

1-1 By: Menéndez S.B. No. 2081  
 1-2 (In the Senate - Filed March 12, 2021; April 1, 2021, read  
 1-3 first time and referred to Committee on Education; April 30, 2021,  
 1-4 reported adversely, with favorable Committee Substitute by the  
 1-5 following vote: Yeas 9, Nays 1; April 30, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Taylor	X			
1-8 Lucio	X			
1-9 Bettencourt	X			
1-10 Hall		X		
1-11 Hughes	X			
1-12 Menéndez	X			
1-13 Paxton	X			
1-14 Perry	X			
1-15 Powell	X			
1-16 Schwertner			X	
1-17 West	X			

1-19 COMMITTEE SUBSTITUTE FOR S.B. No. 2081 By: Menéndez

1-20 A BILL TO BE ENTITLED  
 1-21 AN ACT

1-22 relating to class size limits for prekindergarten classes provided  
 1-23 by or on behalf of public schools.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 25.112(a), Education Code, is amended to  
 1-26 read as follows:

1-27 (a) Except as otherwise authorized by this section, a school  
 1-28 district may not enroll more than 22 students in a prekindergarten,  
 1-29 kindergarten, first, second, third, or fourth grade class. That  
 1-30 limitation does not apply during:

1-31 (1) any 12-week period of the school year selected by  
 1-32 the district, in the case of a district whose average daily  
 1-33 attendance is adjusted under Section 48.005(c); or

1-34 (2) the last 12 weeks of any school year in the case of  
 1-35 any other district.

1-36 SECTION 2. Section 29.1532(b), Education Code, is amended  
 1-37 to read as follows:

1-38 (b) If a school district contracts with a private entity for  
 1-39 the operation of the district's prekindergarten program, the  
 1-40 program must at a minimum comply with:

1-41 (1) the applicable child-care licensing standards  
 1-42 adopted by the Department of Family and Protective ~~[and Regulatory]~~  
 1-43 Services under Section 42.042, Human Resources Code; and

1-44 (2) the class size requirement for prekindergarten  
 1-45 classes imposed under Section 25.112(a).

1-46 SECTION 3. Section 29.171(c), Education Code, is amended to  
 1-47 read as follows:

1-48 (c) A prekindergarten program provided by a private  
 1-49 provider under this section is subject to:

1-50 (1) the requirements of this subchapter; and  
 1-51 (2) the class size requirement for prekindergarten  
 1-52 classes imposed under Section 25.112(a).

1-53 SECTION 4. Section 12.056(b), Education Code, is amended to  
 1-54 read as follows:

1-55 (b) A campus or program for which a charter is granted under  
 1-56 this subchapter is subject to:

1-57 (1) a provision of this title establishing a criminal  
 1-58 offense; and

1-59 (2) a prohibition, restriction, or requirement, as  
 1-60 applicable, imposed by this title or a rule adopted under this

2-1 title, relating to:

2-2 (A) the Public Education Information Management

2-3 System (PEIMS) to the extent necessary to monitor compliance with

2-4 this subchapter as determined by the commissioner;

2-5 (B) criminal history records under Subchapter C,

2-6 Chapter 22;

2-7 (C) high school graduation under Section 28.025;

2-8 (D) special education programs under Subchapter

2-9 A, Chapter 29;

2-10 (E) bilingual education under Subchapter B,

2-11 Chapter 29;

2-12 (F) prekindergarten programs under Subchapter E,

2-13 Chapter 29, including prekindergarten class size limits under

2-14 Section 25.112 and notice requirements under Section 25.113 if

2-15 granted an exception from those limits;

2-16 (G) extracurricular activities under Section

2-17 33.081;

2-18 (H) health and safety under Chapter 38;

2-19 (I) public school accountability under

2-20 Subchapters B, C, D, F, and J, Chapter 39, and Chapter 39A; and

2-21 (J) the duty to discharge or refuse to hire

2-22 certain employees or applicants for employment under Section

2-23 12.1059.

2-24 SECTION 5. Section 12.104(b), Education Code, as amended by

2-25 Chapters 262 (H.B. 1597), 464 (S.B. 11), 467 (H.B. 4170), and 943

2-26 (H.B. 3), Acts of the 86th Legislature, Regular Session, 2019, is

2-27 reenacted and amended to read as follows:

2-28 (b) An open-enrollment charter school is subject to:

2-29 (1) a provision of this title establishing a criminal

2-30 offense;

2-31 (2) the provisions in Chapter 554, Government Code;

2-32 and

2-33 (3) a prohibition, restriction, or requirement, as

2-34 applicable, imposed by this title or a rule adopted under this

2-35 title, relating to:

2-36 (A) the Public Education Information Management

2-37 System (PEIMS) to the extent necessary to monitor compliance with

2-38 this subchapter as determined by the commissioner;

2-39 (B) criminal history records under Subchapter C,

2-40 Chapter 22;

2-41 (C) reading instruments and accelerated reading

2-42 instruction programs under Section 28.006;

2-43 (D) accelerated instruction under Section

2-44 28.0211;

2-45 (E) high school graduation requirements under

2-46 Section 28.025;

2-47 (F) special education programs under Subchapter

2-48 A, Chapter 29;

2-49 (G) bilingual education under Subchapter B,

2-50 Chapter 29;

2-51 (H) prekindergarten programs under Subchapter E

2-52 or E-1, Chapter 29, including prekindergarten class size limits

2-53 under Section 25.112 and notice requirements under Section 25.113

2-54 if granted an exception from those limits;

2-55 (I) extracurricular activities under Section

2-56 33.081;

2-57 (J) discipline management practices or behavior

2-58 management techniques under Section 37.0021;

2-59 (K) health and safety under Chapter 38;

2-60 (L) public school accountability under

2-61 Subchapters B, C, D, F, G, and J, Chapter 39, and Chapter 39A;

2-62 (M) the requirement under Section 21.006 to

2-63 report an educator's misconduct;

2-64 (N) intensive programs of instruction under

2-65 Section 28.0213;

2-66 (O) the right of a school employee to report a

2-67 crime, as provided by Section 37.148;

2-68 (P) bullying prevention policies and procedures

2-69 under Section 37.0832;

3-1 (Q) the right of a school under Section 37.0052  
3-2 to place a student who has engaged in certain bullying behavior in a  
3-3 disciplinary alternative education program or to expel the student;

3-4 (R) the right under Section 37.0151 to report to  
3-5 local law enforcement certain conduct constituting assault or  
3-6 harassment;

3-7 (S) a parent's right to information regarding the  
3-8 provision of assistance for learning difficulties to the parent's  
3-9 child as provided by Sections 26.004(b)(11) and 26.0081(c) and (d);

3-10 (T) establishment of residency under Section  
3-11 25.001;

3-12 (U) [~~(T)~~] school safety requirements under  
3-13 Sections 37.108, 37.1081, 37.1082, 37.109, 37.113, 37.114, 37.115,  
3-14 37.207, and 37.2071;

3-15 (V) [~~(T)~~] the early childhood literacy and  
3-16 mathematics proficiency plans under Section 11.185; and

3-17 (W) [~~(U)~~] the college, career, and military  
3-18 readiness plans under Section 11.186.

3-19 SECTION 6. This Act applies beginning with the 2021-2022  
3-20 school year.

3-21 SECTION 7. To the extent of any conflict, this Act prevails  
3-22 over another Act of the 87th Legislature, Regular Session, 2021,  
3-23 relating to nonsubstantive additions to and corrections in enacted  
3-24 codes.

3-25 SECTION 8. This Act takes effect immediately if it receives  
3-26 a vote of two-thirds of all the members elected to each house, as  
3-27 provided by Section 39, Article III, Texas Constitution. If this  
3-28 Act does not receive the vote necessary for immediate effect, this  
3-29 Act takes effect September 1, 2021.

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