

- SUBJECT:** Modifying public school class size limits
- COMMITTEE:** Public Education — favorable, without amendment
- VOTE:** 10 ayes — Huberty, Allen, Allison, Ashby, K. Bell, K. King, Meyer, Sanford, Talarico, VanDeaver
- 0 nays
- 1 absent — M. González
- 2 present not voting — Bernal, Dutton
- WITNESSES:** For — (*Registered, but did not testify:* David Anderson, Arlington ISD Board of Trustees; Adam Cahn, Cahnman's Musings; Eddie Solis, City of Arlington; Michelle Davis, Convention of States; Dylan Cromley, League of Women Voters of Texas; Fran Rhodes, Northeast Tarrant Tea Party; Harley Eckhart, Texas Elementary Principals and Supervisors Association; Dee Carney, Texas School Alliance; Shelia Franklin; Norma Hopkins; Nova Hou; Columba Wilson)
- Against — (*Registered, but did not testify:* Andrea Chevalier, Association of Texas Professional Educators; Fatima Menendez, MALDEF; Dwight Harris, Texas American Federation of Teachers; Paige Williams, Texas Classroom Teachers Association; Lisa Dawn-Fisher, Texas State Teachers Association; Darren Grissom, Texas PTA)
- On — (*Registered, but did not testify:* AJ Crabill, Texas Education Agency)
- BACKGROUND:** Education Code sec. 25.112(a) prohibits a school district from enrolling more than 22 students in a kindergarten, first, second, third, or fourth grade class. Sec. 25.112(d) allows the commissioner of education, on application of a district, to except the district from the limit based on an undue hardship. Such an exception expires at the end of the school year for which it is granted.

DIGEST: HB 1133 would revise the limit on the number of students who could be in each class in the kindergarten, first, second, third, or fourth grade levels from 22 students per class to a campus-wide average in each grade of 22 students per class. The commissioner could, on application of a school district, except the district from the limit for the school year.

A campus or district that was granted an exception would have to specify, in the written notice to parents, the grade level rather than the class for which an exception was granted, as well as the number of children in each class at that grade level. Texas Education Agency regional and district level reports also would include the number of grade levels for which an exception was granted at each campus.

The bill would apply beginning with the 2019-2020 school year.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019.

SUPPORTERS SAY: HB 1133 would provide school districts with flexibility in managing student enrollment by allowing them to use campus grade level averages rather than the number of students in each individual classroom in meeting the 22-student class size limits for kindergarten through fourth grade. The bill would not lead to large spikes in class size but would give districts local control to address their specific needs in allocating students to teachers and would allow them to avoid moving students from class to class during the year to stay under the limits.

While current law provides districts with ways to waive the class size limits, those methods require extensive paperwork. The bill would provide a reasonable modification of class size limits and would remove the need for so many districts to seek waivers.

OPPONENTS SAY: HB 1133 could lead to larger class sizes than are appropriate for students in elementary schools, which could negatively impact working conditions

for teachers and the learning environment for students. Districts currently may apply to the Texas Education Agency for a waiver from the class size limit or may reorganize as a district of innovation and exempt their schools from the limit. Districts do not need another way to avoid appropriate limits on the number of students per teacher that have existed in Texas law for decades.