

By: Madden

H.B. No. 1891

A BILL TO BE ENTITLED

AN ACT

relating to state funding for certain children to attend certain private prekindergarten programs.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 29.1532(a) and (b), Education Code, are amended to read as follows:

(a) A school district's prekindergarten program:

(1) shall be designed to develop skills necessary for success in the regular public school curriculum, including language, mathematics, and social skills; and

(2) must comply with the standards for certification of effectiveness of the school readiness certification system adopted under Section 29.161.

(b) If a school district contracts with a private entity for the operation of the district's prekindergarten program, the program must at a minimum comply with:

(1) the applicable child-care licensing standards adopted by the Department of Protective and Regulatory Services under Section 42.042, Human Resources Code; and

(2) the standards for certification of effectiveness of the school readiness certification system adopted under Section 29.161.

SECTION 2. Subchapter E, Chapter 29, Education Code, is amended by adding Section 29.1534 to read as follows:

1       Sec. 29.1534. STATE FUNDING FOR ELIGIBLE CHILDREN TO ATTEND  
2 QUALIFIED PRIVATE PREKINDERGARTEN. (a) In accordance with this  
3 section and rules adopted under this section, a school district  
4 required or authorized under Section 29.153(a) to offer  
5 prekindergarten classes shall pay the costs of a child eligible  
6 under Section 29.153(b) for enrollment in a district  
7 prekindergarten program to attend a prekindergarten program  
8 provided by a private entity with which the district has not  
9 contracted to operate the district's prekindergarten program.

10       (b) The amount of money for an eligible child that a school  
11 district shall pay under this section is the lesser of:

12               (1) the standard amount of tuition and required fees  
13 the private entity charges for the prekindergarten program; or

14               (2) an amount equal to the average total funding  
15 amount for each prekindergarten student in the district during the  
16 preceding school year for maintenance and operations, including  
17 state and local funding, but excluding money from the available  
18 school fund.

19       (c) An eligible child who attends a private prekindergarten  
20 program under this section:

21               (1) is included in determining the average daily  
22 attendance under Section 42.005 of the school district in which the  
23 student would otherwise attend school; and

24               (2) is considered to be enrolled in a prekindergarten  
25 class under Section 29.153 for purposes of Section 42.003(b).

26       (d) A private entity may not charge an eligible child  
27 attending a prekindergarten program under this section tuition or

required fees in addition to the amount paid by a school district under Subsection (b).

(e) The commissioner by rule shall establish:

(1) standards with which the prekindergarten program of a private entity must comply for the entity to be eligible to receive payment under this section;

(2) a method for the application for and the delivery of that payment; and

(3) the manner in which the parent of an eligible child must apply for funding to permit the child to attend the prekindergarten program.

(f) The standards established under Subsection (e)(1) must:

(1) provide a fair process for admission to the prekindergarten program provided by the private entity that:

(A) may give preference to siblings of an enrolled student or children residing in the same household as an enrolled student;

(B) requires that the program not refuse to enroll a child on the basis of the child's race, national origin, ethnic background, religion, or disability; and

(C) establishes a policy to fill positions in case a program has more applicants under this section than available positions; and

(2) require that the program comply with:

(A) the standards for certification of effectiveness of the school readiness certification system adopted under Section 29.161; and

1                   (B) any additional standards the commissioner  
2 determines appropriate.

3           (g) The agency shall contract with the State Center for  
4 Early Childhood Development for the center to provide technical  
5 assistance to a private entity to assist the entity as necessary in  
6 meeting the standards required by Subsection (f)(2). The center  
7 shall charge the private entity an amount equal to the actual costs  
8 of delivering the technical assistance.

9           (h) The commissioner shall adopt rules as necessary to  
10 administer this section.

11           SECTION 3. (a) The changes in law made by this Act to  
12 Section 29.1532, Education Code, apply to prekindergarten programs  
13 offered beginning with the 2010-2011 school year.

14           (b) The commissioner of education shall adopt rules to  
15 implement the provision of prekindergarten programs by private  
16 entities as provided by Section 29.1534, Education Code, as added  
17 by this Act, beginning with the 2010-2011 school year.

18           SECTION 4. This Act takes effect immediately if it receives  
19 a vote of two-thirds of all the members elected to each house, as  
20 provided by Section 39, Article III, Texas Constitution. If this  
21 Act does not receive the vote necessary for immediate effect, this  
22 Act takes effect September 1, 2009.