

By: Farabee

H.B. No. 2770

A BILL TO BE ENTITLED

AN ACT

relating to limits on the size of prekindergarten classes in public schools.

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

SECTION 1. Section 25.112, Education Code, is amended by amending Subsections (a) and (d) and adding Subsections (a-1) and (a-2) to read as follows:

(a) Except as otherwise authorized by this section, a school district may not enroll more than:

(1) 18 students in a prekindergarten class; or

(2) 22 students in a kindergarten, first, second, third, or fourth grade class.

(a-1) For purposes of Subsection (a)(1), a student who is eligible to participate in a school district's special education program under Section 29.003 is counted as two students.

(a-2) A limit imposed by Subsection (a) [~~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.

(d) On application of a school district, the commissioner may except the district from a [~~the~~] limit imposed by [~~in~~]

1 Subsection (a) if the commissioner finds the limit works an undue
2 hardship on the district. An exception expires at the end of the
3 semester for which it is granted, and the commissioner may not grant
4 an exception for [+

5 [~~1~~] more than one semester at a time.

6 SECTION 2. Section 25.113(a), Education Code, is amended to
7 read as follows:

8 (a) A campus or district that is granted an exception under
9 Section 25.112(d) from class size limits shall provide written
10 notice of the exception to the parent of or person standing in
11 parental relation to each student affected by the exception. The
12 notice must be in conspicuous bold or underlined print and:

13 (1) specify the class for which an exception from a
14 [~~the~~] limit imposed by Section 25.112(a) was granted;

15 (2) state the number of children in the class for which
16 the exception was granted; and

17 (3) be included in a regular mailing or other
18 communication from the campus or district, such as information sent
19 home with students.

20 SECTION 3. This Act applies beginning in the 2005-2006
21 school year.

22 SECTION 4. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2005.