

**House Bill 4**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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 instruction programs under Section 28.006;

(D) accelerated instruction under Section 28.0211;

(E) high school graduation requirements under Section 28.025;

(F) special education programs under Subchapter A, Chapter 29;

(G) bilingual education under Subchapter B, Chapter 29;

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

(I) extracurricular activities under Section 33.081;

(J) discipline management practices or behavior management

SENATE VERSION (IE)

SECTION 1. Same as House version.

SECTION 2. Same as House version.

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techniques under Section 37.0021;  
(K) health and safety under Chapter 38;  
(L) public school accountability under Subchapters B, C, D, E, F, G, and J, Chapter 39;  
(M) the requirement under Section 21.006 to report an educator's misconduct; and  
(N) intensive programs of instruction under Section 28.0213.

No equivalent provision.

SECTION 3. Section 25.001(a), Education Code, is amended to read as follows:  
(a) A person who, on the first day of September of any school year, is at least five years of age and under 21 years of age, or is at least 21 years of age and under 26 years of age and is

SENATE VERSION (IE)

SECTION \_\_. Subchapter J, Chapter 21, Education Code, is amended by adding Section 21.464 to read as follows:  
Sec. 21.464. PREKINDERGARTEN TEACHER TRAINING COURSE. (a) The commissioner shall develop a prekindergarten teacher training course to be offered to prekindergarten teachers employed by a school district or open-enrollment charter school.  
(b) A course provided under this section shall provide instruction in the development and operation of effective prekindergarten classes, including training in:  
(1) the prekindergarten guidelines established by the agency;  
(2) effective and systematic instructional techniques for teaching prekindergarten students using the prekindergarten guidelines; and  
(3) designing and implementing a comprehensive curriculum in the classroom. [FA13]

SECTION 3. Same as House version.

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

**No equivalent provision.** *(But see Section 29.171, Education Code, below.)*

SENATE VERSION (IE)

SECTION \_\_. Section 29.1532, Education Code, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

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

- (1) demographic information, as determined by the commissioner, on students enrolled in district and campus prekindergarten classes, including the number of students who are eligible for classes under Section 29.153;
- (2) the numbers of half-day and full-day prekindergarten classes offered by the district and campus; ~~and~~
- (3) the sources of funding for the prekindergarten classes;
- (4) the class size and ratio of instructional staff to students for each prekindergarten program class offered by the district and campus;
- (5) if the district elects to administer an assessment instrument to students enrolled in district and campus prekindergarten program classes, a description and the results of each type of assessment instrument; and
- (6) curricula used in the district's prekindergarten program classes.

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(d) Information required under this section to be included in a school district's Public Education Information Management System (PEIMS) report may not be used for purposes of determining a district's accreditation or a campus or district performance rating under Subchapter C, Chapter 39. [FA5(1)]

No equivalent provision.

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

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

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

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

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

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

(5) the number of kindergarten students who were enrolled in a prekindergarten program in the previous school year in the same district or school as the district or school in which the student attends kindergarten. [FA5(1)]

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No equivalent provision.

SECTION 4. Chapter 29, Education Code, is amended by adding Subchapter E-1 to read as follows:  
SUBCHAPTER E-1. HIGH QUALITY PREKINDERGARTEN PROGRAM  
Sec. 29.164. DEFINITION. In this subchapter, "program" means a high quality prekindergarten program provided free of tuition or fees in accordance with this subchapter.

Sec. 29.165. HIGH QUALITY PREKINDERGARTEN PROGRAM. (a) From funds appropriated for that purpose, the

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SECTION \_\_. Subchapter E, Chapter 29, Education Code, is amended by adding Section 29.1545 to read as follows:  
Sec. 29.1545. CLASS SIZE AND RATIO STUDY AND RECOMMENDATIONS. (a) The agency and the Department of Family and Protective Services shall conduct a joint study to develop recommendations regarding optimal class sizes and student to teacher ratios for prekindergarten classes. The agency and department shall base recommendations on:  
(1) data collected from prekindergarten programs, including high quality prekindergarten programs under Subchapter E-1, reported through the Public Education Information Management System (PEIMS); and  
(2) observations of best practices and examples from effective prekindergarten programs across the state.  
(b) Not later than September 1, 2016, the agency shall submit a report to the legislature detailing the agency's findings and recommendations regarding class size and student to teacher ratios.  
(c) This section expires January 1, 2017. [FA14]

SECTION 4. Chapter 29, Education Code, is amended by adding Subchapter E-1 to read as follows:  
SUBCHAPTER E-1. HIGH QUALITY PREKINDERGARTEN GRANT PROGRAM [FA3(2)]  
Sec. 29.164. DEFINITION. In this subchapter, "program" means a high quality prekindergarten grant program provided free of tuition or fees in accordance with this subchapter. [FA3(3)]

Sec. 29.165. HIGH QUALITY PREKINDERGARTEN GRANT PROGRAM. (a) From funds appropriated for that

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commissioner by rule shall establish a funding program under which funds are awarded to school districts and open-enrollment charter schools to implement a prekindergarten program under this subchapter. Notwithstanding any other provision of this subchapter, a prekindergarten program implemented under this subchapter may operate on a full-day basis.

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

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

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

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

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

(1) satisfies eligibility requirements under Section 29.153(b);

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purpose, the commissioner by rule shall establish a grant funding program under which funds are awarded to school districts and open-enrollment charter schools to implement a prekindergarten program under this subchapter. [FA1;FA3(4)-(6)]

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

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

Sec. 29.166. HIGH QUALITY GRANT PROGRAM FUNDING. (a) A school district is eligible for half-day funding under the Foundation School Program for each student who satisfies eligibility requirements under Section 29.153(b) and who is enrolled in a program class. [FA3(7)]

(b) In addition to funding under Subsection (a), a school district is entitled to receive grant funding in an amount determined by the commissioner for each qualifying student described under Subsection (c) in average daily attendance in a program class. The commissioner may not establish an amount of funding per qualifying student in attendance for the entire instructional period on a school day that exceeds \$1,500. [FA3(8);FA7]

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

(1) satisfies eligibility requirements under Section 29.153(b);

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and

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

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

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

(1) \$130 million; or

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

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

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

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

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

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

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

(2) have one of the following additional qualifications:

(A) a Child Development Associate (CDA) credential;

(B) certification offered through a training center associated

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and

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

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

(e) The total amount of funding distributed to school districts under Subsection (b) may not exceed \$130 million for the state fiscal biennium ending August 31, 2017. [FA4]

Sec. 29.167. HIGH QUALITY CURRICULUM AND TEACHER REQUIREMENTS. (a) A school district shall select and implement a curriculum for a prekindergarten grant program under this subchapter that: [FA3(9)]

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

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

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

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

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

(2) have one of the following additional qualifications:

(A) a Child Development Associate (CDA) credential or another early childhood education credential approved by the agency; [FA10(1)]

(B) certification offered through a training center accredited

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with Association Montessori Internationale or through the Montessori Accreditation Council for Teacher Education;

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

(D) an equivalent qualification.

(c) A school district may allow a teacher employed by the district to receive the training required to be awarded a Child Development Associate (CDA) credential from a regional education service center that offers the training in accordance with Section 8.058.

Sec. 29.168. FAMILY ENGAGEMENT PLAN. (a) A school district shall develop and implement a family engagement plan to assist the district in achieving and maintaining high levels of family involvement and positive family attitudes toward education. The family engagement plan must be based on family engagement strategies established under Subsection (b).

(b) The agency shall collaborate with other state agencies, including the Health and Human Services Commission, that

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by Association Montessori Internationale or through the Montessori Accreditation Council for Teacher Education;  
[FA8]

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

( ) be employed as a prekindergarten teacher in a school district that has received approval from the commissioner for the district's prekindergarten-specific instructional training plan that the teacher uses in the teacher's prekindergarten classroom; or [FA10(2)]

(D) an equivalent qualification.

(c) A school district may allow a teacher employed by the district to receive the training required to be awarded a Child Development Associate (CDA) credential from a regional education service center that offers the training in accordance with Section 8.058. Training may not include national curriculum standards developed by the Common Core State Standards Initiative. [FA2]

(d) A school district must attempt to maintain an average ratio in any prekindergarten program class of not less than one certified teacher or teacher's aide for each 11 students. [FA12]

Sec. 29.168. FAMILY ENGAGEMENT PLAN. (a) A school district shall develop and implement a family engagement plan to assist the district in achieving and maintaining high levels of family involvement and positive family attitudes toward education. The family engagement plan must be based on family engagement strategies established under Subsection (b).

(b) The agency shall collaborate with other state agencies, including the Health and Human Services Commission, that

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provide services for children from birth through five years of age to establish prioritized family engagement strategies to be included in a school district's family engagement plan. A parent-teacher organization, community group, or faith-based institution may submit to the agency recommendations regarding the establishment of family engagement strategies, and the agency, in establishing the family engagement strategies, shall consider any received recommendations. The engagement strategies must be:

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

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

- (1) select and implement appropriate methods for evaluating the district's program classes by measuring student progress; and
- (2) make data from the results of program evaluations available to parents.
- (b) A school district may administer diagnostic assessments to students in a program class to evaluate student progress as required by Subsection (a) but may not administer a state standardized assessment instrument.
- (c) An assessment instrument administered to a prekindergarten program class must be selected from a list of appropriate prekindergarten assessment instruments identified by the commissioner.

Sec. 29.170. PROGRAM FUNDING EVALUATION. (a) The commissioner shall evaluate the use and effectiveness of funding provided under this subchapter in improving student

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provide services for children from birth through five years of age to establish prioritized family engagement strategies to be included in a school district's family engagement plan. A parent-teacher organization, community group, or faith-based institution may submit to the agency recommendations regarding the establishment of family engagement strategies, and the agency, in establishing the family engagement strategies, shall consider any received recommendations. The engagement strategies must be:

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

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

- (1) select and implement appropriate methods for evaluating the district's program classes by measuring student progress; and
- (2) make data from the results of program evaluations available to parents.
- (b) A school district may administer diagnostic assessments to students in a program class to evaluate student progress as required by Subsection (a) but may not administer a state standardized assessment instrument.
- (c) An assessment instrument administered to a prekindergarten program class must be selected from a list of appropriate prekindergarten assessment instruments identified by the commissioner.

Sec. 29.170. PROGRAM FUNDING EVALUATION. (a) The commissioner shall evaluate the use and effectiveness of funding provided under this subchapter in improving student

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learning. The commissioner shall identify effective instruction strategies implemented by school districts under this subchapter.

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

(c) This section expires December 31, 2024.

Sec. 29.171. REPORT OF ADDITIONAL INFORMATION REQUIRED. In addition to information reported under Section 29.1532(c), a school district that offers a prekindergarten program under this subchapter shall include the following information in the district's Public Education Information Management System (PEIMS) report:

(1) the class size and ratio of instructional staff to students for each prekindergarten program class offered by the district;

(2) each type of assessment instrument administered to students enrolled in district prekindergarten program classes and the results of each type of assessment instrument;

(3) student demographic information for the district's prekindergarten program classes;

(4) funding sources for the district's prekindergarten program classes; and

(5) curricula used in the district's prekindergarten program classes.

Sec. 29.172. ELIGIBLE PRIVATE PROVIDERS. (a) A school district participating in the program under this subchapter may enter into a contract with an eligible private provider to provide services or equipment for the program.

(b) To be eligible to contract with a school district to provide

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learning. The commissioner shall identify effective instruction strategies implemented by school districts under this subchapter.

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

(c) This section expires December 31, 2024.

No equivalent provision. (But see Section 29.1532, Education Code, above.) [FA3(10);Deleted by FA5(2)]

Sec. 29.172. ELIGIBLE PRIVATE PROVIDERS. (a) A school district participating in the grant program under this subchapter may enter into a contract with an eligible private provider to provide services or equipment for the program. [FA3(11)]

(b) To be eligible to contract with a school district to provide

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a program or part of a program, a private provider must be licensed by and in good standing with the Department of Family and Protective Services. For purposes of this section, a private provider is in good standing with the Department of Family and Protective Services if the department has not taken an action against the provider's license under Section 42.071, 42.072, or 42.078, Human Resources Code, during the 24-month period preceding the date of a contract with a school district. The private provider must also:

(1) be accredited by a research-based, nationally recognized, and universally accessible accreditation system approved by the commissioner;

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

(3) be a Texas School Ready! participant;

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

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

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

Sec. 29.173. RULES. The commissioner may adopt rules necessary to implement this subchapter.

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

(b) A student to whom Subsection (a) does not apply is entitled to the benefits of the Foundation School Program if

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a program or part of a program, a private provider must be licensed by and in good standing with the Department of Family and Protective Services. For purposes of this section, a private provider is in good standing with the Department of Family and Protective Services if the department has not taken an action against the provider's license under Section 42.071, 42.072, or 42.078, Human Resources Code, during the 24-month period preceding the date of a contract with a school district. The private provider must also:

(1) be accredited by a research-based, nationally recognized, and universally accessible accreditation system approved by the commissioner;

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

(3) be a Texas School Ready! participant;

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

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

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

Sec. 29.173. RULES. The commissioner may adopt rules necessary to implement this subchapter.

SECTION 5. Same as House version.

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the student is enrolled in a prekindergarten class under Section 29.153 or Subchapter E-1, Chapter 29.

SECTION 6. (a) Section 29.167(b), Education Code, as added by this Act, requiring a prekindergarten teacher to have been awarded a Child Development Associate (CDA) credential, applies beginning with the 2016-2017 school year.  
(b) Except as provided by Subsection (a) of this section, this Act applies beginning with the 2015-2016 school year.

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

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SECTION 6. Same as House version.

SECTION 7. Same as House version.

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