

By: Elkins

H.B. No. 2188

A BILL TO BE ENTITLED

1 AN ACT

2 relating to using Foundation School Program funding to implement
3 the Texas School Ready Program at certain providers of private
4 prekindergarten programs.

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

6 SECTION 1. Subchapter E, Chapter 29, Education Code, is
7 amended by adding Section 29.1535 to read as follows:

8 Sec. 29.1535. TEXAS SCHOOL READY PREKINDERGARTEN PROGRAM.

9 (a) In this section:

10 (1) "Private provider" means a provider of a private
11 prekindergarten program that complies with the applicable
12 child-care licensing standards adopted by the Department of Family
13 and Protective Services under Section 42.042, Human Resources Code.

14 (2) "Texas School Ready Program" means a program
15 implemented and administered by the Children's Learning Institute
16 of The University of Texas Health Science Center at Houston that
17 links instructional practices necessary to prepare a student for
18 kindergarten with the achievement of scores that show the student
19 has acquired reading and social skills that have prepared the
20 student to enter kindergarten.

21 (b) A school district required or authorized under Section
22 29.153 to offer a prekindergarten program shall enter into a
23 contract with the Children's Learning Institute and a private
24 provider if:

1 (1) the Children's Learning Institute certifies to the
2 district that the Texas School Ready Program will be implemented
3 and administered at the private provider if the contract is
4 executed; and

5 (2) the private provider certifies to the district
6 that a child eligible to attend free prekindergarten in the
7 district under Section 29.153(b) is a student at the private
8 provider and will be enrolled in the Texas School Ready Program.

9 (c) A school district that enters into a contract with the
10 Children's Learning Institute and a private provider must agree
11 under the contract to pay:

12 (1) during the first year of the contract:

13 (A) the cost to initially implement the Texas
14 School Ready Program at the private provider, if the program has not
15 previously been implemented; or

16 (B) the cost to administer the Texas School Ready
17 Program at the private provider, if the program has previously been
18 implemented; and

19 (2) during the subsequent years of the contract, the
20 cost per year to administer the Texas School Ready Program at the
21 private provider.

22 (d) The amount required to be paid by a school district
23 under Subsection (c) for each contract during any year may not
24 exceed the amount determined by the following formula:

$$\underline{G = EC \times AFA}$$

25 where:

26 (1) "G" is the greatest amount required to be paid;
27

1 (2) "EC" is the number of children eligible to attend
2 free prekindergarten in the district under Section 29.153(b) who
3 are enrolled in the Texas School Ready Program offered by the
4 private provider during that year; and

5 (3) "AFA" is the average total funding amount for each
6 prekindergarten student in the district during the preceding school
7 year for maintenance and operations, including state and local
8 funding, but excluding money from the available school fund, or, if
9 the district did not operate a prekindergarten program during the
10 preceding school year, an amount determined by the commissioner.

11 (e) Each eligible child certified to the school district
12 under Subsection (b):

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

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

18 (f) The commissioner by rule shall establish:

19 (1) the method for a private provider, in conjunction
20 with the Children's Learning Institute, to apply to a school
21 district for a contract;

22 (2) standards for a fair admissions policy of a Texas
23 School Ready Program that a private provider must meet to be
24 eligible for a contract with a district, including standards that:

25 (A) may give preference to a sibling of an
26 enrolled student or to a child who resides in the same household as
27 an enrolled student;

1 (B) prohibit refusal to enroll a child on the
2 basis of the child's race, national origin, ethnic background,
3 religion, or disability; and

4 (C) provide for a random method of selecting
5 eligible students if a program has more applicants than available
6 positions; and

7 (3) any additional requirements applicable to a
8 contract between a private provider and a district, as determined
9 by the commissioner.

10 (g) The agency shall contract with the Children's Learning
11 Institute for the institute to provide technical assistance to a
12 private provider in meeting the requirements necessary to be
13 eligible to enter into a contract with a school district.

14 (h) The commissioner shall adopt rules as necessary to
15 administer this section.

16 SECTION 2. Not later than January 1, 2012, the commissioner
17 of education shall adopt rules necessary to implement Section
18 29.1535, Education Code, as added by this Act.

19 SECTION 3. Section 29.1535, Education Code, as added by
20 this Act, applies beginning with the 2012-2013 school year.

21 SECTION 4. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2011.