

## **BILL ANALYSIS**

C.S.H.B. 41  
By: Talarico  
Public Education  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

It has been reported that small class sizes and low student-teacher ratios are linked to an increase in prekindergarten program effectiveness, and many states' policies have sought to incorporate that benefit. According to the National Institute for Early Education Research, 74 percent of state-funded prekindergarten initiatives cap class sizes at 20, and 81 percent of initiatives cap student-teacher ratios at 11 to 1. There have been calls to similarly limit class sizes and student-teacher ratios in Texas prekindergarten programs. C.S.H.B. 41 seeks to answer those calls by requiring prekindergarten programs to limit class sizes to 22 students.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 41 amends the Education Code to prohibit the following entities from enrolling more than 22 students in a prekindergarten class:

- a public school district;
- a private entity operating a district's prekindergarten program under a contract;
- a private provider contracted to provide services or equipment for a district program;
- a campus or program operated under a campus or campus program charter; and
- an open-enrollment charter school.

The bill subjects an open-enrollment charter school and a campus or program operated under a campus or campus program charter to the same notice requirements as a public school district if the commissioner of education grants the applicable entity an exception from class size limits. The bill applies beginning with the 2021-2022 school year.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 41 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes provisions not in the original extending a class size limitation on the kindergarten through fourth grade classes of a public school district to the prekindergarten level and to prekindergarten classes operated by other specified entities. The original included none of the same provisions but instead replaced a requirement for a district to attempt to maintain a certain average student-teacher ratio in a prekindergarten class with a requirement to maintain that ratio and defined a class size requirement by reference.

The substitute includes a provision that was not in the original specifying the school year from which the bill's provisions apply.