

By: King of Hemphill

H.B. No. 2255

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to student eligibility for free high quality  
3 prekindergarten programs and state financial support for each  
4 school district that elects to provide a full-day prekindergarten  
5 program.

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

7 SECTION 1. Section 12.104(b), Education Code, is amended to  
8 read as follows:

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

10 (1) a provision of this title establishing a criminal  
11 offense; and

12 (2) a prohibition, restriction, or requirement, as  
13 applicable, imposed by this title or a rule adopted under this  
14 title, relating to:

15 (A) the Public Education Information Management  
16 System (PEIMS) to the extent necessary to monitor compliance with  
17 this subchapter as determined by the commissioner;

18 (B) criminal history records under Subchapter C,  
19 Chapter 22;

20 (C) reading instruments and accelerated reading  
21 instruction programs under Section 28.006;

22 (D) accelerated instruction under Section  
23 28.0211;

24 (E) high school graduation requirements under

1 Section 28.025;

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

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

6 (H) prekindergarten programs under Subchapter E  
7 [~~or E-1~~], Chapter 29;

8 (I) extracurricular activities under Section  
9 33.081;

10 (J) discipline management practices or behavior  
11 management techniques under Section 37.0021;

12 (K) health and safety under Chapter 38;

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

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

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

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

21 SECTION 2. Section 25.001(a), Education Code, is amended to  
22 read as follows:

23 (a) A person who, on the first day of September of any school  
24 year, is at least five years of age and under 21 years of age, or is  
25 at least 21 years of age and under 26 years of age and is admitted by  
26 a school district to complete the requirements for a high school  
27 diploma is entitled to the benefits of the available school fund for

1 that year. Any other person enrolled in a prekindergarten class  
2 under Section 29.153 [~~or Subchapter E-1, Chapter 29,~~] is entitled  
3 to the benefits of the available school fund.

4 SECTION 3. The heading to Section 29.153, Education Code,  
5 is amended to read as follows:

6 Sec. 29.153. FREE PREKINDERGARTEN [~~FOR CERTAIN CHILDREN~~].

7 SECTION 4. Sections 29.153(a-1), (c), and (e), Education  
8 Code, are amended to read as follows:

9 (a-1) A district shall offer prekindergarten classes to any  
10 child [~~if the district identifies 15 or more children who are~~  
11 ~~eligible under Subsection (b) and are at least four years of age. A~~  
12 ~~school district may offer prekindergarten classes if the district~~  
13 ~~identifies 15 or more eligible children]~~ who is [~~are~~] at least three  
14 years of age. A district may not charge tuition for a  
15 prekindergarten class offered under this section.

16 (c) A prekindergarten class under this section may [~~shall~~]  
17 be operated on a half-day basis or a full-day basis at the option of  
18 the board of trustees of the school district. A district that  
19 operates a class on a full-day basis may, in determining the  
20 district's average daily attendance under Section 42.005, include  
21 full days of attendance for each prekindergarten student who  
22 attends a full-day prekindergarten class. A district is not  
23 required to provide transportation for a prekindergarten class, but  
24 transportation, if provided, is included for funding purposes as  
25 part of the regular transportation system.

26 (e) Each school district that is not exempt under Subsection  
27 (d) shall develop a system to notify the population in the district

1 with children of prekindergarten age [~~who are eligible for~~  
2 ~~enrollment in a prekindergarten class under this section~~] of the  
3 availability of prekindergarten classes [~~the class~~]. The system  
4 must include public notices issued in English and Spanish.

5 SECTION 5. Section 29.1531(a), Education Code, is amended  
6 to read as follows:

7 (a) A school district may offer on a tuition basis or use  
8 district funds to provide[+]

9 [~~(1) an additional half-day of prekindergarten~~  
10 ~~classes to children eligible for classes under Section 29.153, and~~

11 [~~(2)~~] half-day and full-day prekindergarten classes  
12 to children who are younger than three years of age [~~not eligible~~  
13 ~~for classes under Section 29.153~~].

14 SECTION 6. Section 29.1532, Education Code, is amended to  
15 read as follows:

16 Sec. 29.1532. PREKINDERGARTEN PROGRAM REQUIREMENTS. (a) A  
17 school district's prekindergarten program shall be designed to  
18 develop skills necessary for success in the regular public school  
19 curriculum, including language, mathematics, and social skills,  
20 through instruction provided by highly qualified teachers using a  
21 high quality curriculum.

22 (b) If a school district contracts with a private entity for  
23 the operation of the district's prekindergarten program, the  
24 program must at a minimum comply with the applicable child-care  
25 licensing standards adopted by the Department of Family and  
26 Protective [~~and Regulatory~~] Services under Section 42.042, Human  
27 Resources Code. The private entity must also:

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

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

6           (3) be a Texas School Ready! participant;

7           (4) have an existing partnership with a school  
8 district to provide a prekindergarten program; or

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

11           (c) A school district that offers prekindergarten classes [~~7~~  
12 ~~including a high quality prekindergarten program class under~~  
13 ~~Subchapter E-1,~~] shall include the following information in the  
14 district's Public Education Information Management System (PEIMS)  
15 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 at least three years of age [~~eligible for classes under Section~~  
20 ~~29.153~~];

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

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

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

1           (5) if the district elects to administer an assessment  
2 instrument to students enrolled in district and campus  
3 prekindergarten program classes, a description and the results of  
4 each type of assessment instrument; and

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

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

12           (e) A school district shall select and implement a  
13 curriculum to be used for the district's prekindergarten classes  
14 that:

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

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

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

21           (f) Each teacher for a school district prekindergarten  
22 class must:

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

24                   (2) have one of the following additional  
25 qualifications:

26                           (A) a Child Development Associate (CDA)  
27 credential or another early childhood education credential

1 approved by the agency;

2 (B) certification offered through a training  
3 center accredited by Association Montessori Internationale or  
4 through the Montessori Accreditation Council for Teacher  
5 Education;

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

8 (D) be employed as a prekindergarten teacher in a  
9 school district that has received approval from the commissioner  
10 for the district's prekindergarten-specific instructional training  
11 plan that the teacher uses in the teacher's prekindergarten  
12 classroom; or

13 (E) an equivalent qualification.

14 (g) A school district may allow a teacher employed by the  
15 district to receive the training required to be awarded a Child  
16 Development Associate (CDA) credential from a regional education  
17 service center that offers the training in accordance with Section  
18 8.058. Training may not include national curriculum standards  
19 developed by the Common Core State Standards Initiative.

20 (h) A school district must attempt to maintain an average  
21 ratio in any prekindergarten class of not less than one certified  
22 teacher or teacher's aide for each 11 students.

23 (i) A school district shall:

24 (1) select and implement appropriate methods for  
25 evaluating the district's prekindergarten classes by measuring  
26 student progress; and

27 (2) make data from the results of evaluations

1 available to parents.

2 (j) A school district may administer diagnostic assessments  
3 to students in a prekindergarten class to evaluate student progress  
4 as required by Subsection (i) but may not administer a state  
5 standardized assessment instrument.

6 (k) An assessment instrument administered to a  
7 prekindergarten class must be selected from a list of appropriate  
8 prekindergarten assessment instruments identified by the  
9 commissioner.

10 SECTION 7. Section 29.1561(b), Education Code, is amended  
11 to read as follows:

12 (b) Notwithstanding any restriction imposed by this title,  
13 the commissioner may administer grants for early childhood care and  
14 education programs under Section [~~29.155 or~~] 29.156, including Head  
15 Start and Early Head Start programs, in a manner that provides the  
16 greatest flexibility allowed under federal law.

17 SECTION 8. Section 29.160(c), Education Code, is amended to  
18 read as follows:

19 (c) A school district, regional education service center,  
20 institution of higher education, local government, local workforce  
21 development board, or community organization may develop one or  
22 more coordination-of-resources demonstration projects under which  
23 government-funded child-care and early education services,  
24 including Head Start and Early Head Start, prekindergarten, and  
25 after-school child-care program services, child-care services  
26 provided by nonprofit or for-profit entities, and faith-based  
27 child-care programs, are operated in a coordinated and integrated



1 manner. An entity that develops a proposed demonstration project  
2 under this subsection must obtain approval of the project from the  
3 state agency or agencies with regulatory jurisdiction over the  
4 subject matter involved in the project. Approval of a project under  
5 this subsection must be made contingent on development of a  
6 memorandum of understanding regarding the child-care and early  
7 education coordination and integration that is:

8 (1) entered into by each entity participating in the  
9 project; and

10 (2) [~~certified by the State Center for Early Childhood~~  
11 ~~Development as meeting any standards developed under Section~~  
12 ~~29.155(g)~~]; and

13 [~~(3)~~] consistent with the applicable provisions of  
14 this section and applicable laws and regulations in a manner that at  
15 a minimum maintains existing child-care and early education program  
16 requirements and does not waive any existing health and safety  
17 standards.

18 SECTION 9. Section 42.003(b), Education Code, is amended to  
19 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, Chapter 29~~].

24 SECTION 10. Section 481.078, Government Code, is amended by  
25 adding Subsection (d-4) to read as follows:

26 (d-4) The fund may be used to finance amounts to which  
27 school districts are entitled under the Foundation School Program

1 on the basis of the number of students in average daily attendance  
2 in prekindergarten programs under Subchapter E, Chapter 29,  
3 Education Code. The governor may transfer appropriations from the  
4 fund to the Texas Education Agency for that purpose. Amounts  
5 transferred under this subsection are not considered to be grant  
6 funds, and the amounts transferred are not subject to any provision  
7 of this section or other law that applies to grants awarded by the  
8 governor under this section.

9 SECTION 11. Section 481.079, Government Code, is amended by  
10 adding Subsection (a-3) to read as follows:

11 (a-3) The report must include a statement regarding any  
12 amounts transferred to finance prekindergarten payments in  
13 accordance with Section 481.078(d-4).

14 SECTION 12. Sections 2308.3171(a) and (c), Government Code,  
15 are amended to read as follows:

16 (a) In this section, "quality child-care indicator" means  
17 any appropriate indicator of quality services, including whether  
18 the provider of the services:

19 (1) meets Texas Rising Star Program certification  
20 criteria;

21 (2) is accredited by a nationally recognized  
22 accrediting organization approved by the commission;

23 (3) is certified under the school readiness  
24 certification system established under Section 29.161, Education  
25 Code; or

26 (4) [~~meets standards developed under Section~~  
27 ~~29.155(g), Education Code, or~~

1           ~~(5)~~ has achieved any other measurable target that is  
2 relevant to improving the quality of child care in this state and  
3 that has been approved by the commission.

4           (c) Each board shall post in a prominent place on the  
5 board's Internet website home page and at any physical location  
6 where the board provides services:

7           (1) a list of local designated vendors that are  
8 child-care providers and have a quality child-care indicator listed  
9 in Subsection (a)(1), (2), or (3) ~~[, or (4)]~~; and

10           (2) a list of local parenting classes.

11           SECTION 13. The following provisions of the Education Code  
12 are repealed:

13           (1) Sections 29.153(a), (b), and (f);

14           (2) Section 29.155; and

15           (3) Subchapter E-1, Chapter 29.

16           SECTION 14. Notwithstanding any other provision of law,  
17 during the state fiscal biennium beginning September 1, 2017, the  
18 governor may transfer to the Texas Education Agency any amounts  
19 appropriated for that biennium to a trustee program within the  
20 office of the governor. Any amounts transferred by the governor in  
21 accordance with this authority may be used by the Texas Education  
22 Agency only to finance amounts to which school districts are  
23 entitled under the Foundation School Program on the basis of the  
24 number of students in average daily attendance in prekindergarten  
25 programs under Subchapter E, Chapter 29, Education Code.

26           SECTION 15. This Act applies beginning with the 2017-2018  
27 school year.

1           SECTION 16. This Act takes effect immediately if it  
2 receives a vote of two-thirds of all the members elected to each  
3 house, as provided by Section 39, Article III, Texas Constitution.  
4 If this Act does not receive the vote necessary for immediate  
5 effect, this Act takes effect September 1, 2017.