

- SUBJECT:** Restrictions and reporting on elementary school class sizes
- COMMITTEE:** Public Education — favorable, without amendment
- VOTE:** 6 ayes — Sadler, Dutton, Dunnam, Hardcastle, Hochberg, Olivo  
0 nays  
3 absent — Grusendorf, Oliveira, Smith
- WITNESSES:** For — Rene Lara, Texas Federation of Teachers; Michele Molter, Association of Texas Professional Educators; Craig Tounget, Texas Parent Teacher Association  
  
Against — None
- BACKGROUND:** Education Code, section 25.112(a) limits class size in kindergarten through fourth grade to 22 students per class. A district may apply to the education commissioner for a waiver, and the commissioner may grant an exception if the class-size requirement would cause an undue hardship for the district. The commissioner may not grant an exception for more than one semester at a time. The Texas Education Agency's (TEA) required regional- and district-level report to the governor, lieutenant governor, and Legislature must include the number of districts granted an exception from class-size requirements.
- DIGEST:** HB 3313 would forbid the education commissioner from granting an exception from the class-size limit for more than two consecutive semesters at any one campus. It also would require a campus or district receiving an exception to provide written notice of the exception to the parent of each student affected. The notice would have to specify the class that received an exception and the number of children in that class, and it would have to be included in a regular mailing or other communication from the campus or district. The notice would have to be provided no later than the 31st day after either the first day of the school year or, if the exception was granted after the start of the school year, the date the exception was granted.
- The bill would amend TEA's regional- and district-level reporting requirements to require inclusion of the number of campuses and classes at

each campus granted an exception and the performance rating of each campus granted an exception.

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, 2001. It would apply beginning with the 2001-02 school year.

**SUPPORTERS  
SAY:**

HB 3313 would help ensure that schools are complying with statutorily required class size. Class size has a direct impact on a student's ability to learn. Many research studies show that students in smaller classes consistently score higher on standardized tests and continue to make better grades and take more difficult classes than their peers in larger classes. These studies also have found that small class size is an effective means of reducing gaps in achievement scores that correlate with family income and ethnic background. Also, smaller classes are easier for teachers to manage. In a smaller classroom, each student gets more individual attention from the teacher than in a larger classroom.

Texas law has limited class size in kindergarten through grade four for 17 years. Ideally, the Legislature should extend the class-size limit by applying it to upper-level grades, but that will not be possible this session because of financial constraints.

HB 3313 would not ban exceptions but would ensure that they were used as originally intended. Exceptions are intended to exempt a school from the class-size requirement under extraordinary circumstances. Two consecutive semesters should be enough time for a school district to arrange additional classroom space and instructors to account for extraordinary circumstances. A campus with only a few additional students should not be granted an exception. In spring 1999, 68 school districts had three or more consecutive exceptions, and 26 of those districts had 10 or more consecutive exceptions. Each campus generally adds a few students in a few grades each year.

While a district cannot control a large influx of students — for example, when a major employer moves to the school district and brings additional families with it — districts are expected to have contingency plans that anticipate some additional students. For example, while portable classrooms are not ideal, they can provide additional class space in a short time. School districts that make an effort to add classrooms should not need an exception

for an extended period of time.

HB 3313 would provide parents with important information about their child's classroom. Parents, particularly those of low-performing students, deserve to know when their child's school is not complying with the class-size limit. Just as parents have a right to know about the certification status of teachers, they have a right to know about class size, because both of these factors have an impact on a student's ability to learn and are correlated to performance on standardized tests such as the Texas Assessment of Academic Skills. Parental notification also would alert parents about campuses with a continuous class-size problem. If parents know that their child's school is using exceptions continuously, they can apply pressure on the school board, campus principal, or other school officials to take action to reduce class size and to comply with the class-size limit.

Parents need as much information as possible about their child's school. This bill would be in line with the current trend to give parents more information. Texas schools already have implemented several laws that follow this trend, such as the campus report-card system.

HB 3313 also would change TEA's reporting requirements to reflect more accurately each district's exception status. TEA now reports the number of districts receiving exceptions. This does not depict the exception situation accurately, as a large district may have many exceptions. For example, in the 1999-2000 school year, Houston ISD had more than 1,500 class-size exceptions. TEA should report the number of classes receiving exceptions, not just the number of school districts, to present a precise picture of the exception situation to the Legislature.

The bill's reporting requirements should lead to fewer exceptions for low-performing campuses. TEA would have to report the accountability rating of each campus receiving an exception. Because class size correlates strongly with student performance, the commissioner should not grant exceptions to campuses that are performing poorly.

**OPPONENTS  
SAY:**

HB 3313 would create an unfunded mandate. While reducing class size is a worthy goal, this bill would not help alleviate the problem, because it would provide no funding for the additional classrooms and teachers that schools would need to comply with class-size requirements. Many school districts

cannot raise sufficient funds to cover the cost of additional classrooms and teachers, especially if they already are taxing local property owners at the \$1.50 limit for maintenance and operations.

The two-semester limit would be too inflexible. Fast-growth districts and less wealthy districts may have legitimate reasons for seeking exceptions for more than two semesters. Especially without additional funding, these districts may be unable to comply with the class-size requirements.

**OTHER  
OPPONENTS  
SAY:**

HB 3313 would not go far enough, because it would provide no enforcement mechanism for school districts or campuses that requested exceptions but did not take affirmative steps to acquire the necessary classroom space and teachers. The bill should provide penalties or incentives to ensure that campuses and districts make an earnest attempt to comply.