

- SUBJECT:** Elementary class-size limits and district-wide class size averages
- COMMITTEE:** Public Education — favorable, without amendment
- VOTE:** 6 ayes — Eissler, Aycock, Huberty, Shelton, T. Smith, Weber
- 3 nays — Dutton, Guillen, Strama
- 2 absent — Hochberg, Allen
- WITNESSES:** For — David Hodgins, Texas Association of School Boards Council of School Attorneys; (*Registered, but did not testify:* Amy Beneski, Texas Association of School Administrators; Melva Cardenas, Texas Association of School Personnel Administrators; James Golsan, Texas Public Policy Foundation; Bill Hammond, Texas Association of Business; Julie Haney, Texas Association of Community Schools; Don Rogers, Texas Rural Education Association; Julie Shields, Texas Association of School Boards; Maria Whitsett, Texas School Alliance; Gilbert Zavala, Austin Chamber of Commerce)
- Against — Portia Bosse, Texas State Teachers Association; Brad Duggan; Monty Exter, Association of Texas Professional Educators; Lonnie Hollingsworth, Texas Classroom Teachers Association; Ted Melina Raab, Texas American Federation of Teachers; (*Registered, but did not testify:* Yannis Banks, Texas National Association for the Advancement of Colored People; Zeph Capo, Houston Federation of Teachers; Thomas Carlin; Gwen Dunivent, Transport Workers Union of America; Harvey Eckhart, Texas Elementary Principals and Supervisors Association; Luis Figueroa, Mexican American Legal Defense and Educational Fund (MALDEF); Shannon Jones; Rene Lara, Texas AFL-CIO)
- On — David Anderson, Texas Education Agency; Ellen Arnold, Texas Parent Teacher Association; Bill Grusendorf, Texas Association of Rural Schools
- BACKGROUND:** **Class-size limits.** Education Code, sec. 25.112 prevents a school district from enrolling more than 22 students in a kindergarten, first, second, third, or fourth grade class. If a school district applies for an exemption and the commissioner of education finds that the limit inflicts undue hardship on

the district, the commissioner may grant an exemption. The exemption expires at the end of the applicable school year. The district must mail written notice of the exemption to affected parents and guardians.

DIGEST:

HB 18 would require the commissioner of education to exempt a school district from class-size limits if the school district applied for an exemption. The bill would prohibit the commissioner from granting an exemption if it would:

- allow the district to enroll more than 25 students per class in kindergarten, first, second, third, or fourth grade;
- result in the district exceeding a district-wide average enrollment of 22 students in the affected grade levels; or
- negatively affect the education of students in the district or at a district campus.

A school district board of trustees could adopt a policy authorizing the district superintendent to apply, as needed, for an exemption from the class-size limits. The bill also would permit the school district to notify parents of an exemption to the class-size limits using the district's website, instead of requiring the notice to be mailed in writing.

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 on the 91st day after the last day of the legislative session. It would apply beginning with the 2011-2012 school year.

**SUPPORTERS
SAY:**

A slight increase in the number of students per class would not hurt the quality of a student's education. There is no definitive research showing that 22 students per teacher is the ideal number.

HB 18 would allow school districts to assign teachers to classrooms based on the student population, rather than to meet a specific ratio. Many school districts would benefit from adding a couple of extra students to a lower-grade class, thereby decreasing the total number of classes for that grade level and placing a teacher in a higher-grade classroom to reduce its class size. Giving school districts this authority would increase the quality of education for students in higher grades and would not hurt the quality of education for other students.

The bill would not increase the administrative burden on school districts because most districts currently monitor these ratios on each campus and statewide.

OPPONENTS
SAY:

Allowing a school board to delegate to its superintendent the authority to apply for an exemption to the class-size limit would remove the school board hearing from the process and thereby eliminate public input. Since the superintendent could apply for exemptions as needed, the public would be excluded from the decision-making process on an ongoing basis.

The bill would harm the quality of public education by steering the system away from research-based practices. Most educational research shows that smaller student-to-teacher ratios positively impact student learning.

Maintaining the current class-size limit for early grades would save the state money in the long term. The Legislature enacted the class-size requirements in 1984 based on recommendations from the Perot Commission, which concluded it was better to invest money in more teachers for earlier grade levels to prepare students with literacy, reading comprehension, analytical, and other basic learning skills. Since the requirements were enacted, student performance has improved steadily.

If school districts need flexibility in student-to-teacher ratios to save money or more evenly balance teacher placement, they already can apply for an exemption. Only five exemptions have been denied since the requirement's inception. School districts could achieve the required flexibility and the state could maintain its high standards by maintaining the current 22-to-1 student-to-teacher ratio. At the very least, the bill should create an exception for special education classrooms.

Allowing a school district to notify parents of an exemption solely through the district's website would decrease the transparency of the system. Many parents likely would not check the website or even think to check the website. Those parents would be deprived of their right to know the details of their children's lives and education.

OTHER
OPPONENTS
SAY:

HB 18 should include an expiration date. The provisions should be temporary to help districts through tough economic times, then expire.

This bill would increase the administrative burden on school districts, since it would require administrators to track class-size ratios across a district instead of just on one campus.