

BILL ANALYSIS

Senate Research Center
87R19219 MM-D

C.S.S.B. 2081
By: Menéndez
Education
4/29/2021
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

With a class size of over 22 students per teacher, it's challenging even for the most experienced teacher to address each child's needs, manage behavioral challenges, and get young students ready for kindergarten. According to the E3 Alliance's analysis of Texas education data, it takes the combination of full-day pre-k and low student-teacher ratios to see significantly greater kindergarten readiness, leading to better outcomes across a child's education.

The Texas Education Agency (TEA) has reported that "the effects of high-quality pre-k programs continue to benefit [Texas] students as they get older, reducing their likelihood of dropping out of school by two percent, and increasing their likelihood of graduating from high school on time (by six percent), enrolling in college (by seven percent), and attending the second year of college (by six percent)."

In 2019-2020, the average pre-k class size in Texas was 19, and the average teacher-student ratio was 17:1. However, according to a 2021 report from TEA, hundreds of pre-k classrooms operate with an average teacher-student ratio of 1:30 or worse. With the influx of federal COVID relief dollars, increased state education expenditures through H.B. 3 (86R), and more robust support from TEA in implementing strategies to partner with neighborhood child care centers, it is the ideal time to assess and bolster districts' requirements.

S.B. 2081 would limit a prekindergarten classroom to no more than 22 kids and no more than 11 students for each teacher or aide in a classroom with more than 15 students. A report done by TEA in 2016 recommended that these are the numbers for prekindergarten classrooms. However, for programs unable to meet the proposed standard, TEA would have the authority to grant waivers as needed. S.B. 2081 would ensure pre-k class sizes and student-teacher ratios are manageable, meet national best practices, and create an optimal learning environment for children.

(Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 2081 amends current law relating to class size limits for prekindergarten classes provided by or on behalf of public schools.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 25.112(a), Education Code, to prohibit a school district, except as otherwise provided by Section 25.112 (Class Size), from enrolling more than 22 students in a prekindergarten, kindergarten, first, second, third, or fourth grade class.

SECTION 2. Amends Section 29.1532(b), Education Code, as follows:

(b) Requires a prekindergarten program, if a school district contracts with a private entity for the operation of the district's prekindergarten program, to at a minimum comply with:

(1) the applicable child-care licensing standards adopted by the Department of Family and Protective Services, rather than the Department of Protective and Regulatory Services, under Section 42.042 (Rules and Standards), Human Resource Code; and

(2) the class size requirement for prekindergarten classes imposed under Section 25.112(a).

Makes nonsubstantive changes.

SECTION 3. Amends Section 29.171(c), Education Code, to provide that a prekindergarten program provided by a private provider under Section 29.171 (Eligible Private Providers) is subject to certain requirements including to the class size requirement for prekindergarten classes imposed under Section 25.112(a). Makes nonsubstantive changes.

SECTION 4. Amends Section 12.056(b), Education Code, to provide that a campus or program for which a charter is granted under Subchapter C (Campus or Campus Program Charter) is subject to a prohibition, restriction, or requirement, as applicable, imposed by Title 2 (Public Education), or a rule adopted under Title 2, relating to certain matters, including prekindergarten programs under Subchapter E (Kindergarten and Prekindergarten Programs), Chapter 29 (Educational Programs), including prekindergarten size limits under Section 25.112 and notice requirements under Section 25.113 (Notice of Class Size) if granted an exception from those limits.

SECTION 5. Reenacts Section 12.104(b), Education Code, as amended by Chapters 262 (H.B. 1597), 464 (S.B. 11), 467 (H.B. 4170), and 943 (H.B. 3), Acts of the 86th Legislature, Regular Session, 2019, and amends it, as follows:

(b) Provides that an open-enrollment charter school is subject to a prohibition, restriction, or requirement, as applicable, imposed by Title 2 or a rule adopted under Title 2, relating to certain matters, including prekindergarten programs under Subchapter E or E-1 (High Quality Kindergarten Program Requirements), Chapter 29, including prekindergarten class size limits under Section 25.112 and notice requirements under Section 25.113 if granted an exception from those limits. Makes nonsubstantive changes.

SECTION 6. Provides that this Act applies beginning with the 2021-2022 school year.

SECTION 7. Provides that, to the extent of any conflict, this Act prevails over another Act of the 87th Legislature, Regular Session, 2021, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 8. Effective date: upon passage or September 1, 2021.