

1-1 By: Huberty, et al. (Senate Sponsor - Campbell) H.B. No. 4
 1-2 (In the Senate - Received from the House April 13, 2015;
 1-3 April 23, 2015, read first time and referred to Committee on
 1-4 Education; May 5, 2015, reported favorably by the following vote:
 1-5 Yeas 9, Nays 2; May 5, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Taylor of Galveston	X			
1-8 Lucio	X			
1-9 Bettencourt	X			
1-10 Campbell	X			
1-11 Garcia	X			
1-12 Huffines		X		
1-13 Kolkhorst	X			
1-14 Rodríguez	X			
1-15 Seliger	X			
1-16 Taylor of Collin		X		
1-17 West	X			

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to a high quality prekindergarten program provided by
 1-22 public school districts.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subchapter B, Chapter 8, Education Code, is
 1-25 amended by adding Section 8.058 to read as follows:

1-26 Sec. 8.058. CHILD DEVELOPMENT ASSOCIATE TRAINING. A
 1-27 regional education service center may offer to teachers employed by
 1-28 school districts the training required to be awarded a Child
 1-29 Development Associate (CDA) credential.

1-30 SECTION 2. Section 12.104(b), Education Code, is amended to
 1-31 read as follows:

1-32 (b) An open-enrollment charter school is subject to:

1-33 (1) a provision of this title establishing a criminal
 1-34 offense; and

1-35 (2) a prohibition, restriction, or requirement, as
 1-36 applicable, imposed by this title or a rule adopted under this
 1-37 title, relating to:

1-38 (A) the Public Education Information Management
 1-39 System (PEIMS) to the extent necessary to monitor compliance with
 1-40 this subchapter as determined by the commissioner;

1-41 (B) criminal history records under Subchapter C,
 1-42 Chapter 22;

1-43 (C) reading instruments and accelerated reading
 1-44 instruction programs under Section 28.006;

1-45 (D) accelerated instruction under Section
 1-46 28.0211;

1-47 (E) high school graduation requirements under
 1-48 Section 28.025;

1-49 (F) special education programs under Subchapter
 1-50 A, Chapter 29;

1-51 (G) bilingual education under Subchapter B,
 1-52 Chapter 29;

1-53 (H) prekindergarten programs under Subchapter E
 1-54 or E-1, Chapter 29;

1-55 (I) extracurricular activities under Section
 1-56 33.081;

1-57 (J) discipline management practices or behavior
 1-58 management techniques under Section 37.0021;

1-59 (K) health and safety under Chapter 38;

1-60 (L) public school accountability under
 1-61 Subchapters B, C, D, E, F, G, and J, Chapter 39;

2-1 (M) the requirement under Section 21.006 to
2-2 report an educator's misconduct; and
2-3 (N) intensive programs of instruction under
2-4 Section 28.0213.

2-5 SECTION 3. Section 25.001(a), Education Code, is amended to
2-6 read as follows:

2-7 (a) A person who, on the first day of September of any school
2-8 year, is at least five years of age and under 21 years of age, or is
2-9 at least 21 years of age and under 26 years of age and is admitted by
2-10 a school district to complete the requirements for a high school
2-11 diploma is entitled to the benefits of the available school fund for
2-12 that year. Any other person enrolled in a prekindergarten class
2-13 under Section 29.153 or Subchapter E-1, Chapter 29, is entitled to
2-14 the benefits of the available school fund.

2-15 SECTION 4. Chapter 29, Education Code, is amended by adding
2-16 Subchapter E-1 to read as follows:

2-17 SUBCHAPTER E-1. HIGH QUALITY PREKINDERGARTEN PROGRAM

2-18 Sec. 29.164. DEFINITION. In this subchapter, "program"
2-19 means a high quality prekindergarten program provided free of
2-20 tuition or fees in accordance with this subchapter.

2-21 Sec. 29.165. HIGH QUALITY PREKINDERGARTEN PROGRAM. (a) From
2-22 funds appropriated for that purpose, the commissioner by rule shall
2-23 establish a funding program under which funds are awarded to school
2-24 districts and open-enrollment charter schools to implement a
2-25 prekindergarten program under this subchapter. Notwithstanding any
2-26 other provision of this subchapter, a prekindergarten program
2-27 implemented under this subchapter may operate on a full-day basis.

2-28 (b) A school district may participate in and receive funding
2-29 under the program if the district meets all program standards
2-30 required under this subchapter.

2-31 (c) A program is subject to any other requirements imposed
2-32 by law that apply to a prekindergarten program not provided in
2-33 accordance with this subchapter, except that to the extent a
2-34 conflict exists between this subchapter and any other provision of
2-35 law, this subchapter prevails.

2-36 Sec. 29.166. HIGH QUALITY PROGRAM FUNDING. (a) A school
2-37 district is eligible for half-day funding under the Foundation
2-38 School Program for each student who satisfies eligibility
2-39 requirements under Section 29.153(b) and who is enrolled in a
2-40 program class.

2-41 (b) In addition to funding under Subsection (a), a school
2-42 district is entitled to receive funding in an amount determined by
2-43 the commissioner for each qualifying student described under
2-44 Subsection (c) in average daily attendance in a program class. The
2-45 commissioner may not establish an amount of funding per qualifying
2-46 student under this subsection that exceeds \$1,500.

2-47 (c) A student qualifies for additional funding under
2-48 Subsection (b) if the student:

2-49 (1) satisfies eligibility requirements under Section
2-50 29.153(b); and

2-51 (2) is four years of age on September 1 of the year the
2-52 student begins the program.

2-53 (d) A school district that receives the funding under
2-54 Subsection (b) may use the funding only to improve the quality of
2-55 the district's prekindergarten programs.

2-56 (e) The total amount of funding distributed to school
2-57 districts under Subsection (b) for the state fiscal biennium ending
2-58 August 31, 2017, may not exceed the greater of:

2-59 (1) \$130 million; or

2-60 (2) the amount of the appropriation provided for the
2-61 prekindergarten program under this subchapter in H.B. No. 1, Acts
2-62 of the 84th Legislature, Regular Session, 2015, as enacted.

2-63 Sec. 29.167. HIGH QUALITY CURRICULUM AND TEACHER
2-64 REQUIREMENTS. (a) A school district shall select and implement a
2-65 curriculum for a prekindergarten program under this subchapter
2-66 that:

2-67 (1) includes the prekindergarten guidelines
2-68 established by the agency;

2-69 (2) measures the progress of students in meeting the

3-1 recommended learning outcomes; and
3-2 (3) does not use national curriculum standards
3-3 developed by the Common Core State Standards Initiative.
3-4 (b) Each teacher for a prekindergarten program class must:
3-5 (1) be certified under Subchapter B, Chapter 21; and
3-6 (2) have one of the following additional
3-7 qualifications:
3-8 (A) a Child Development Associate (CDA)
3-9 credential;
3-10 (B) certification offered through a training
3-11 center associated with Association Montessori Internationale or
3-12 through the Montessori Accreditation Council for Teacher
3-13 Education;
3-14 (C) at least eight years' experience of teaching
3-15 in a nationally accredited child care program; or
3-16 (D) an equivalent qualification.
3-17 (c) A school district may allow a teacher employed by the
3-18 district to receive the training required to be awarded a Child
3-19 Development Associate (CDA) credential from a regional education
3-20 service center that offers the training in accordance with Section
3-21 8.058.
3-22 Sec. 29.168. FAMILY ENGAGEMENT PLAN. (a) A school district
3-23 shall develop and implement a family engagement plan to assist the
3-24 district in achieving and maintaining high levels of family
3-25 involvement and positive family attitudes toward education. The
3-26 family engagement plan must be based on family engagement
3-27 strategies established under Subsection (b).
3-28 (b) The agency shall collaborate with other state agencies,
3-29 including the Health and Human Services Commission, that provide
3-30 services for children from birth through five years of age to
3-31 establish prioritized family engagement strategies to be included
3-32 in a school district's family engagement plan. A parent-teacher
3-33 organization, community group, or faith-based institution may
3-34 submit to the agency recommendations regarding the establishment of
3-35 family engagement strategies, and the agency, in establishing the
3-36 family engagement strategies, shall consider any received
3-37 recommendations. The engagement strategies must be:
3-38 (1) based on empirical research; and
3-39 (2) proven to demonstrate significant positive
3-40 short-term and long-term outcomes for early childhood education.
3-41 Sec. 29.169. PROGRAM EVALUATION. (a) A school district
3-42 shall:
3-43 (1) select and implement appropriate methods for
3-44 evaluating the district's program classes by measuring student
3-45 progress; and
3-46 (2) make data from the results of program evaluations
3-47 available to parents.
3-48 (b) A school district may administer diagnostic assessments
3-49 to students in a program class to evaluate student progress as
3-50 required by Subsection (a) but may not administer a state
3-51 standardized assessment instrument.
3-52 (c) An assessment instrument administered to a
3-53 prekindergarten program class must be selected from a list of
3-54 appropriate prekindergarten assessment instruments identified by
3-55 the commissioner.
3-56 Sec. 29.170. PROGRAM FUNDING EVALUATION. (a) The
3-57 commissioner shall evaluate the use and effectiveness of funding
3-58 provided under this subchapter in improving student learning. The
3-59 commissioner shall identify effective instruction strategies
3-60 implemented by school districts under this subchapter.
3-61 (b) Beginning in 2018, not later than December 1 of each
3-62 even-numbered year, the commissioner shall deliver a report to the
3-63 legislature containing the results of the evaluation.
3-64 (c) This section expires December 31, 2024.
3-65 Sec. 29.171. REPORT OF ADDITIONAL INFORMATION REQUIRED. In
3-66 addition to information reported under Section 29.1532(c), a school
3-67 district that offers a prekindergarten program under this
3-68 subchapter shall include the following information in the
3-69 district's Public Education Information Management System (PEIMS)

- 4-1 report:
- 4-2 (1) the class size and ratio of instructional staff to
- 4-3 students for each prekindergarten program class offered by the
- 4-4 district;
- 4-5 (2) each type of assessment instrument administered to
- 4-6 students enrolled in district prekindergarten program classes and
- 4-7 the results of each type of assessment instrument;
- 4-8 (3) student demographic information for the district's
- 4-9 prekindergarten program classes;
- 4-10 (4) funding sources for the district's prekindergarten
- 4-11 program classes; and
- 4-12 (5) curricula used in the district's prekindergarten
- 4-13 program classes.

4-14 Sec. 29.172. ELIGIBLE PRIVATE PROVIDERS. (a) A school

4-15 district participating in the program under this subchapter may

4-16 enter into a contract with an eligible private provider to provide

4-17 services or equipment for the program.

4-18 (b) To be eligible to contract with a school district to

4-19 provide a program or part of a program, a private provider must be

4-20 licensed by and in good standing with the Department of Family and

4-21 Protective Services. For purposes of this section, a private

4-22 provider is in good standing with the Department of Family and

4-23 Protective Services if the department has not taken an action

4-24 against the provider's license under Section 42.071, 42.072, or

4-25 42.078, Human Resources Code, during the 24-month period preceding

4-26 the date of a contract with a school district. The private provider

4-27 must also:

- 4-28 (1) be accredited by a research-based, nationally
- 4-29 recognized, and universally accessible accreditation system
- 4-30 approved by the commissioner;
- 4-31 (2) be a Texas Rising Star Program provider with a
- 4-32 three-star certification or higher;
- 4-33 (3) be a Texas School Ready! participant;
- 4-34 (4) have an existing partnership with a school
- 4-35 district to provide a prekindergarten program not provided under
- 4-36 this subchapter; or
- 4-37 (5) be accredited by an organization that is
- 4-38 recognized by the Texas Private School Accreditation Commission.

4-39 (c) A prekindergarten program provided by a private

4-40 provider under this section is subject to the requirements of this

4-41 subchapter.

4-42 Sec. 29.173. RULES. The commissioner may adopt rules

4-43 necessary to implement this subchapter.

4-44 SECTION 5. Section 42.003(b), Education Code, is amended to

4-45 read as follows:

4-46 (b) A student to whom Subsection (a) does not apply is

4-47 entitled to the benefits of the Foundation School Program if the

4-48 student is enrolled in a prekindergarten class under Section 29.153

4-49 or Subchapter E-1, Chapter 29.

4-50 SECTION 6. (a) Section 29.167(b), Education Code, as added

4-51 by this Act, requiring a prekindergarten teacher to have been

4-52 awarded a Child Development Associate (CDA) credential, applies

4-53 beginning with the 2016-2017 school year.

4-54 (b) Except as provided by Subsection (a) of this section,

4-55 this Act applies beginning with the 2015-2016 school year.

4-56 SECTION 7. This Act takes effect immediately if it receives

4-57 a vote of two-thirds of all the members elected to each house, as

4-58 provided by Section 39, Article III, Texas Constitution. If this

4-59 Act does not receive the vote necessary for immediate effect, this

4-60 Act takes effect September 1, 2015.

4-61 * * * * *