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HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: E. Johnson

1 Amend C.S.H.B. No. 21 (house committee printing) as follows:

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

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

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

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

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

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

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

17 (C) reading instruments and accelerated reading
18 instruction programs under Section 28.006;

19 (D) accelerated instruction under Section
20 28.0211;

21 (E) high school graduation requirements under
22 Section 28.025;

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

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

27 (H) prekindergarten programs under Subchapter E,
28 ~~E-1~~ E-1, or E-2, Chapter 29;

29 (I) extracurricular activities under Section

1 33.081;

2 (J) discipline management practices or behavior
3 management techniques under Section 37.0021;

4 (K) health and safety under Chapter 38;

5 (L) public school accountability under
6 Subchapters B, C, D, E, F, G, and J, Chapter 39;

7 (M) the requirement under Section 21.006 to
8 report an educator's misconduct;

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

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

13 SECTION _____. Section 25.001(a), Education Code, is amended
14 to read as follows:

15 (a) A person who, on the first day of September of any school
16 year, is at least five years of age and under 21 years of age, or is
17 at least 21 years of age and under 26 years of age and is admitted by
18 a school district to complete the requirements for a high school
19 diploma is entitled to the benefits of the available school fund for
20 that year. Any other person enrolled in a prekindergarten class
21 under Section 29.153 or Subchapter E-1 or E-2, Chapter 29, is
22 entitled to the benefits of the available school fund.

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

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

28 , unless the school district chooses to operate gold standard
29 prekindergarten classes on a full-day basis in accordance with
30 Subchapter E-2. A school district is eligible for funding under the
31 Foundation School Program for students enrolled in a gold standard

1 prekindergarten class as provided by Section 29.17403

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

4 "(c-1)".

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

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

10 (c) A school district that offers prekindergarten classes,
11 including a high quality prekindergarten program class under
12 Subchapter E-1 or a gold standard prekindergarten program class
13 under Subchapter E-2, shall include the following information in
14 the district's Public Education Information Management System
15 (PEIMS) report:

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

20 (2) the numbers of half-day and full-day
21 prekindergarten classes offered by the district and campus;

22 (3) the sources of funding for the prekindergarten
23 classes;

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

27 (5) if the district elects to administer an assessment
28 instrument to students enrolled in district and campus
29 prekindergarten program classes, a description and the results of
30 each type of assessment instrument; and

31 (6) curricula used in the district's prekindergarten

1 program classes.

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

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

7 SUBCHAPTER E-2. GOLD STANDARD PREKINDERGARTEN PROGRAM

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

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

17 (1) eligible for classes under Section 29.153; and

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

20 (b) Before a school district may participate in the program,
21 the district must apply to the agency and the agency must approve
22 the district's application. The school district shall include in
23 the district's application:

24 (1) a design plan for implementation of the program;

25 (2) a professional development plan to improve the
26 instruction quality of teachers and teacher's aides; and

27 (3) any other information required by the
28 commissioner.

29 (c) A program is subject to any other requirements imposed
30 by law that apply to a prekindergarten program not provided in
31 accordance with this subchapter, except that to the extent a

1 conflict exists between this subchapter and any other provision of
2 law, this subchapter prevails.

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

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

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

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

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

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

22 (1) may not enroll more than 25 students in a program
23 class; and

24 (2) must maintain an average ratio in a program class
25 of not less than one certified teacher or teacher's aide for each 10
26 students.

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

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

31 (2) must:

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

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

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

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

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

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

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

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

31 Sec. 29.17407. PROGRAM ASSESSMENT. (a) The agency shall

1 assess the effectiveness of the program by comparing student-level
2 results of assessment instruments administered under Section
3 39.023(a) in the third and fourth grades of students who completed
4 the program against the results of the same assessment instruments
5 of students who did not complete the program.

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

12 (c) A school district may select and implement appropriate
13 methods approved by the agency for assessing the district's program
14 classes. If the school district does not select an approved
15 assessment method, the school district must obtain agency approval
16 for the assessment method selected. A school district shall report
17 data from results of program assessments in accordance with Section
18 29.1532(c).

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

26 (b) If a school district's program does not satisfy
27 benchmarks adopted under Subsection (a), the agency shall propose
28 changes for the district's program to assist the district in
29 satisfying the benchmarks. A district that implements proposed
30 changes is eligible to operate the program notwithstanding the
31 district's failure to satisfy benchmarks for the program. If a

1 district to which the agency has proposed changes fails to
2 implement the proposed changes, the district is ineligible to
3 receive funding under this subchapter.

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

8 Sec. 29.17410. ELIGIBLE PRIVATE PROVIDERS. To be eligible
9 to contract with a school district to provide a program or part of a
10 program, a private provider must be licensed by and in good standing
11 with the Department of Family and Protective Services. For
12 purposes of this section, a private provider is in good standing
13 with the Department of Family and Protective Services if the
14 department has not taken an action against the provider's license
15 under Section 42.071, 42.072, or 42.078, Human Resources Code,
16 during the 24-month period preceding the date of a contract with a
17 school district. The private provider must also be accredited by a
18 research-based, nationally recognized, and universally accessible
19 accreditation system approved by the commissioner.

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

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

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

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

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

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

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

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

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

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

20 (b) A student to whom Subsection (a) does not apply is
21 entitled to the benefits of the Foundation School Program if the
22 student is enrolled in a prekindergarten class under Section 29.153
23 or Subchapter E-1 or E-2, Chapter 29.

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

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

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

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

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

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

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

10 SECTION _____. Sections 12.104(b), 25.001(a), 29.1532, and
11 42.003(b), Education Code, as amended by this Act, and Subchapter
12 E-2, Chapter 29, Education Code, as added by this Act, apply
13 beginning with the 2017-2018 school year.

14 (10) Renumber subsequent SECTIONS of the bill accordingly.