

Amend HB 1133 (house committee printing) as follows:

(1) On page 1, line 4, strike "Sections 25.112(a) and (d), Education Code, are" and substitute "Section 25.112(a), Education Code is".

(2) On page 1, strike lines 6-10 and substitute the following:

(a) Except as otherwise authorized by this section or provided by Section 25.1121, a school district may not enroll more than 22 students in a kindergarten, first, second, third, or fourth grade class.

(3) On page 1, strike lines 17 through 21.

(4) On page 2, line 1, between "25.112(d)" and "from", insert "or 25.1121(e)".

(5) On page 2, line 5, strike "grade level [class]" and substitute "class or grade level, as applicable,".

(6) On page 2, line 6, between "25.112(a)" and "was", insert "or 25.1121(b)".

(7) On page 2, lines 7 and 8, strike "each [the] class at the grade level" and substitute "the class or in each class at the grade level, as applicable,".

(8) On page 2, line 20, strike "and 25.112" and substitute ", [and] 25.112, and 25.1121".

(9) On page 2, strike lines 21 through 27 and substitute the following:

(A) the number of campuses and the number of classes or grade levels, as applicable, at each campus granted an exception from Section 25.112 or 25.1121; and

(B) for each campus granted an exception from Section 25.112 or 25.1121, a statement of whether the campus has been awarded a distinction designation under Subchapter G or has been identified as an unacceptable campus under Chapter 39A;

(10) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS appropriately:

SECTION \_\_\_\_\_. Section 7.056(e), Education Code, is amended to read as follows:

(e) Except as provided by Subsection (f), a school campus or district may not receive an exemption or waiver under this section

from:

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

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

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

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

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

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

(D) health and safety under Chapter 38;

(E) purchasing under Subchapter B, Chapter 44;

(F) elementary school class size limits, except as provided by Section 25.112 or 25.1121;

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

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

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

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

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

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

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

SECTION \_\_\_\_\_. Subchapter D, Chapter 25, Education Code, is amended by adding Sections 25.1121 and 25.1122 to read as follows:

Sec. 25.1121. CLASS SIZE IN CERTAIN DISTRICTS. (a) This

section applies only to a school district that has adopted a local innovation plan under Chapter 12A that:

(1) does not exempt the district from the limitation on class size under Section 25.112; and

(2) includes:

(A) for teacher certification innovations:

(i) an exemption from teacher certification requirements under Section 21.003; and

(ii) an implementation consideration to develop local certification criteria for teachers of foreign languages that include establishing language proficiency standards focused on identified critical world languages poised for curricular inclusion;

(B) for minimum attendance for class credit or final grade innovations:

(i) exemptions from the minimum number of minutes of instruction under Section 25.081 and the minimum attendance for class credit or a final grade under Section 25.092; and

(ii) an implementation consideration to apply flexible school day standards similar to a flexible school day program authorized under Section 29.0822, allowing the district to use uniquely identified Public Education Information Management System (PEIMS) coding for purposes of reporting average daily attendance; and

(C) for last day of instruction innovations:

(i) an exemption from the requirements regarding the last day of school under Section 25.0812; and

(ii) an implementation consideration to provide students in 11th or 12th grade with opportunities to advance academically by taking mini-semester courses in the winter, May, or the summer, that may include special programs to be developed in partnerships with four-year postsecondary educational institutions.

(b) A school district to which this section applies may not enroll at a campus in classes in the kindergarten, first, second, third, or fourth grade levels more than a campus-wide average in

each of those grade levels of 22 students per 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.

(c) Not later than the 30th day after the first day of the 12-week period for which a school district whose average daily attendance is adjusted under Section 42.005(c) is claiming an exemption under Subsection (b), the district shall notify the commissioner in writing that the district is claiming an exemption for the period stated in the notice.

(d) In determining the number of students to enroll in any class, a school district to which this section applies shall consider the subject to be taught, the teaching methodology to be used, and any need for individual instruction.

(e) On application of a school district to which this section applies, the commissioner may except the district from the limit in Subsection (b) for the school year if the commissioner finds the limit works an undue hardship on the district. An exception expires at the end of the school year for which it is granted.

(f) A school district seeking an exception under Subsection (e) shall notify the commissioner and apply for the exception not later than the later of:

(1) October 1; or

(2) the 30th day after the first school day the district exceeds the limit in Subsection (b).

(g) If a school district to which this section applies repeatedly fails to comply with this section, the commissioner may take any appropriate action authorized to be taken by the commissioner under Section 39.131.

(h) This section expires September 1, 2023.

Sec. 25.1122. CLASS SIZE LIMITATION FOR CERTAIN DISTRICTS BASED ON PERFORMANCE. (a) Notwithstanding Section 25.112 or 25.1121, a school district may not enroll more than 22 students per

class if:

(1) for a class at the kindergarten, first, or second grade level, a reading instrument administered to diagnose student reading development and comprehension under Section 28.006 indicates that a student enrolled in the class is not reading at grade level; or

(2) for a class at the third or fourth grade level, a student enrolled in the class fails to perform satisfactorily on an assessment instrument administered under Section 39.023.

(b) This section expires September 1, 2023.

SECTION \_\_\_\_\_. Section 39.232(b), Education Code, is amended to read as follows:

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

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

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

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

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

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

(C) extracurricular activities under Section 33.081;

(D) health and safety under Chapter 38;

(E) purchasing under Subchapter B, Chapter 44;

(F) elementary school class size limits, except as provided by Subsection (d) or Section 25.112 or 25.1121;

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

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

(I) prekindergarten programs under Subchapter E,

Chapter 29;

(J) rights and benefits of school employees;

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

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