88R10791 AMF-D

By:  Talarico H.B. No. 4230

A BILL TO BE ENTITLED

AN ACT

relating to class size limits for certain grade levels in public schools.

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

SECTION 1.  Sections 7.056(e) and (f), Education Code, are 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 under Section 25.112, except as otherwise provided by that section [~~Section 25.112~~];

(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.

(f)  A school district or campus that is required to develop and implement a student achievement improvement plan under Subchapter A, Chapter 39A, or Section 39A.051 may receive an exemption or waiver under this section from any law or rule other than:

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

(2)  a requirement imposed by federal law or rule;

(3)  a requirement, restriction, or prohibition imposed by state law or rule relating to:

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

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

(C)  class size limits for fifth, sixth, seventh, and eighth grade classes under Section 25.112; or

(4)  selection of instructional materials under Chapter 31.

SECTION 2.  Section 12.013(b), Education Code, as amended by Chapters 887 (S.B. 1697) and 1046 (S.B. 1365), Acts of the 87th Legislature, Regular Session, 2021, is reenacted and amended to read as follows:

(b)  A home-rule school district is subject to:

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

(2)  a provision of this title relating to limitations on liability; and

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

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

(B)  educator certification under Chapter 21 and educator rights under Sections 21.407, 21.408, and 22.001;

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

(D)  student admissions under Section 25.001;

(E)  school attendance under Sections 25.085, 25.086, and 25.087;

(F)  inter-district or inter-county transfers of students under Subchapter B, Chapter 25;

(G)  [~~elementary~~] class size limits under Section 25.112, except that the limits for prekindergarten, kindergarten, and first, second, third, and fourth grade classes under that section apply only to a[~~, in the case of any~~] campus in the district that fails to satisfy any standard under Section 39.054(e);

(H)  high school graduation under Section 28.025;

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

(J)  bilingual education under Subchapter B, Chapter 29;

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

(L)  safety provisions relating to the transportation of students under Sections 34.002, 34.003, 34.004, and 34.008;

(M)  computation and distribution of state aid under Chapters 31, 43, and 48;

(N)  extracurricular activities under Section 33.081;

(O)  health and safety under Chapter 38;

(P)  the provisions of Subchapter A, Chapter 39;

(Q)  public school accountability and special investigations under Subchapters A, B, C, D, and J, Chapter 39, and Chapter 39A;

(R)  options for local revenue levels in excess of entitlement under Chapter 49;

(S)  a bond or other obligation or tax rate under Chapters 43, 45, and 48;

(T)  purchasing under Chapter 44; and

(U) [~~(T)~~]  parental options to retain a student under Section 28.02124.

SECTION 3.  Section 12.104(b), Education Code, as amended by Chapters 542 (S.B. 168), 887 (S.B. 1697), 915 (H.B. 3607), 974 (S.B. 2081), and 1046 (S.B. 1365), Acts of the 87th Legislature, Regular Session, 2021, is reenacted and amended to read as follows:

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

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

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

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

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

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

(C)  reading instruments and accelerated reading instruction programs under Section 28.006;

(D)  accelerated instruction under Section 28.0211;

(E)  high school graduation requirements under Section 28.025;

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

(G)  bilingual education under Subchapter B, Chapter 29;

(H)  prekindergarten programs under Subchapter E or E-1, Chapter 29, except class size limits for prekindergarten classes imposed under Section 25.112, which do not apply;

(I)  class size limits for fifth, sixth, seventh, and eighth grade classes under Section 25.112;

(J)  extracurricular activities under Section 33.081;

(K) [~~(J)~~]  discipline management practices or behavior management techniques under Section 37.0021;

(L) [~~(K)~~]  health and safety under Chapter 38;

(M) [~~(L)~~]  the provisions of Subchapter A, Chapter 39;

(N) [~~(M)~~]  public school accountability and special investigations under Subchapters A, B, C, D, F, G, and J, Chapter 39, and Chapter 39A;

(O) [~~(N)~~]  the requirement under Section 21.006 to report an educator's misconduct;

(P) [~~(O)~~]  intensive programs of instruction under Section 28.0213;

(Q) [~~(P)~~]  the right of a school employee to report a crime, as provided by Section 37.148;

(R) [~~(Q)~~]  bullying prevention policies and procedures under Section 37.0832;

(S) [~~(R)~~]  the right of a school under Section 37.0052 to place a student who has engaged in certain bullying behavior in a disciplinary alternative education program or to expel the student;

(T) [~~(S)~~]  the right under Section 37.0151 to report to local law enforcement certain conduct constituting assault or harassment;

(U) [~~(T)~~]  a parent's right to information regarding the provision of assistance for learning difficulties to the parent's child as provided by Sections 26.004(b)(11) and 26.0081(c) and (d);

(V) [~~(U)~~]  establishment of residency under Section 25.001;

(W) [~~(V)~~]  school safety requirements under Sections 37.108, 37.1081, 37.1082, 37.109, 37.113, 37.114, 37.1141, 37.115, 37.207, and 37.2071;

(X) [~~(W)~~]  the early childhood literacy and mathematics proficiency plans under Section 11.185;

(Y) [~~(X)~~]  the college, career, and military readiness plans under Section 11.186; and

(Z) [~~(X)~~]  parental options to retain a student under Section 28.02124.

SECTION 4.  Section 12A.004(a), Education Code, is amended to read as follows:

(a)  A local innovation plan may not provide for the exemption of a district designated as a district of innovation from the following provisions of this title:

(1)  a state or federal requirement applicable to an open-enrollment charter school operating under Subchapter D, Chapter 12;

(2)  Subchapters A, C, D, and E, Chapter 11, except that a district may be exempt from Sections 11.1511(b)(5) and (14) and Section 11.162;

(3)  state curriculum and graduation requirements adopted under Chapter 28; [~~and~~]

(4)  academic and financial accountability and sanctions under Chapters 39 and 39A; and

(5)  class size limits for fifth, sixth, seventh, and eighth grade classes under Section 25.112.

SECTION 5.  Section 25.112, Education Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (a-2) 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, fifth, sixth, seventh, or eighth 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.

(a-1)  Notwithstanding Subsection (a), the limit under that subsection for a fifth, sixth, seventh, or eighth grade class applies beginning with:

(1)  for a fifth grade class, the 2024-2025 school year;

(2)  for a sixth grade class, the 2025-2026 school year;

(3)  for a seventh grade class, the 2026-2027 school year; and

(4)  for an eighth grade class, the 2027-2028 school year.

(a-2)  Subsection (a-1) and this subsection expire September 1, 2029.

SECTION 6.  Sections 39.232(b) and (d), Education Code, are 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;

(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.

(d)  The commissioner may exempt an exemplary school campus under Subchapter G from [~~elementary~~] class size limits for prekindergarten, kindergarten, first, second, third, and fourth grade classes under this section if the school campus submits to the commissioner a written plan showing steps that will be taken to ensure that the exemption from the class size limits will not be harmful to the academic achievement of the students on the school campus. The commissioner shall review achievement levels annually. The exemption remains in effect until the commissioner determines that achievement levels of the campus have declined.

SECTION 7.  To the extent of any conflict, this Act prevails over another Act of the 88th Legislature, Regular Session, 2023, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 8.  This Act takes effect September 1, 2023.