

By: Allen

H.B. No. 4515

A BILL TO BE ENTITLED

AN ACT

relating to an alternative qualified early learning grant program administered by the commissioner of education and funding for prekindergarten and kindergarten programs under the Foundation School Program.

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

SECTION 1. Section 29.1534(a), Education Code, is amended to read as follows:

(a) In this section, "prekindergarten program" includes prekindergarten programs provided by a private entity through a partnership with the school district or by an early learning provider qualified under Section 29.1535(d).

SECTION 2. Subchapter E, Chapter 29, Education Code, is amended by adding Section 29.1535 to read as follows:

Sec. 29.1535. ALTERNATIVE QUALIFIED EARLY LEARNING GRANT PROGRAM. (a) In this section:

(1) "Eligible student" means a child who resides in this state and who either:

(A) is eligible for prekindergarten classes under Section 29.153(b); or

(B) is five years of age or older and otherwise eligible for enrollment in kindergarten.

(2) "Parent" includes a person standing in parental relation to a student, including a stepparent.

1 (3) "Qualified early learning provider" means a
2 child-care provider that qualifies under Subsection (d) to receive
3 a grant under this section.

4 (b) A parent of an eligible student may enroll the student
5 in prekindergarten or kindergarten classes offered by a qualified
6 early learning provider as an alternative to a public school
7 kindergarten or prekindergarten program.

8 (c) A qualified early learning provider is entitled to
9 receive a grant in the amount equal to the amount of funding per
10 eligible student in weighted average daily attendance, calculated
11 on the basis of full-day attendance, to which the school district in
12 which the student resides would be entitled.

13 (d) To qualify for a grant under this section, an early
14 learning provider must:

15 (1) offer, at no cost to the student, prekindergarten
16 or kindergarten classes to each student for which the provider
17 receives a grant under this section;

18 (2) meet the qualifications of Section [29.153\(g\)](#);

19 (3) only employ teachers in a prekindergarten or
20 kindergarten program:

21 (A) who meet the qualifications of Section
22 [29.167\(b\)](#); or

23 (B) for whom the provider has received a waiver
24 under Subsection (f);

25 (4) if offering prekindergarten classes, implement a
26 curriculum consistent with Section [29.167\(a\)](#);

27 (5) if offering kindergarten classes, only offer

curriculum from a list of approved curricula developed by the agency under Subsection (1)(4); and

(6) select and implement appropriate methods for evaluating the provider's prekindergarten and kindergarten programs in accordance with Section 29.169.

(e) Money from the available school fund or federal funds may not be used for awarding a grant under this section.

(f) A qualified early learning provider may apply to the commissioner for a waiver of the requirement that a teacher be certified under Subchapter B, Chapter 21, in the same manner as provided by Sections 7.056(b) and (c) as a school campus or district seeking a waiver. A teacher for whom the provider has been granted a waiver must be employed under a probationary contract or a contract that establishes an at-will employment relationship between the provider and the teacher.

(g) A waiver granted under Subsection (f) is effective for the period stated in the application for a waiver, which may not exceed three years. A qualified early learning provider that has been granted a waiver for a certain teacher may not apply again for a waiver for that teacher.

(h) The commissioner shall develop a system to notify the population in each school district with children who are eligible for enrollment in a prekindergarten or kindergarten program under this section of the availability of prekindergarten or kindergarten classes at a qualified early learning provider. The notification must:

(1) include each qualified early learning provider

1 located within the district; and

2 (2) be provided in English and Spanish.

3 (i) This section does not restrict or prohibit a qualified
4 early learning provider from advertising the availability of
5 prekindergarten and kindergarten classes offered by the provider.

6 (j) The commissioner may not reduce the amount of funds to
7 which a qualified early learning provider is entitled under this
8 section based on an eligible student's simultaneous enrollment in
9 the provider's program and a public school's prekindergarten or
10 kindergarten program.

11 (k) The commissioner shall administer the program and award
12 grants to qualified early learning providers.

13 (l) The commissioner shall adopt rules to implement this
14 section, including rules for:

15 (1) establishing a process by which a qualified early
16 learning provider may apply for a grant under Subsection (c);

17 (2) providing a timeline for making payments to grant
18 recipients under this section;

19 (3) ensuring that a qualified early learning provider
20 awarded a grant under this section is, to the greatest extent
21 possible and except as provided by this section, funded in a manner
22 identical to a prekindergarten or kindergarten program offered at a
23 public school;

24 (4) developing criteria for and a list of approved
25 kindergarten curricula; and

26 (5) developing and publishing a list of qualified
27 early learning providers.

SECTION 3. Section 48.005, Education Code, is amended by amending Subsections (a) and (i) and adding Subsection (i-1) to read as follows:

(a) In this chapter, average daily attendance is:

(1) the quotient of the sum of attendance for each day of the minimum number of days of instruction as described under Section 25.081(a) divided by the minimum number of days of instruction;

(2) for a district that operates under a flexible year program under Section 29.0821, the quotient of the sum of attendance for each actual day of instruction as permitted by Section 29.0821(b)(1) divided by the number of actual days of instruction as permitted by Section 29.0821(b)(1);

(3) for a district that operates under a flexible school day program under Section 29.0822, the average daily attendance as calculated by the commissioner in accordance with Sections 29.0822(d) and (d-1); or

(4) unless otherwise provided by Subsection (i-1), for a district that operates a half-day program ~~or a full-day program~~ under Section 29.153(c), one-half of the average daily attendance calculated under Subdivision (1).

(i) Unless otherwise provided by Subsection (i-1), a [A] district or a charter school operating under Chapter 12 that operates a prekindergarten program is eligible to receive three-quarters ~~[one-half]~~ of average daily attendance under Subsection (a) if the district's or charter school's prekindergarten program provides at least 50,400 ~~[32,400]~~ minutes

of instructional time to students.

(i-1) A district or a charter school operating under Chapter 12 that operates a prekindergarten program is eligible to receive full-day average daily attendance under Subsection (a) for each student enrolled in a prekindergarten program at a campus that offers only prekindergarten or prekindergarten and kindergarten.

SECTION 4. Section 48.108, Education Code, is amended by adding Subsection (e) to read as follows:

(e) A school district is entitled to receive funding for a student who satisfies the requirements of this section regardless of whether the eligible student is simultaneously enrolled in a prekindergarten or kindergarten program provided by an early learning provider qualified under Section 29.1535(d) and is a student for whom the early learning provider receives a grant under that section.

SECTION 5. As soon as practicable after the effective date of this Act, the commissioner of education shall adopt rules to implement the alternative qualified early learning grant program established by Section 29.1535, Education Code, as added by this Act.

SECTION 6. This Act takes effect September 1, 2023.