

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: HB 384

50th Legislature, 1st Session, 2011

Tracking Number: .184272.1

Short Title: Extend Waiver of School Requirements

Sponsor(s): Representative Thomas C. Taylor and Others

Analyst: James Ball

Date: March 2, 2011

Bill Summary:

Recognizing the need of school districts for flexibility to meet state fiscal solvency requirements, HB 384 extends a temporary provision of the *Public School Code* through school year 2013-2014 authorizing the Secretary of Public Education to waive requirements and rules promulgated in accordance with statute pertaining to:

- individual class load;
- teaching load;
- length of school day;
- staffing patterns;
- subject areas; and
- purchases of instructional materials.

HB 384 further requires that the Public Education Department (PED) monitor the waivers and report to the Legislative Education Study Committee and the Legislative Finance Committee on any issues and actions of school districts that appear to have an adverse effect on student learning as a result of the waivers.

Fiscal Impact:

HB 384 does not contain an appropriation.

Fiscal Issues:

The provisions in HB 384 related to waiving individual class load and teaching load requirements may allow districts experiencing higher than anticipated enrollment growth to maintain current staffing levels when they would otherwise have to hire additional teachers.

Substantive Issues:

In at least two sections of the *Public School Code*, waivers currently may be granted for length of school day, staffing patterns, subject areas, and instructional materials:

- for charter schools in the *Charter Schools Act*; and
- for individual schools through collaborative school improvement programs.

The *Instructional Material Law* also allows school district superintendants to request waivers of the use of funds for the purchase of instructional materials.

Furthermore, the *School Personnel Act* allows the secretary to waive class and teaching loads for individual schools for a maximum of two years if a school district demonstrates that:

- (1) no portable classrooms are available;
- (2) no other available sources of funding exist to meet its need for additional classrooms;
- (3) the school district is planning alternatives to increase building capacity for implementation within one year; and
- (4) the parents of all children affected by the waiver have been notified in writing:
 - (a) of the statutory class load requirements;
 - (b) that the school district has made a decision to deviate from these class load requirements; and
 - (c) of the school district's plan to achieve compliance with the class load requirements.

A subsection of the same act allows PED to waive the individual class load and teaching load requirements upon:

- demonstration of a “viable alternative curricular plan”;
- a finding by PED that the plan is in the best interest of the school district; and
- a finding that each year the plan has been presented to and is supported by the affected teaching staff.

It is assumed that the provisions in HB 384 would strengthen the ability of school districts to apply for and receive approval for all waivers allowed in current statute.

Background:

A similar bill was enacted during the 2010 regular session.

Related Bills:

None as of March 2, 2011.