

By: Talarico

H.B. No. 41

A BILL TO BE ENTITLED

AN ACT

relating to class size limits for prekindergarten classes provided by or on behalf of public schools.

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, a school district may not enroll more than 22 students in a prekindergarten, 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 48.005(c); or

(2) the last 12 weeks of any school year in the case of any other district.

SECTION 2. Section 29.1532(b), Education Code, is amended to read as follows:

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

(1) the applicable child-care licensing standards adopted by the Health and Human Services Commission [~~Department of Protective and Regulatory Services~~] under Section 42.042, Human Resources Code; and

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

3 SECTION 3. Section 29.171(c), Education Code, is amended to
4 read as follows:

5 (c) A prekindergarten program provided by a private
6 provider under this section is subject to:

- 7 (1) the requirements of this subchapter; and
8 (2) the class size requirement for prekindergarten
9 classes imposed under Section 25.112(a).

10 SECTION 4. Section 12.056(b), Education Code, is amended to
11 read as follows:

12 (b) A campus or program for which a charter is granted under
13 this subchapter is subject to:

14 (1) a provision of this title establishing a criminal
15 offense; and

16 (2) a prohibition, restriction, or requirement, as
17 applicable, imposed by this title or a rule adopted under this
18 title, relating to:

19 (A) the Public Education Information Management
20 System (PEIMS) to the extent necessary to monitor compliance with
21 this subchapter as determined by the commissioner;

22 (B) criminal history records under Subchapter C,
23 Chapter 22;

24 (C) high school graduation under Section 28.025;

25 (D) special education programs under Subchapter
26 A, Chapter 29;

27 (E) bilingual education under Subchapter B,

1 Chapter 29;

2 (F) prekindergarten programs under Subchapter E,
3 Chapter 29, including prekindergarten class size limits under
4 Section 25.112 and notice requirements under Section 25.113 if
5 granted an exception from those limits;

6 (G) extracurricular activities under Section
7 33.081;

8 (H) health and safety under Chapter 38;

9 (I) public school accountability under
10 Subchapters B, C, D, F, and J, Chapter 39, and Chapter 39A; and

11 (J) the duty to discharge or refuse to hire
12 certain employees or applicants for employment under Section
13 12.1059.

14 SECTION 5. Section 12.104(b), Education Code, as amended by
15 Chapters 262 (H.B. 1597), 464 (S.B. 11), 467 (H.B. 4170), and 943
16 (H.B. 3), Acts of the 86th Legislature, Regular Session, 2019, is
17 reenacted and amended to read as follows:

18 (b) An open-enrollment charter school is subject to:

19 (1) a provision of this title establishing a criminal
20 offense;

21 (2) the provisions in Chapter 554, Government Code;
22 and

23 (3) a prohibition, restriction, or requirement, as
24 applicable, imposed by this title or a rule adopted under this
25 title, relating to:

26 (A) the Public Education Information Management
27 System (PEIMS) to the extent necessary to monitor compliance with

- 1 this subchapter as determined by the commissioner;
- 2 (B) criminal history records under Subchapter C,
3 Chapter 22;
- 4 (C) reading instruments and accelerated reading
5 instruction programs under Section 28.006;
- 6 (D) accelerated instruction under Section
7 28.0211;
- 8 (E) high school graduation requirements under
9 Section 28.025;
- 10 (F) special education programs under Subchapter
11 A, Chapter 29;
- 12 (G) bilingual education under Subchapter B,
13 Chapter 29;
- 14 (H) prekindergarten programs under Subchapter E
15 or E-1, Chapter 29, including prekindergarten class size limits
16 under Section 25.112 and notice requirements under Section 25.113
17 if granted an exception from those limits;
- 18 (I) extracurricular activities under Section
19 33.081;
- 20 (J) discipline management practices or behavior
21 management techniques under Section 37.0021;
- 22 (K) health and safety under Chapter 38;
- 23 (L) public school accountability under
24 Subchapters B, C, D, F, G, and J, Chapter 39, and Chapter 39A;
- 25 (M) the requirement under Section 21.006 to
26 report an educator's misconduct;
- 27 (N) intensive programs of instruction under

1 Section 28.0213;

2 (O) the right of a school employee to report a
3 crime, as provided by Section 37.148;

4 (P) bullying prevention policies and procedures
5 under Section 37.0832;

6 (Q) the right of a school under Section 37.0052
7 to place a student who has engaged in certain bullying behavior in a
8 disciplinary alternative education program or to expel the student;

9 (R) the right under Section 37.0151 to report to
10 local law enforcement certain conduct constituting assault or
11 harassment;

12 (S) a parent's right to information regarding the
13 provision of assistance for learning difficulties to the parent's
14 child as provided by Sections 26.004(b)(11) and 26.0081(c) and (d);

15 (T) establishment of residency under Section
16 25.001;

17 (U) [~~(T)~~] school safety requirements under
18 Sections 37.108, 37.1081, 37.1082, 37.109, 37.113, 37.114, 37.115,
19 37.207, and 37.2071;

20 (V) [~~(T)~~] the early childhood literacy and
21 mathematics proficiency plans under Section 11.185; and

22 (W) [~~(U)~~] the college, career, and military
23 readiness plans under Section 11.186.

24 SECTION 6. This Act applies beginning with the 2021-2022
25 school year.

26 SECTION 7. To the extent of any conflict, this Act prevails
27 over another Act of the 87th Legislature, Regular Session, 2021,

1 relating to nonsubstantive additions to and corrections in enacted
2 codes.

3 SECTION 8. 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, 2021.