

By: Dutton

H.B. No. 192

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the receipt of an exemption or waiver for a school  
3 district or campus that is academically unacceptable.

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

5 SECTION 1. Sections 7.056(a), (e), and (f), Education Code,  
6 are amended to read as follows:

7 (a) Except as provided by Subsection (e) or (f), a school  
8 campus or district may apply to the commissioner for a waiver of a  
9 requirement, restriction, or prohibition imposed by this code or  
10 rule of the board or commissioner.

11 (e) A [~~Except as provided by Subsection (f), a~~] school  
12 campus or district may not receive an exemption or waiver under this  
13 section from:

14 (1) a prohibition on conduct that constitutes a  
15 criminal offense;

16 (2) a requirement imposed by federal law or rule,  
17 including a requirement for special education or bilingual  
18 education programs; or

19 (3) a requirement, restriction, or prohibition  
20 relating to:

21 (A) essential knowledge or skills under Section  
22 28.002 or high school graduation requirements under Section 28.025;

23 (B) public school accountability as provided by  
24 Subchapters B, C, D, E, and J, Chapter 39;

1 (C) extracurricular activities under Section  
2 33.081 or participation in a University Interscholastic League  
3 area, regional, or state competition under Section 33.0812;

4 (D) health and safety under Chapter 38;

5 (E) purchasing under Subchapter B, Chapter 44;

6 (F) elementary school class size limits, except  
7 as provided by Section 25.112;

8 (G) removal of a disruptive student from the  
9 classroom under Subchapter A, Chapter 37;

10 (H) at-risk programs under Subchapter C, Chapter  
11 29;

12 (I) prekindergarten programs under Subchapter E,  
13 Chapter 29;

14 (J) educator rights and benefits under  
15 Subchapters A, C, D, E, F, G, and I, Chapter 21, or under Subchapter  
16 A, Chapter 22;

17 (K) special education programs under Subchapter  
18 A, Chapter 29;

19 (L) bilingual education programs under  
20 Subchapter B, Chapter 29; or

21 (M) the requirements for the first day of  
22 instruction under Section 25.0811.

23 (f) A school district or campus that is assigned an  
24 unacceptable performance rating as provided by Section 39.054 or  
25 that has performance below any standard provided by Section  
26 39.054(e) [~~required to develop and implement a student achievement~~  
27 improvement plan under Section 39.102 or 39.103] may not receive an

1 exemption or waiver under this section from any law or rule [~~other~~  
2 ~~than:~~

3           ~~[(1) a prohibition on conduct that constitutes a~~  
4 ~~criminal offense;~~

5           ~~[(2) a requirement imposed by federal law or rule;~~

6           ~~[(3) a requirement, restriction, or prohibition~~  
7 ~~imposed by state law or rule relating to:~~

8                   ~~[(A) public school accountability as provided by~~  
9 ~~Subchapters B, C, D, E, and J, Chapter 39; or~~

10                   ~~[(B) educator rights and benefits under~~  
11 ~~Subchapters A, C, D, E, F, G, and I, Chapter 21, or under Subchapter~~  
12 ~~A, Chapter 22; or~~

13           ~~[(4) selection of instructional materials under~~  
14 ~~Chapter 31].~~

15           SECTION 2. This Act applies beginning with the 2013-2014  
16 school year.

17           SECTION 3. This Act takes effect immediately if it receives  
18 a vote of two-thirds of all the members elected to each house, as  
19 provided by Section 39, Article III, Texas Constitution. If this  
20 Act does not receive the vote necessary for immediate effect, this  
21 Act takes effect September 1, 2013.