By:  Cunningham (Senate Sponsor - Paxton) H.B. No. 3803

(In the Senate - Received from the House May 1, 2023; May 1, 2023, read first time and referred to Committee on Education; May 12, 2023, reported favorably by the following vote: Yeas 13, Nays 0; May 12, 2023, sent to printer.)

COMMITTEE VOTE

                    Yea Nay Absent  PNV

Creighton         X

Campbell             X

Bettencourt          X

Birdwell             X

Flores               X

King                 X

LaMantia             X

Menéndez             X

Middleton            X

Parker               X

Paxton               X

Springer             X

West                 X

A BILL TO BE ENTITLED

AN ACT

relating to allowing parents and guardians to elect for a student to repeat or retake a course or grade.

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

SECTION 1.  Section 28.02124, Education Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (a-2) to read as follows:

(a)  Subject to Subsection (c), a parent or guardian may elect for a student to:

(1)  repeat prekindergarten;

(2)  enroll in prekindergarten, if the student would have been eligible to enroll in prekindergarten during the previous school year under Section 29.153(b) and the student has not yet enrolled in kindergarten;

(3)  repeat kindergarten;

(4)  enroll in kindergarten, if the student would have been eligible to enroll in kindergarten in the previous school year and has not yet enrolled in first grade; or

(5)  for grades one through eight [~~three~~], repeat the grade in which the student was enrolled during the previous school year.

(a-1)  Subject to Subsection (c), for courses taken for high school credit, a parent or guardian may elect for a student to repeat any course in which the student was enrolled in during the previous school year. A parent or guardian may not elect for a student to repeat a course under this subsection if the school district or open-enrollment charter school determines the student has met all of the requirements for graduation.

(a-2)  A parent or guardian may make an election under Subsection (a)(5) or (a-1), or both.

SECTION 2.  This Act applies beginning with the 2023-2024 school year.

SECTION 3.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.

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