

Amend CSHB 21 (house committee printing) as follows:

(1) On page 3, between lines 11 and 12, add the following appropriately numbered SECTIONS to the bill:

SECTION _____. 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, ~~E-1~~ E-1, or E-2, Chapter 29;

(I) extracurricular activities under Section 33.081;

(J) discipline management practices or behavior management 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;

(N) intensive programs of instruction under Section 28.0213; and

(O) the right of a school employee to report a crime, as provided by Section 37.148.

SECTION _____. 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 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 or E-2, Chapter 29, is entitled to the benefits of the available school fund.

(2) On page 3, line 12, strike "Section 29.153(c), Education Code, is amended" and substitute "Section 29.153, Education Code, is amended by amending Subsection (c) and adding Subsection (c-1)"

(3) On page 3, line 15, between "basis" and the period, insert the following:

, unless the school district chooses to operate gold standard prekindergarten classes on a full-day basis in accordance with Subchapter E-2. A school district is eligible for funding under the Foundation School Program for students enrolled in a gold standard prekindergarten class as provided by Section 29.17403

(4) On page 3, line 15, between the period and "A district", insert:

"(c-1)".

(5) On page 3, between lines 18 and 19, add the following appropriately numbered SECTIONS to the bill:

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

(c) A school district that offers prekindergarten classes, including a high quality prekindergarten program class under Subchapter E-1 or a gold standard prekindergarten program class under Subchapter E-2, 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;

(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.

(e) The agency shall make the information required under this section available and accessible to parents and the general public.

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

SUBCHAPTER E-2. GOLD STANDARD PREKINDERGARTEN PROGRAM

Sec. 29.17401. DEFINITION. In this subchapter, "program" means a gold standard prekindergarten program provided free of tuition or fees in accordance with this subchapter.

Sec. 29.17402. GOLD STANDARD PREKINDERGARTEN PROGRAM. (a) From funds appropriated for that purpose, the commissioner by rule shall establish a funding program under which funds are awarded to school districts and open-enrollment charter schools to implement a full-day prekindergarten program under this subchapter for children who are:

(1) eligible for classes under Section 29.153; and

(2) at least four years of age on September 1 of the year the child begins the program.

(b) Before a school district may participate in the program,

the district must apply to the agency and the agency must approve the district's application. The school district shall include in the district's application:

- (1) a design plan for implementation of the program;
- (2) a professional development plan to improve the instruction quality of teachers and teacher's aides; and
- (3) any other information required by the commissioner.

(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. 29.17403. GOLD STANDARD PROGRAM FUNDING. (a) In addition to funding granted under Subsection (b), a school district is eligible for half-day funding under the Foundation School Program for students enrolled in a program class.

(b) A school district is entitled to receive a gold standard prekindergarten program allotment under Section 42.160.

Sec. 29.17404. GOLD STANDARD CURRICULUM AND INSTRUCTION STANDARDS. (a) The agency shall approve curricula to be used in a prekindergarten program under this subchapter.

(b) A school district may select and implement a curriculum for the program that the agency has approved. If the school district does not select an approved curriculum for the program, the school district must obtain agency approval for the selected curriculum before the district implements the curriculum.

(c) The agency shall ensure that the curriculum implemented in a program includes prekindergarten guidelines established by the agency.

(d) Each program class must have at least one teacher certified under Subchapter B, Chapter 21. A school district:

- (1) may not enroll more than 25 students in a program class; and
- (2) must maintain an average ratio in a program class of not less than one certified teacher or teacher's aide for each 10 students.

(e) A teacher's aide who is included in the required student to instructor ratio under Subsection (d)(2):

(1) must have been awarded a Child Development Associate (CDA) credential; or

(2) must:

(A) have at least four years of experience working in early child development; and

(B) receive a Child Development Associate (CDA) credential not later than the fourth anniversary of the date the teacher's aide began working in a program class.

(f) The commissioner shall develop standards for instructional coaching and clinical practice for teachers and teacher's aides in the program that ensure continued improvement of instruction quality.

Sec. 29.17405. PARENT ENGAGEMENT PLANS. A school district shall:

(1) develop and implement a parent engagement plan to assist the district in achieving and maintaining high levels of parental involvement and positive parental attitudes toward education; and

(2) assess parental involvement in the program and parental attitude.

Sec. 29.17406. STUDENT ASSESSMENTS. (a) A school district shall administer diagnostic assessments to students in the program but may not administer a standardized assessment instrument. A diagnostic assessment may not be the basis of class advancement, teacher compensation, or district funding. A school district shall report data from results of diagnostic assessments in accordance with Section 29.1532(c).

(b) The agency shall approve diagnostic assessments for a prekindergarten program under this subchapter. A school district may select assessments for the program from among the approved assessments. If the school district does not select an approved assessment, the school district must obtain agency approval for the assessment selected by the district before using the assessment.

Sec. 29.17407. PROGRAM ASSESSMENT. (a) The agency shall assess the effectiveness of the program by comparing student-level

results of assessment instruments administered under Section 39.023(a) in the third and fourth grades of students who completed the program against the results of the same assessment instruments of students who did not complete the program.

(b) The agency shall develop and approve additional methods by which a school district may assess the district's program classes and instruction. The methods must be capable of measuring or assessing interaction between teachers and students, coverage of program curriculum, and other metrics required by commissioner rule.

(c) A school district may select and implement appropriate methods approved by the agency for assessing the district's program classes. If the school district does not select an approved assessment method, the school district must obtain agency approval for the assessment method selected. A school district shall report data from results of program assessments in accordance with Section 29.1532(c).

Sec. 29.17408. PROGRAM ACCOUNTABILITY. (a) The commissioner shall establish benchmarks for the effectiveness of a school district's program using student-level results collected under Section 29.17407(a). The rules must require a district to demonstrate high achievement or show substantial progress toward high achievement with respect to the benchmarks to continue operating the program.

(b) If a school district's program does not satisfy benchmarks adopted under Subsection (a), the agency shall propose changes for the district's program to assist the district in satisfying the benchmarks. A district that implements proposed changes is eligible to operate the program notwithstanding the district's failure to satisfy benchmarks for the program. If a district to which the agency has proposed changes fails to implement the proposed changes, the district is ineligible to receive funding under this subchapter.

Sec. 29.17409. CONTRACTS WITH PRIVATE PROVIDERS. A school district participating in the program may enter into a contract with eligible private providers to provide services or equipment for the program.

Sec. 29.17410. ELIGIBLE PRIVATE PROVIDERS. To be eligible to contract with a school district to provide 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 be accredited by a research-based, nationally recognized, and universally accessible accreditation system approved by the commissioner.

Sec. 29.17411. WRITTEN CONTRACT REQUIRED. A school district and a private provider contracting under this subchapter shall enter a written contract governing the services to be provided by the private provider, including the amount of funding allocated by the school district to the private provider and the number of students the private provider agrees to enroll. The contract may provide that:

(1) the school district leases school facilities to or from the private provider;

(2) the school district employs a certified teacher for the prekindergarten class and the private provider supplies the school facilities and all other personnel and supplies; or

(3) the private provider supplies the school facilities, certified teachers, personnel, and supplies.

Sec. 29.17412. DISCRIMINATION BY PRIVATE PROVIDER PROHIBITED. A private provider may not deny program services to a student on the basis of the student's race, religion, sex, ethnicity, national origin, or disability.

Sec. 29.17413. OVERSIGHT OF PRIVATE PROVIDERS. (a) A school district that contracts with a private provider shall monitor the private provider's compliance with the terms of the contract.

(b) The commissioner shall monitor a private provider's compliance with state laws and requirements for prekindergarten programs.

Sec. 29.17414. RULES. The commissioner may adopt rules necessary to implement this subchapter.

(6) On page 6, between lines 25 and 26, add the following appropriately numbered SECTION to the bill:

SECTION _____. 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 the student is enrolled in a prekindergarten class under Section 29.153 or Subchapter E-1 or E-2, Chapter 29.

(7) On page 11, between lines 18 and 19, add the following appropriately numbered SECTIONS to the bill:

SECTION _____. The heading to Section 42.160, Education Code, is amended to read as follows:

Sec. 42.160. GOLD STANDARD PREKINDERGARTEN PROGRAM [~~HIGH SCHOOL~~] ALLOTMENT.

SECTION _____. Section 42.160(a), Education Code, is amended to read as follows:

(a) A school district is entitled to an annual allotment equal to the adjusted basic allotment multiplied by 0.5 [~~of \$275~~] for each student in average daily attendance in a gold standard prekindergarten program under Subchapter E-2, Chapter 29, [~~grades 9 through 12~~] in the district.

(8) On page 20, line 22, strike "Section 42.160" and substitute "Sections 42.160(b), (c), and (d)".

(9) On page 21, between lines 3 and 4, add the following appropriately numbered SECTION to the bill:

SECTION _____. Sections 12.104(b), 25.001(a), 29.1532, and 42.003(b), Education Code, as amended by this Act, and Subchapter E-2, Chapter 29, Education Code, as added by this Act, apply beginning with the 2017-2018 school year.

(10) Renumber subsequent SECTIONS of the bill accordingly.