

By: Dutton

H.B. No. 3887

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of the office of early learning within the Texas Education Agency.

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

SECTION 1. Subchapter E, Chapter 29, Education Code, is amended by adding Sections 29.15301 and 29.15302 to read as follows:

Sec. 29.15301. OFFICE OF EARLY LEARNING. (a) The commissioner by rule shall establish the office of early learning as a division within the agency to:

(1) provide oversight of prekindergarten programs and prekindergarten funding;

(2) provide resources to school districts to ensure prekindergarten programs meet quality standards and best practices; and

(3) assist school districts in developing local solutions and improving prekindergarten programs.

(b) The office of early learning shall:

(1) monitor state funding of prekindergarten programs;

(2) adopt accountability standards for the use of public funds for prekindergarten programs;

(3) create a model contract for school districts to use in forming partnerships with child-care centers and federal

1 Head Start programs to provide prekindergarten programs;

2 (4) determine the type of data needed from school
3 districts to assess prekindergarten programs;

4 (5) publish approved, age-appropriate assessment
5 instruments that may be administered to students in prekindergarten
6 programs;

7 (6) create a communication and outreach plan to
8 increase collaboration on prekindergarten programs throughout the
9 state;

10 (7) develop a process for school districts operating a
11 prekindergarten program to establish additional prekindergarten
12 programs on a tuition basis; and

13 (8) promote and conduct outreach to school districts
14 to encourage the use of the process developed under Subdivision (7)
15 to establish tuition-based prekindergarten programs.

16 (c) The office of early learning shall ensure that an
17 assessment instrument administered in a prekindergarten program:

18 (1) includes observation-based assessment;

19 (2) measures the effectiveness of the prekindergarten
20 program; and

21 (3) is not used as a basis for teacher evaluation or
22 student promotion or retention.

23 Sec. 29.15302. TEXAS EARLY LEARNING COUNCIL ADVISORY ROLE.

24 (a) The governor's Texas Early Learning Council shall act in an
25 advisory role to the office of early learning and provide
26 assistance when requested by the office.

27 (b) The council shall hold public meetings to discuss

1 requests received from the office of early learning under
2 Subsection (a) at least four times each year. The council may
3 address issues relating to the office of early learning during any
4 other scheduled meeting of the council.

5 (c) The council shall establish a process for receiving
6 public input related to the office of early learning.

7 SECTION 2. Section 29.1534, Education Code, is amended by
8 amending Subsections (b), (c), and (e), and adding Subsection (f)
9 to read as follows:

10 (b) The office of early learning [~~agency~~] shall develop
11 joint strategies with other state agencies regarding methods to
12 increase community awareness of prekindergarten programs through
13 programs that provide information relating to public assistance
14 programs.

15 (c) The office of early learning [~~agency~~] may develop
16 outreach materials for use by school districts to increase
17 community awareness of prekindergarten programs.

18 (e) The office of early learning [~~agency~~] shall provide
19 information to school districts regarding effective methods to
20 communicate to the parent of an eligible child the availability of
21 prekindergarten programs, including information regarding
22 prekindergarten programs through public, private, and nonprofit
23 institutions that provide assistance and support to families with
24 children eligible for prekindergarten programs.

25 (f) On an annual basis each school district shall submit to
26 the office of early learning a report that details the district's
27 plan for promoting and increasing community awareness of

1 prekindergarten programs in the district.

2 SECTION 3. Section 29.154, Education Code, is amended to
3 read as follows:

4 Sec. 29.154. EVALUATION OF PREKINDERGARTEN PROGRAMS. (a)

5 The commissioner of education, in consultation with the office of
6 early learning [~~commissioner of human services~~], shall monitor and
7 evaluate prekindergarten programs as to their developmental
8 appropriateness. The commissioner and the office [~~commissioners~~]
9 shall also evaluate the potential for coordination on a statewide
10 basis of prekindergarten programs with government-funded early
11 childhood care and education programs such as child care
12 administered under Chapter 44, Human Resources Code, and federal
13 Head Start programs. That evaluation shall use recommendations
14 formulated by the office of early learning under Subsection (b)
15 [~~contained in the report to the 71st Legislature required by~~
16 ~~Chapter 717, Acts of the 70th Legislature, Regular Session, 1987~~].

17 For the purpose of providing cost-effective care for children
18 during the full workday with developmentally appropriate
19 curriculum, the commissioner and the office [~~commissioners~~] shall
20 investigate the use of existing child-care program sites as
21 prekindergarten sites. Following the evaluation required by this
22 section, the commissioner and the office [~~commissioners~~], in
23 cooperation with school districts and other program
24 administrators, shall integrate programs, staff, and program sites
25 for prekindergarten, child-care, and federal Head Start programs to
26 the greatest extent possible.

27 (b) The office of early learning shall formulate

1 recommendations based on national best practices for increasing the
2 quality of the state's prekindergarten programs.

3 SECTION 4. Sections 29.158(a) and (d), Education Code, are
4 amended to read as follows:

5 (a) In a manner consistent with federal law and regulations,
6 each prekindergarten program provider, Head Start and Early Head
7 Start program provider, and provider of an after-school child-care
8 program provided at a school shall coordinate with the office of
9 early learning [~~agency~~], the Texas Workforce Commission, and local
10 workforce development boards regarding subsidized child-care
11 services.

12 (d) In coordinating child-care services under this section
13 and in making any related decision to contract with another
14 provider for child-care services, the office of early learning
15 [~~agency~~], Texas Workforce Commission, local workforce development
16 boards, and each prekindergarten program provider, Head Start and
17 Early Head Start program provider, and provider of an after-school
18 child-care program provided at a school shall consider the quality
19 of the services involved in the proposed coordination or
20 contracting decision and shall give preference to services of the
21 highest quality. Any appropriate indicator of quality services may
22 be considered under this subsection, including whether the provider
23 of the services:

24 (1) meets Texas Rising Star Program certification
25 criteria;

26 (2) is accredited by a nationally recognized
27 accrediting organization approved by the Texas Workforce

1 Commission and the Department of Family and Protective Services;

2 (3) meets standards developed by the State Center for
3 Early Childhood Development; or

4 (4) has achieved any other measurable target relevant
5 to improving the quality of child care in this state.

6 SECTION 5. Subchapter E, Chapter 29, Education Code, is
7 amended by adding Section 29.162 to read as follows:

8 Sec. 29.162. MEMORANDUM OF UNDERSTANDING ON
9 PREKINDERGARTEN PROGRAM COORDINATION. (a) The office of early
10 learning, the Texas Workforce Commission, the Texas Head Start
11 State Collaboration Office, the Department of Assistive and
12 Rehabilitative Services, the Health and Human Services Commission,
13 and the Department of Family and Protective Services shall enter
14 into a memorandum of understanding regarding the coordination of
15 early childhood learning programs, including prekindergarten
16 programs. The memorandum of understanding must:

17 (1) identify opportunities for and barriers to
18 collaboration and coordination among federally funded and
19 state-funded child development, child-care, and early childhood
20 learning programs and services that are administered by the
21 agencies that are party to the memorandum; and

22 (2) require the parties to the memorandum to implement
23 steps to take advantage of the opportunities and eliminate the
24 barriers identified under Subdivision (1) in an effort to establish
25 a comprehensive, statewide system of early childhood care and
26 education.

27 (b) Not later than August of each year, the office of early

1 learning and the other agencies and organizations shall review and
2 update the memorandum.

3 (c) The rulemaking body for each agency by rule shall adopt
4 the memorandum of understanding and all revisions to the
5 memorandum.

6 SECTION 6. Not later than January 1, 2016, the Texas
7 Education Agency, the Texas Workforce Commission, the Texas Head
8 Start State Collaboration Office, the Department of Assistive and
9 Rehabilitative Services, the Health and Human Services Commission,
10 and the Department of Family and Protective Services shall enter
11 into the memorandum of understanding required under Section 29.162,
12 Education Code, as added by this Act.

13 SECTION 7. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2015.