

AN ACT

relating to prekindergarten, including a high quality prekindergarten grant program provided by public school districts.

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

SECTION 1. Subchapter B, Chapter 8, Education Code, is amended by adding Section 8.058 to read as follows:

Sec. 8.058. CHILD DEVELOPMENT ASSOCIATE TRAINING. A regional education service center may offer to teachers employed by school districts the training required to be awarded a Child Development Associate (CDA) credential.

SECTION 2. Section 12.104(b), Education Code, is amended to read as follows:

(b) An open-enrollment charter school is subject to:

(1) a provision of this title establishing a criminal offense; and

(2) a prohibition, restriction, or requirement, as applicable, imposed by this title or a rule adopted under this title, relating to:

(A) the Public Education Information Management System (PEIMS) to the extent necessary to monitor compliance with this subchapter as determined by the commissioner;

(B) criminal history records under Subchapter C, Chapter 22;

(C) reading instruments and accelerated reading

- 1 instruction programs under Section 28.006;
- 2 (D) accelerated instruction under Section
- 3 28.0211;
- 4 (E) high school graduation requirements under
- 5 Section 28.025;
- 6 (F) special education programs under Subchapter
- 7 A, Chapter 29;
- 8 (G) bilingual education under Subchapter B,
- 9 Chapter 29;
- 10 (H) prekindergarten programs under Subchapter E
- 11 or E-1, Chapter 29;
- 12 (I) extracurricular activities under Section
- 13 33.081;
- 14 (J) discipline management practices or behavior
- 15 management techniques under Section 37.0021;
- 16 (K) health and safety under Chapter 38;
- 17 (L) public school accountability under
- 18 Subchapters B, C, D, E, F, G, and J, Chapter 39;
- 19 (M) the requirement under Section 21.006 to
- 20 report an educator's misconduct; and
- 21 (N) intensive programs of instruction under
- 22 Section 28.0213.

23 SECTION 3. Section 25.001(a), Education Code, is amended to

24 read as follows:

25 (a) A person who, on the first day of September of any school

26 year, is at least five years of age and under 21 years of age, or is

27 at least 21 years of age and under 26 years of age and is admitted by

1 a school district to complete the requirements for a high school
2 diploma is entitled to the benefits of the available school fund for
3 that year. Any other person enrolled in a prekindergarten class
4 under Section 29.153 or Subchapter E-1, Chapter 29, is entitled to
5 the benefits of the available school fund.

6 SECTION 4. Section 29.1532, Education Code, is amended by
7 amending Subsection (c) and adding Subsection (d) to read as
8 follows:

9 (c) A school district that offers prekindergarten classes,
10 including a high quality prekindergarten program class under
11 Subchapter E-1, shall include the following information in the
12 district's Public Education Information Management System (PEIMS)
13 report:

14 (1) demographic information, as determined by the
15 commissioner, on students enrolled in district and campus
16 prekindergarten classes, including the number of students who are
17 eligible for classes under Section 29.153;

18 (2) the numbers of half-day and full-day
19 prekindergarten classes offered by the district and campus; ~~and~~

20 (3) the sources of funding for the prekindergarten
21 classes;

22 (4) the class size and ratio of instructional staff to
23 students for each prekindergarten program class offered by the
24 district and campus;

25 (5) if the district elects to administer an assessment
26 instrument to students enrolled in district and campus
27 prekindergarten program classes, a description and the results of

1 each type of assessment instrument; and

2 (6) curricula used in the district's prekindergarten
3 program classes.

4 (d) Information required under this section to be included
5 in a school district's Public Education Information Management
6 System (PEIMS) report may not be used for purposes of determining a
7 district's accreditation or a campus or district performance rating
8 under Subchapter C, Chapter 39.

9 SECTION 5. Subchapter E, Chapter 29, Education Code, is
10 amended by adding Section 29.1543 to read as follows:

11 Sec. 29.1543. EARLY EDUCATION REPORTS. The agency shall
12 produce and make available to the public on the agency's Internet
13 website annual district and campus-level reports containing
14 information from the previous school year on early education in
15 school districts and open-enrollment charter schools. A report
16 under this section must contain:

17 (1) the information required by Section 29.1532(c) to
18 be reported through the Public Education Information Management
19 System (PEIMS);

20 (2) a description of the diagnostic reading
21 instruments administered in accordance with Section 28.006(c);

22 (3) the number of students who were administered a
23 diagnostic reading instrument administered in accordance with
24 Section 28.006(c);

25 (4) the number of students whose scores from a
26 diagnostic reading instrument administered in accordance with
27 Section 28.006(c) indicate reading proficiency; and

1 (5) the number of kindergarten students who were
2 enrolled in a prekindergarten program in the previous school year
3 in the same district or school as the district or school in which
4 the student attends kindergarten.

5 SECTION 6. Subchapter E, Chapter 29, Education Code, is
6 amended by adding Section 29.1545 to read as follows:

7 Sec. 29.1545. CLASS SIZE AND RATIO STUDY AND
8 RECOMMENDATIONS. (a) The agency and the Department of Family and
9 Protective Services shall conduct a joint study to develop
10 recommendations regarding optimal class sizes and student to
11 teacher ratios for prekindergarten classes. The agency and
12 department shall base recommendations on:

13 (1) data collected from prekindergarten programs,
14 including high quality prekindergarten programs under Subchapter
15 E-1, reported through the Public Education Information Management
16 System (PEIMS); and

17 (2) observations of best practices and examples from
18 effective prekindergarten programs across the state.

19 (b) Not later than September 1, 2016, the agency shall
20 submit a report to the legislature detailing the agency's findings
21 and recommendations regarding class size and student to teacher
22 ratios.

23 (c) This section expires January 1, 2017.

24 SECTION 7. Chapter 29, Education Code, is amended by adding
25 Subchapter E-1 to read as follows:

26 SUBCHAPTER E-1. HIGH QUALITY PREKINDERGARTEN GRANT PROGRAM

27 Sec. 29.164. DEFINITION. In this subchapter, "program"

1 means a high quality prekindergarten grant program provided free of
2 tuition or fees in accordance with this subchapter.

3 Sec. 29.165. HIGH QUALITY PREKINDERGARTEN GRANT PROGRAM.

4 (a) From funds appropriated for that purpose, the commissioner by
5 rule shall establish a grant funding program under which funds are
6 awarded to school districts and open-enrollment charter schools to
7 implement a prekindergarten grant program under this subchapter.

8 (b) A school district may participate in and receive funding
9 under the program if the district meets all program standards
10 required under this subchapter.

11 (c) A program is subject to any other requirements imposed
12 by law that apply to a prekindergarten program not provided in
13 accordance with this subchapter, except that to the extent a
14 conflict exists between this subchapter and any other provision of
15 law, this subchapter prevails.

16 Sec. 29.166. HIGH QUALITY GRANT PROGRAM FUNDING. (a) A
17 school district is eligible for half-day funding under the
18 Foundation School Program for each student who satisfies
19 eligibility requirements under Section 29.153(b) and who is
20 enrolled in a program class.

21 (b) In addition to funding under Subsection (a), a school
22 district is entitled to receive grant funding in an amount
23 determined by the commissioner for each qualifying student
24 described under Subsection (c) in average daily attendance in a
25 program class. The commissioner may not establish an amount of
26 funding per qualifying student in attendance for the entire
27 instructional period on a school day that exceeds \$1,500.

1 (c) A student qualifies for additional funding under
2 Subsection (b) if the student:

3 (1) satisfies eligibility requirements under Section
4 29.153(b); and

5 (2) is four years of age on September 1 of the year the
6 student begins the program.

7 (d) A school district that receives the funding under
8 Subsection (b) may use the funding only to improve the quality of
9 the district's prekindergarten programs.

10 (e) The total amount of funding distributed to school
11 districts under Subsection (b) may not exceed \$130 million for the
12 state fiscal biennium ending August 31, 2017.

13 Sec. 29.167. HIGH QUALITY CURRICULUM AND TEACHER
14 REQUIREMENTS. (a) A school district shall select and implement a
15 curriculum for a prekindergarten grant program under this
16 subchapter that:

17 (1) includes the prekindergarten guidelines
18 established by the agency;

19 (2) measures the progress of students in meeting the
20 recommended learning outcomes; and

21 (3) does not use national curriculum standards
22 developed by the Common Core State Standards Initiative.

23 (b) Each teacher for a prekindergarten program class must:

24 (1) be certified under Subchapter B, Chapter 21; and

25 (2) have one of the following additional
26 qualifications:

27 (A) a Child Development Associate (CDA)

1 credential or another early childhood education credential
2 approved by the agency;

3 (B) certification offered through a training
4 center accredited by Association Montessori Internationale or
5 through the Montessori Accreditation Council for Teacher
6 Education;

7 (C) at least eight years' experience of teaching
8 in a nationally accredited child care program;

9 (D) be employed as a prekindergarten teacher in a
10 school district that has received approval from the commissioner
11 for the district's prekindergarten-specific instructional training
12 plan that the teacher uses in the teacher's prekindergarten
13 classroom; or

14 (E) an equivalent qualification.

15 (c) A school district may allow a teacher employed by the
16 district to receive the training required to be awarded a Child
17 Development Associate (CDA) credential from a regional education
18 service center that offers the training in accordance with Section
19 8.058. Training may not include national curriculum standards
20 developed by the Common Core State Standards Initiative.

21 (d) A school district must attempt to maintain an average
22 ratio in any prekindergarten program class of not less than one
23 certified teacher or teacher's aide for each 11 students.

24 Sec. 29.168. FAMILY ENGAGEMENT PLAN. (a) A school district
25 shall develop and implement a family engagement plan to assist the
26 district in achieving and maintaining high levels of family
27 involvement and positive family attitudes toward education. The

1 family engagement plan must be based on family engagement
2 strategies established under Subsection (b).

3 (b) The agency shall collaborate with other state agencies,
4 including the Health and Human Services Commission, that provide
5 services for children from birth through five years of age to
6 establish prioritized family engagement strategies to be included
7 in a school district's family engagement plan. A parent-teacher
8 organization, community group, or faith-based institution may
9 submit to the agency recommendations regarding the establishment of
10 family engagement strategies, and the agency, in establishing the
11 family engagement strategies, shall consider any received
12 recommendations. The engagement strategies must be:

- 13 (1) based on empirical research; and
14 (2) proven to demonstrate significant positive
15 short-term and long-term outcomes for early childhood education.

16 Sec. 29.169. PROGRAM EVALUATION. (a) A school district
17 shall:

- 18 (1) select and implement appropriate methods for
19 evaluating the district's program classes by measuring student
20 progress; and

- 21 (2) make data from the results of program evaluations
22 available to parents.

23 (b) A school district may administer diagnostic assessments
24 to students in a program class to evaluate student progress as
25 required by Subsection (a) but may not administer a state
26 standardized assessment instrument.

27 (c) An assessment instrument administered to a

1 prekindergarten program class must be selected from a list of
2 appropriate prekindergarten assessment instruments identified by
3 the commissioner.

4 Sec. 29.170. PROGRAM FUNDING EVALUATION. (a) The
5 commissioner shall evaluate the use and effectiveness of funding
6 provided under this subchapter in improving student learning. The
7 commissioner shall identify effective instruction strategies
8 implemented by school districts under this subchapter.

9 (b) Beginning in 2018, not later than December 1 of each
10 even-numbered year, the commissioner shall deliver a report to the
11 legislature containing the results of the evaluation.

12 (c) This section expires December 31, 2024.

13 Sec. 29.171. ELIGIBLE PRIVATE PROVIDERS. (a) A school
14 district participating in the grant program under this subchapter
15 may enter into a contract with an eligible private provider to
16 provide services or equipment for the program.

17 (b) To be eligible to contract with a school district to
18 provide a program or part of a program, a private provider must be
19 licensed by and in good standing with the Department of Family and
20 Protective Services. For purposes of this section, a private
21 provider is in good standing with the Department of Family and
22 Protective Services if the department has not taken an action
23 against the provider's license under Section [42.071](#), [42.072](#), or
24 [42.078](#), Human Resources Code, during the 24-month period preceding
25 the date of a contract with a school district. The private provider
26 must also:

27 (1) be accredited by a research-based, nationally

1 recognized, and universally accessible accreditation system
2 approved by the commissioner;

3 (2) be a Texas Rising Star Program provider with a
4 three-star certification or higher;

5 (3) be a Texas School Ready! participant;

6 (4) have an existing partnership with a school
7 district to provide a prekindergarten program not provided under
8 this subchapter; or

9 (5) be accredited by an organization that is
10 recognized by the Texas Private School Accreditation Commission.

11 (c) A prekindergarten program provided by a private
12 provider under this section is subject to the requirements of this
13 subchapter.

14 Sec. 29.172. RULES. The commissioner may adopt rules
15 necessary to implement this subchapter.

16 SECTION 8. Subchapter J, Chapter 21, Education Code, is
17 amended by adding Section 21.464 to read as follows:

18 Sec. 21.464. PREKINDERGARTEN TEACHER TRAINING COURSE. (a)
19 The commissioner shall develop a prekindergarten teacher training
20 course to be offered to prekindergarten teachers employed by a
21 school district or open-enrollment charter school.

22 (b) A course provided under this section shall provide
23 instruction in the development and operation of effective
24 prekindergarten classes, including training in:

25 (1) the prekindergarten guidelines established by the
26 agency;

27 (2) effective and systematic instructional techniques

1 for teaching prekindergarten students using the prekindergarten
2 guidelines; and
3 (3) designing and implementing a comprehensive
4 curriculum in the classroom.

5 SECTION 9. Section 42.003(b), Education Code, is amended to
6 read as follows:

7 (b) A student to whom Subsection (a) does not apply is
8 entitled to the benefits of the Foundation School Program if the
9 student is enrolled in a prekindergarten class under Section 29.153
10 or Subchapter E-1, Chapter 29.

11 SECTION 10. (a) Section 29.167(b), Education Code, as
12 added by this Act, requiring a prekindergarten teacher to have been
13 awarded a Child Development Associate (CDA) credential, applies
14 beginning with the 2016-2017 school year.

15 (b) Except as provided by Subsection (a) of this section,
16 this Act applies beginning with the 2015-2016 school year.

17 SECTION 11. This Act takes effect immediately if it
18 receives a vote of two-thirds of all the members elected to each
19 house, as provided by Section 39, Article III, Texas Constitution.
20 If this Act does not receive the vote necessary for immediate
21 effect, this Act takes effect September 1, 2015.

President of the Senate

Speaker of the House

I certify that H.B. No. 4 was passed by the House on April 9, 2015, by the following vote: Yeas 128, Nays 17, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 4 on May 21, 2015, by the following vote: Yeas 146, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 4 was passed by the Senate, with amendments, on May 7, 2015, by the following vote: Yeas 25, Nays 6.

Secretary of the Senate

APPROVED: _____

Date

Governor