safety under Chapter 38;

23 (E) purchasing [~~competitive bidding~~] under
24 Subchapter B, Chapter 44;

25 (F) elementary school class size limits, except
26 as provided by Subsection (c-1) or (d) or Section 25.112;

27 (G) removal of a disruptive student from the

1 classroom under Subchapter A, Chapter 37;

2 (H) at risk programs under Subchapter C, Chapter
3 29;

4 (I) prekindergarten programs under Subchapter E,
5 Chapter 29;

6 (J) rights and benefits of school employees;

7 (K) special education programs under Subchapter
8 A, Chapter 29; or

9 (L) bilingual education programs under
10 Subchapter B, Chapter 29.

11 (c-1) Notwithstanding Section 25.112, a school district
12 that is rated exemplary or recognized may not enroll at the
13 kindergarten, first grade, second grade, third grade, or fourth
14 grade level an average of more than 22 students per class per
15 campus. The exceptions to elementary school class size limits
16 provided by Section 25.112 apply to the limits under this
17 subsection.

18 (d) The commissioner may exempt an exemplary school campus
19 from elementary class size limits prescribed by Section 25.112
20 [~~under this section~~] if the school campus submits to the
21 commissioner a written plan showing steps that will be taken to
22 ensure that the exemption from the class size limits will not be
23 harmful to the academic achievement of the students on the school
24 campus. The commissioner shall review achievement levels annually.
25 The exemption remains in effect until the commissioner determines
26 that achievement levels of the campus have declined.

27 (e) A school district that is rated exemplary or recognized

1 is specifically exempted from the following provisions and any rule
2 adopted under any of the following provisions:

3 (1) Section 21.003(a), restricting employment to only
4 those educators holding appropriate certification;

5 (2) Section 37.020, requiring a report concerning
6 expulsions and disciplinary alternative education program
7 placements;

8 (3) Sections 42.152(c), (q), (q-1), (q-2), (q-3),
9 (q-4), and (r), restricting the use of the compensatory education
10 allotment;

11 (4) Section 42.154(c), restricting the use of the
12 career and technology education allotment; and

13 (5) Section 42.156(b), restricting the use of the
14 gifted and talented student allotment.

15 SECTION 3. Section 39.074(e), Education Code, is repealed.

16 SECTION 4. This Act applies beginning with the 2005-2006
17 school year.

18 SECTION 5. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect September 1, 2005.