

By: Dutton

H.B. No. 792

A BILL TO BE ENTITLED

AN ACT

relating to a maximum class size for certain public school students who 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. MAXIMUM CLASS SIZE FOR CERTAIN ELEMENTARY SCHOOL STUDENTS. If a student in the third, fourth, or fifth grade at a campus does not perform satisfactorily on an assessment instrument administered under Section 39.023(a), that campus may not enroll the student in a class with more than nine other students until the student completes the sixth grade.

1 SECTION 3. This Act applies beginning with the 2008-2009
2 school year.

3 SECTION 4. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2007.