

By: Dutton

H.B. No. 123

A BILL TO BE ENTITLED

AN ACT

1
2 relating to measures to support kindergarten readiness and early
3 literacy and numeracy skills for public school students, including
4 an early childhood parental support program, and to funding under
5 the Foundation School Program for certain school districts and to
6 support those measures.

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

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

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

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

13 (2) the provisions in Chapter 554, Government Code;
14 and

15 (3) a prohibition, restriction, or requirement, as
16 applicable, imposed by this title or a rule adopted under this
17 title, relating to:

18 (A) the Public Education Information Management
19 System (PEIMS) to the extent necessary to monitor compliance with
20 this subchapter as determined by the commissioner;

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

23 (C) reading and mathematics instruments and
24 reading interventions [~~accelerated reading instruction programs~~]

- 1 under Sections [~~Section~~] 28.006, 28.0063, and 28.0064;
- 2 (D) accelerated instruction under Section
3 28.0211;
- 4 (E) high school graduation requirements under
5 Section 28.025;
- 6 (F) special education programs under Subchapter
7 A, Chapter 29;
- 8 (G) bilingual education under Subchapter B,
9 Chapter 29;
- 10 (H) prekindergarten programs under Subchapter E
11 or E-1, Chapter 29, except class size limits for prekindergarten
12 classes imposed under Section 25.112, which do not apply;
- 13 (I) extracurricular activities under Section
14 33.081;
- 15 (J) discipline management practices or behavior
16 management techniques under Section 37.0021;
- 17 (K) health and safety under Chapter 38;
- 18 (L) the provisions of Subchapter A, Chapter 39;
- 19 (M) public school accountability and special
20 investigations under Subchapters A, B, C, D, F, G, and J, Chapter
21 39, and Chapter 39A;
- 22 (N) the requirement under Section 21.006 to
23 report an educator's misconduct;
- 24 (O) intensive programs of instruction under
25 Section 28.0213;
- 26 (P) the right of a school employee to report a
27 crime, as provided by Section 37.148;

1 (Q) bullying prevention policies and procedures
2 under Section 37.0832;

3 (R) the right of a school under Section 37.0052
4 to place a student who has engaged in certain bullying behavior in a
5 disciplinary alternative education program or to expel the student;

6 (S) the right under Section 37.0151 to report to
7 local law enforcement certain conduct constituting assault or
8 harassment;

9 (T) a parent's right to information regarding the
10 provision of assistance for learning difficulties to the parent's
11 child as provided by Sections 26.004(b)(11) and 26.0081(c) and (d);

12 (U) establishment of residency under Section
13 25.001;

14 (V) school safety requirements under Sections
15 37.0814, 37.108, 37.1081, 37.1082, 37.1083, 37.1084, 37.1085,
16 37.1086, 37.109, 37.113, 37.114, 37.1141, 37.115, 37.207, and
17 37.2071 and Subchapter J, Chapter 37;

18 (W) the early childhood literacy and mathematics
19 proficiency plans under Section 11.185;

20 (X) the college, career, and military readiness
21 plans under Section 11.186; and

22 (Y) parental options to retain a student under
23 Section 28.02124.

24 SECTION 2. The heading to Section 21.4552, Education Code,
25 is amended to read as follows:

26 Sec. 21.4552. TEACHER LITERACY ACHIEVEMENT AND READING
27 INTERVENTION ACADEMIES.

1 SECTION 3. Section [21.4552](#), Education Code, is amended by
2 amending Subsections (b) and (d) and adding Subsections (d-1), (g),
3 (h), and (i) to read as follows:

4 (b) A literacy achievement academy developed under this
5 section:

6 (1) for teachers who provide reading instruction to
7 students at the kindergarten or first, second, or third grade
8 level:

9 (A) must include training in:

10 (i) effective and systematic instructional
11 practices in reading, including phonemic awareness, phonics,
12 fluency, vocabulary, and comprehension; and

13 (ii) the use of empirically validated
14 instructional methods that are appropriate for struggling readers;
15 and

16 (B) may include training in effective
17 instructional practices in writing;

18 (2) for teachers who provide reading instruction to
19 students at the fourth or fifth grade level:

20 (A) must include effective instructional
21 practices that promote student development of reading
22 comprehension and inferential and critical thinking;

23 (B) must provide training in the use of
24 empirically validated instructional methods that are appropriate
25 for struggling readers; and

26 (C) may include material on writing instruction;

27 (3) for teachers who provide reading instruction to

1 students at the sixth, seventh, or eighth grade level, must include
2 training in:

3 (A) strategies to be implemented in English
4 language arts and other subject areas for multisyllable word
5 reading, vocabulary development, and comprehension of expository
6 and narrative text;

7 (B) an adaptation framework that enables
8 teachers to respond to differing student strengths and needs,
9 including adaptations for students of limited English proficiency
10 or students receiving special education services under Subchapter
11 A, Chapter 29;

12 (C) collaborative strategies to increase active
13 student involvement and motivation to read; and

14 (D) other areas identified by the commissioner as
15 essential components of reading instruction; and

16 (4) ~~[for teachers who provide reading instruction to
17 students at the seventh or eighth grade level, must include
18 training in:~~

19 ~~[(A) administration of the reading instrument
20 required by Section 28.006(c-1); and~~

21 ~~[(B) interpretation of the results of the reading
22 instrument required by Section 28.006(c-1) and strategies, based on
23 scientific research regarding effective reading instruction, for
24 long-term intensive intervention to target identified student
25 needs in word recognition, vocabulary, fluency, and comprehension,
26 and~~

27 ~~[(5)]~~ for teachers who provide instruction in

1 mathematics, science, or social studies to students at the sixth,
2 seventh, or eighth grade level, must include training in:

3 (A) strategies for incorporating reading
4 instruction into the curriculum for the subject area taught by the
5 teacher; and

6 (B) other areas identified by the commissioner.

7 (d) Except as provided by Subsection (d-1), from ~~From~~
8 funds provided under Section 48.108 or appropriated for that
9 purpose, a classroom teacher who provides instruction to students
10 in kindergarten through third grade and attends a literacy
11 achievement academy is entitled to receive a stipend from the
12 school district in the amount determined by the commissioner. From
13 funds appropriated for that purpose, a district may provide a
14 stipend to a classroom teacher who provides instruction to students
15 in a grade level above third grade. A stipend received under this
16 subsection is not considered in determining whether a school
17 district is paying the classroom teacher the minimum monthly salary
18 under Section 21.402.

19 (d-1) A classroom teacher is not eligible for a stipend
20 under Subsection (d) if the teacher:

21 (1) is currently enrolled in an educator preparation
22 program;

23 (2) attends the literacy achievement academy on a day
24 or during hours of service included in the term of the teacher's
25 contract; or

26 (3) is not directed or approved by the school district
27 at which the teacher is employed to attend the literacy achievement

1 academy.

2 (g) The agency shall develop a method for evaluating a
3 literacy achievement academy to determine the effectiveness of the
4 academy, including whether the academy improves teaching practices
5 and student literacy proficiency. A school district or
6 open-enrollment charter school shall provide any information
7 requested by the agency for purposes of evaluating literacy
8 achievement academies under this subsection.

9 (h) In addition to the literacy achievement academies
10 developed under Subsection (a), the commissioner shall develop and
11 make available reading intervention academies for teachers who
12 provide reading interventions to students who require accelerated
13 instruction in foundational reading skills.

14 (i) The commissioner may establish an advisory board to
15 assist the agency in fulfilling the agency's duties under this
16 section. Chapter 2110, Government Code, does not apply to an
17 advisory board established under this subsection.

18 SECTION 4. The heading to Section 21.4553, Education Code,
19 is amended to read as follows:

20 Sec. 21.4553. TEACHER MATHEMATICS ACHIEVEMENT AND
21 INTERVENTIONIST ACADEMIES.

22 SECTION 5. Section 21.4553, Education Code, is amended by
23 amending Subsection (d) and adding Subsections (d-1), (d-2), (g),
24 (h), and (i) to read as follows:

25 (d) Except as provided by Subsection (d-1), from ~~From~~
26 funds appropriated for that purpose, a classroom teacher who
27 attends a mathematics achievement academy is entitled to receive a

1 stipend in the amount determined by the commissioner. A stipend
2 received under this subsection is not considered in determining
3 whether a district is paying the classroom teacher the minimum
4 monthly salary under Section 21.402.

5 (d-1) A classroom teacher is not eligible for a stipend
6 under Subsection (d) if the teacher:

7 (1) is currently enrolled in an educator preparation
8 program;

9 (2) attends the mathematics achievement academy on a
10 day or during hours of service included in the term of the teacher's
11 contract; or

12 (3) is not directed or approved by the school district
13 at which the teacher is employed to attend the mathematics
14 achievement academy.

15 (d-2) From funds provided under Section 48.108 or
16 appropriated for that purpose, a school district or open-enrollment
17 charter school must pay for the costs for a classroom teacher
18 employed by the district or school to attend a mathematics
19 achievement academy.

20 (g) The agency shall develop a method for evaluating a
21 mathematics achievement academy to determine the effectiveness of
22 the academy, including whether the academy improves teaching
23 practices and student math proficiency. A school district or
24 open-enrollment charter school shall provide any information
25 requested by the agency for purposes of evaluating mathematics
26 achievement academies under this subsection.

27 (h) In addition to the mathematics achievement academies

1 developed under Subsection (a), the commissioner shall develop and
2 make available mathematics interventionist academies for a teacher
3 who provides additional support to students who require accelerated
4 instruction in mathematics.

5 (i) The commissioner may establish an advisory board to
6 assist the agency in fulfilling the agency's duties under this
7 section. Chapter 2110, Government Code, does not apply to an
8 advisory board established under this subsection.

9 SECTION 6. Subchapter C, Chapter 25, Education Code, is
10 amended by adding Section 25.0816 to read as follows:

11 Sec. 25.0816. ADDITIONAL DAYS SCHOOL YEAR PLANNING GRANT
12 PROGRAM. (a) From money appropriated or otherwise available for
13 the purpose, the agency shall establish and administer a grant
14 program to provide funding and technical assistance to school
15 districts and open-enrollment charter schools to plan the school
16 year and adjust operations as necessary to qualify for the
17 incentive funding under Section 48.0051.

18 (b) In awarding grants under the program, the agency shall
19 prioritize school districts and open-enrollment charter schools
20 that seek to maximize incentive funding under Section 48.0051.

21 (c) The agency may solicit and accept gifts, grants, and
22 donations for purposes of this section.

23 SECTION 7. Section 25.085(d), Education Code, is amended to
24 read as follows:

25 (d) Unless specifically exempted by Section 25.086, a
26 student enrolled in a school district must attend:

27 (1) an extended-year program for which the student is

1 eligible that is provided by the district for students identified
2 as likely not to be promoted to the next grade level or tutorial
3 classes required by the district under Section 29.084;

4 (2) a reading intervention program [~~an accelerated~~
5 ~~reading instruction program~~] to which the student is assigned under
6 Section 28.0064 [~~28.006(g)~~];

7 (3) an accelerated instruction program to which the
8 student is assigned under Section 28.0211;

9 (4) a basic skills program to which the student is
10 assigned under Section 29.086; or

11 (5) a summer program provided under Section 37.008(1)
12 or Section 37.021.

13 SECTION 8. The heading to Section 28.006, Education Code,
14 is amended to read as follows:

15 Sec. 28.006. KINDERGARTEN READING DIAGNOSIS.

16 SECTION 9. Section 28.006, Education Code, is amended by
17 amending Subsections (a), (b), (b-1), (c-2), (c-3), (d), (f), and
18 (h) and adding Subsection (n) to read as follows:

19 (a) The commissioner shall develop recommendations for
20 school districts for:

21 (1) administering reading instruments, including an
22 instrument developed under Section 28.0063, to diagnose student
23 foundational literacy skills in reading development and
24 comprehension;

25 (2) training educators in administering the reading
26 instruments; and

27 (3) applying the results of the reading instruments to

1 the instructional program.

2 (b) The commissioner shall adopt a ~~[list of]~~ reading
3 instrument ~~[instruments]~~ that a school district shall ~~[may]~~ use to
4 diagnose the foundational literacy skills in ~~[student]~~ reading
5 development and comprehension of students enrolled in
6 kindergarten. A reading instrument adopted under this subsection
7 may include other developmental skills as part of ~~[For use in~~
8 ~~diagnosing the reading development and comprehension of~~
9 ~~kindergarten students, the commissioner shall adopt]~~ a
10 multidimensional assessment tool ~~[that includes a reading~~
11 ~~instrument and tests at least three developmental skills, including~~
12 ~~literacy. A multidimensional assessment tool administered as~~
13 ~~provided by this subsection is considered to be a reading~~
14 ~~instrument for purposes of this section. A district-level~~
15 ~~committee established under Subchapter F, Chapter 11, may adopt a~~
16 ~~list of reading instruments for use in the district in a grade level~~
17 ~~other than kindergarten in addition to the reading instruments on~~
18 ~~the commissioner's list]~~. A ~~[Each]~~ reading instrument adopted by
19 the commissioner ~~[or a district-level committee]~~ must be based on
20 scientific research concerning foundational literacy skills in
21 reading ~~[skills]~~ development and ~~[reading]~~ comprehension. A ~~[list~~
22 ~~of]~~ reading instrument ~~[instruments]~~ adopted under this subsection
23 must provide for diagnosing the foundational literacy skills in
24 reading development and comprehension of a student ~~[students]~~
25 participating in a program under Subchapter B, Chapter 29.

26 (b-1) The commissioner may approve an alternative reading
27 instrument for use in diagnosing the foundational literacy skills

1 in reading development and comprehension of kindergarten students
2 that complies with the requirements under Subsection (b).

3 (c-2) Not later than the 60th day after the beginning of the
4 school year, each [~~Each~~] school district shall administer at the
5 kindergarten level a reading instrument adopted by the commissioner
6 under Subsection (b) or approved by the commissioner under
7 Subsection (b-1). The district shall administer the reading
8 instrument in accordance with the commissioner's recommendations
9 under Subsection (a)(1) and policies developed by commissioner
10 rule.

11 (c-3) The commissioner by rule shall determine the
12 performance on a [~~the~~] reading instrument adopted or approved under
13 this section [~~Subsection (b)~~] that indicates kindergarten
14 readiness.

15 (d) The superintendent of each school district shall:

16 (1) report to the commissioner and the board of
17 trustees of the district the results of a [~~the~~] reading instrument
18 administered to students under this section [~~instruments~~];

19 (2) not later than the 30th [~~60th~~] calendar day after
20 the date on which the results of a reading instrument are available,
21 [~~was administered~~] report, in writing or electronically, to a
22 student's parent or guardian the student's results on the
23 instrument; and

24 (3) using the school readiness certification system
25 provided to the school district in accordance with Section
26 [29.161\(e\)](#), report electronically each student's raw score on the
27 reading instrument to the agency for use in the school readiness

1 certification system.

2 (f) The agency shall ensure at least one reading instrument
3 adopted or approved [~~for each grade level for which a reading~~
4 ~~instrument is required to be administered~~] under this section is
5 available to school districts at no cost.

6 (h) The school district shall make a good faith effort to
7 ensure that the report [~~notice~~] required under Subsection (d)(2)
8 [~~this section~~] is provided either in person or electronically [~~by~~
9 ~~regular mail~~] and that the report [~~notice~~] is clear and easy to
10 understand and is written in English and in the parent or guardian's
11 native language.

12 (n) The admission, review, and dismissal committee of a
13 student who participates in a school district's special education
14 program under Subchapter A, Chapter 29, may modify any requirement
15 for student participation under this section.

16 SECTION 10. Subchapter A, Chapter 28, Education Code, is
17 amended by adding Sections 28.0063, 28.0064, 28.0065, and 28.0071
18 to read as follows:

19 Sec. 28.0063. EARLY LITERACY AND NUMERACY INSTRUMENTS. (a)
20 The commissioner shall adopt a list of reading and mathematics
21 instruments approved or developed by the commissioner for use by
22 school districts in kindergarten through grade three to diagnose
23 foundational literacy skills in reading development and
24 comprehension and foundational numeracy skills in mathematics.

25 (b) A reading or mathematics instrument adopted under
26 Subsection (a) must:

27 (1) be based on scientific research concerning, as

1 applicable:

2 (A) foundational literacy skills in reading
3 development and comprehension; or

4 (B) foundational numeracy skills in mathematics;

5 (2) be capable of being administered at the beginning,
6 middle, and end of the school year, except for a substitute
7 instrument allowed under Subsection (d);

8 (3) be designed to assess the performance of students
9 in, as applicable:

10 (A) the foundational literacy skills components
11 of the essential knowledge and skills adopted under Section 28.002
12 for language arts; or

13 (B) the foundational numeracy skills components
14 of the essential knowledge and skills adopted under Section 28.002
15 for mathematics;

16 (4) be capable of monitoring student progress in a
17 manner that allows school district staff to identify specific
18 foundational literacy or numeracy skills in need of targeted
19 instruction;

20 (5) assess whether a student's performance in
21 foundational literacy or numeracy skills indicates that the student
22 is at risk, as determined by the commissioner, of not achieving
23 satisfactory performance on the third grade reading or mathematics
24 assessment administered under Section 39.023;

25 (6) for a reading instrument, include applicable
26 elements required for a screening for dyslexia and related
27 disorders under Section 38.003; and

1 (7) for a reading instrument, allow a school district
2 to generate a report regarding a student's reading progress that is
3 clear and easy to understand that may be distributed to the
4 student's parent in English, Spanish, or, to the extent
5 practicable, any other language spoken by the parent.

6 (c) The commissioner shall:

7 (1) update the list of reading and mathematics
8 instruments adopted under Subsection (a) not less than once every
9 four years;

10 (2) ensure the list adopted under Subsection (a)
11 includes multiple reading and mathematics instruments;

12 (3) develop a process by which a school district may
13 submit an instrument to the commissioner for approval; and

14 (4) make publicly available the criteria for the
15 evaluation and approval of an instrument submitted to the
16 commissioner.

17 (d) The commissioner may allow a school district to
18 substitute:

19 (1) an instrument adopted or approved under Section
20 28.006 for an instrument adopted under this section that is
21 administered to a kindergarten student at the beginning of the
22 school year;

23 (2) an interim assessment instrument adopted or
24 developed under Section 39.023(o) for an instrument adopted under
25 this section; or

26 (3) a third grade assessment instrument adopted or
27 developed under Section 39.023 for an instrument adopted under this

1 section that is administered at the end of the school year for a
2 third grade student.

3 (e) A school district shall administer to students in
4 kindergarten through third grade a reading and mathematics
5 instrument adopted under Subsection (a) in accordance with
6 requirements established by the commissioner under this section.

7 (f) The superintendent of each school district shall:

8 (1) report to the commissioner and the board of
9 trustees of the district the results of a reading or mathematics
10 instrument administered to students under this section; and

11 (2) not later than the 30th calendar day after the date
12 on which the results of a reading or mathematics instrument are
13 available, report, in writing or electronically, to a student's
14 parent or guardian:

15 (A) the student's results on the instrument;

16 (B) for a reading instrument, the report
17 described by Subsection (b)(7); and

18 (C) if the student is determined to be at risk for
19 dyslexia or a related disorder based on the results of the reading
20 instrument, information regarding that determination.

21 (g) For each student in kindergarten through third grade who
22 is determined to have dyslexia or a related disorder, the district
23 shall:

24 (1) notify the student's parent or guardian of the
25 determination and provide to the parent or guardian information
26 regarding the Talking Book Program offered by the Texas State
27 Library and Archives Commission; and

1 (2) ensure that the district is complying with the
2 requirements of Section 29.0031 with respect to the student.

3 (h) The agency shall establish a list of reading and
4 mathematics instruments adopted under Subsection (a) for which the
5 agency has negotiated a price. A school district is not required to
6 use a method provided by Section 44.031 to purchase an instrument on
7 the list established under this subsection.

8 (i) A student's parent or guardian may submit a written
9 request to the administrator of the campus at which the student is
10 enrolled to opt the student out of the administration of a reading
11 or mathematics instrument required under this section. A school
12 district may not encourage or direct a parent or guardian to submit
13 a written request under this subsection.

14 (j) The commissioner shall adopt rules as necessary to
15 implement this section.

16 (k) Section 2001.0045, Government Code, does not apply to a
17 rule adopted under this section.

18 (l) A school district may comply with the requirements of
19 Subsection (e) by administering a reading or mathematics instrument
20 selected by the board of trustees of the school district that meets
21 the requirements of Subsection (b) until the commissioner adopts
22 the list of reading and mathematics instruments under Subsection
23 (a). This subsection expires September 1, 2029.

24 Sec. 28.0064. EARLY LITERACY INTERVENTION FOR CERTAIN
25 STUDENTS. (a) If a student's results on two consecutive reading
26 instruments administered under Section 28.0063 indicate that the
27 student is at risk, as determined by the commissioner, of not

1 achieving satisfactory performance in foundational literacy, a
2 school district shall, as soon as practicable following the receipt
3 of the student's results, provide reading interventions to the
4 student during the subsequent 12 months.

5 (b) Reading interventions provided under Subsection (a)
6 must:

7 (1) include targeted instruction in the foundational
8 literacy skills identified as areas in need of targeted instruction
9 by the reading instrument administered under Section 28.0063;

10 (2) ensure that the student receives the interventions
11 during a period and at a frequency sufficient to address the areas
12 described by Subdivision (1);

13 (3) include effective instructional materials
14 designed for reading intervention;

15 (4) be provided by a person:

16 (A) with training in reading interventions and in
17 the applicable instructional materials described by Subdivision
18 (3); and

19 (B) under the oversight of the school district;

20 (5) to the extent possible, be provided by one person
21 for the entirety of the student's reading intervention period; and

22 (6) meet any additional requirements adopted by the
23 commissioner.

24 (c) A school district shall continue providing reading
25 intervention to a student under this section until the earlier of
26 the date on which:

27 (1) the student is no longer determined to be at risk,

1 as determined by the commissioner, of not achieving satisfactory
2 performance in foundational literacy on a reading instrument
3 administered under Section 28.0063; or

4 (2) the student begins the fourth grade.

5 (d) In providing reading interventions under this section,
6 a school district may not remove a student, except under
7 circumstances for which a student enrolled in the same grade level
8 who is not receiving reading interventions would be removed, from:

9 (1) instruction in the foundation curriculum and
10 enrichment curriculum adopted under Section 28.002 for the grade
11 level in which the student is enrolled; or

12 (2) recess or other physical activity that is
13 available to other students enrolled in the same grade level.

14 (e) The agency shall approve one or more products that use
15 an automated, computerized, or other augmented method for providing
16 reading interventions. The agency may approve a product under this
17 subsection only if evidence indicates that the product is effective
18 at promoting mastery of foundational literacy skills.

19 (f) Subject to appropriation, the agency shall ensure that
20 at least one product approved under Subsection (e) is available to
21 school districts at no or reduced cost.

22 (g) A student's parent or guardian may submit a written
23 request to the administrator of the campus at which the student is
24 enrolled to opt the student out of a reading intervention
25 requirement under Subsection (b). A school district may not
26 encourage or direct a parent or guardian to submit a written request
27 under this subsection that would allow the district to not provide

1 reading interventions to the student.

2 (h) A school district must provide to the parent or guardian
3 of a student receiving reading interventions under this section the
4 notice required under Section 26.0081(d).

5 (i) Nothing in this section may be construed to prevent or
6 discourage reading interventions for a student whose results on a
7 reading instrument administered under Section 28.0063 indicate
8 that the student is at risk, as determined by the commissioner, of
9 not achieving satisfactory performance in foundational literacy.

10 (j) Nothing in this section may be construed to prevent the
11 provision of any special education services required under
12 Subchapter A, Chapter 29, or the Individuals with Disabilities
13 Education Act (20 U.S.C. Section 1400 et seq.). A student's
14 admission, review, and dismissal committee may modify any
15 requirement for student participation in reading interventions
16 under this section.

17 (k) The commissioner shall adopt rules as necessary to
18 implement this section, including rules that define appropriate
19 standards for implementing reading interventions that meet the
20 requirements of Subsection (b).

21 (l) Section 2001.0045, Government Code, does not apply to a
22 rule adopted under this section.

23 (m) A school district is not required to comply with the
24 requirements of this section until the commissioner adopts a list
25 of reading and mathematics instruments under Section 28.0063 and
26 designates the first school year that districts must comply with
27 this section. This subsection expires September 1, 2029.

1 Sec. 28.0065. ADAPTIVE VOCABULARY. (a) The agency shall
2 develop and implement an adaptive vocabulary assessment to assess
3 vocabulary development in students in kindergarten through third
4 grade.

5 (b) The agency may use an assessment developed under this
6 subsection to assess students in grades other than grades described
7 by Subsection (a).

8 (c) The admission, review, and dismissal committee of a
9 student who participates in a school district's special education
10 program under Subchapter A, Chapter 29, may modify any requirement
11 for student participation under this section.

12 (d) The commissioner may adopt rules as necessary to
13 implement this section.

14 Sec. 28.0071. MATHEMATICS TRAINING FOR KINDERGARTEN
15 THROUGH EIGHTH GRADE. (a) Each school district and
16 open-enrollment charter school shall ensure that:

17 (1) not later than the 2030-2031 school year, each
18 classroom teacher that provides instruction in mathematics to
19 students in kindergarten through eighth grade and each principal,
20 assistant principal, mathematics instructional coach, and
21 mathematics interventionist at a campus with one of those grade
22 levels has attended a teacher mathematics achievement academy
23 developed under Section 21.4553; and

24 (2) each classroom teacher and principal initially
25 employed in a grade level or at a campus described by Subdivision
26 (1) for the 2030-2031 school year or a subsequent school year has
27 attended a teacher mathematics achievement academy developed under

1 Section 21.4553 by the end of the teacher's or principal's first
2 year of placement in that grade level or campus.

3 (b) The agency shall provide assistance to school districts
4 and open-enrollment charter schools in complying with the
5 requirements under this section.

6 (c) The agency shall:

7 (1) monitor the implementation of this section; and

8 (2) periodically report to the legislature on the
9 implementation of this section and the effectiveness of this
10 section in improving educational outcomes.

11 (d) The commissioner may adopt rules to implement this
12 section.

13 SECTION 11. Subchapter B, Chapter 28, Education Code, is
14 amended by adding Section 28.02111 to read as follows:

15 Sec. 28.02111. THIRD GRADE SUPPLEMENTARY SUPPORTS. (a) The
16 commissioner shall establish and administer a program for students
17 in the third grade who are required to be provided accelerated
18 instruction under Section 28.0211(a-1) through which the student's
19 parent may direct tutoring services to support the student. The
20 agency shall provide to a student described by this subsection a
21 grant in the amount provided under Section 48.310 to purchase from
22 an agency-approved provider tutoring services designed to help
23 improve the student's proficiency in reading.

24 (b) The agency shall:

25 (1) maintain a system of online accounts under which
26 each student described by Subsection (a) is assigned an account for
27 the student's parent to access the grant described by Subsection

1 (a); and

2 (2) implement the program in a manner that ensures:

3 (A) ease of use for parents of students who are
4 eligible for a grant under this section; and

5 (B) fidelity of spending.

6 (c) A student may not receive more than one grant under this
7 section.

8 (d) The agency may reserve from the total amount of money
9 available for purposes of the program an amount, not to exceed five
10 percent of the total amount, to cover the agency's cost of
11 administering the program.

12 (e) A school district or open-enrollment charter school in
13 which a student who receives a grant under this section is enrolled
14 remains subject to the requirements to provide accelerated
15 instruction under Section [28.0211](#).

16 (f) A school district or open-enrollment charter school
17 shall provide to the parent of a student described by Subsection (a)
18 notice of the student's eligibility for a grant under this section,
19 in a form and manner established by the agency.

20 (g) A decision by the commissioner regarding the program
21 under this section is final and may not be appealed.

22 (h) The commissioner shall adopt rules as necessary to
23 implement this section.

24 SECTION 12. Section [29.1543](#), Education Code, is amended to
25 read as follows:

26 Sec. 29.1543. EARLY EDUCATION REPORTS. The agency shall
27 produce and make available to the public on the agency's Internet

1 website annual district and campus-level reports containing
2 information from the previous school year on early education in
3 school districts and open-enrollment charter schools. A report
4 under this section must contain:

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

8 (2) a description of the diagnostic reading
9 instruments administered in accordance with Section 28.006(c-2)
10 [~~28.006(c) or (c-2)~~];

11 (3) the number of students who were administered a
12 diagnostic reading instrument administered in accordance with
13 Section 28.006(c-2) [~~28.006(c) or (c-2)~~];

14 (4) the number of students whose scores from a
15 diagnostic reading instrument administered in accordance with
16 Section 28.006(c-2) [~~28.006(c) or (c-2)~~] indicate kindergarten
17 readiness in reading [~~proficiency~~];

18 (5) the number of kindergarten students who were
19 enrolled in a prekindergarten program in the previous school year
20 in the same district or school as the district or school in which
21 the student attends kindergarten;

22 (6) the number and percentage of students who perform
23 satisfactorily on the third grade reading or mathematics assessment
24 instrument administered under Section 39.023, disaggregated by
25 whether the student was eligible for free prekindergarten under
26 Section 29.153;

27 (7) the number of students described by Subdivision

1 (6) who attended kindergarten in the district, disaggregated by:

2 (A) whether the student met the kindergarten
3 readiness standard on a ~~[the]~~ reading instrument adopted under
4 Section 28.006;

5 (B) whether the student attended prekindergarten
6 in the district; and

7 (C) the type of prekindergarten the student
8 attended, if applicable; and

9 (8) the information described by Subdivisions (6) and
10 (7) disaggregated by whether the student is educationally
11 disadvantaged.

12 SECTION 13. Section 29.161(c), Education Code, is amended
13 to read as follows:

14 (c) The system must:

15 (1) be reflective of research in the field of early
16 childhood care and education;

17 (2) be well-grounded in the cognitive, social, and
18 emotional development of young children;

19 (3) apply a common set of criteria to each program
20 provider seeking certification, regardless of the type of program
21 or source of program funding; and

22 (4) be capable of fulfilling the reporting and notice
23 requirements of Section ~~[Sections]~~ 28.006(d) ~~[and (g)]~~.

24 SECTION 14. Subchapter E, Chapter 29, Education Code, is
25 amended by adding Section 29.163 to read as follows:

26 Sec. 29.163. EARLY CHILDHOOD PARENTAL SUPPORT. (a) The
27 agency shall establish a list of programs that provide early

1 childhood parental support. The programs must:

2 (1) provide for optional participation by a parent;

3 (2) be designed to assist a parent in supporting the
4 parent's child in attaining kindergarten readiness;

5 (3) have demonstrated, through evidence including
6 random control trials, that the program:

7 (A) promotes kindergarten readiness; and

8 (B) increases attendance rates; and

9 (4) have an established implementation model.

10 (b) A school district or open-enrollment charter school may
11 offer a program on the list under Subsection (a) to families with a
12 child eligible for prekindergarten who reside in the district's or
13 school's attendance zone.

14 SECTION 15. Section 29.167, Education Code, is amended by
15 amending Subsections (b-1) and (b-3) and adding Subsection (b-4) to
16 read as follows:

17 (b-1) Notwithstanding Subsection (b), each teacher for a
18 prekindergarten class provided by an entity with which a school
19 district contracts to provide a prekindergarten program must:

20 (1) be certified under Subchapter B, Chapter 21, to
21 teach prekindergarten or supervised by a person who meets the
22 requirements under Subsection (b); ~~and~~

23 (2) have one of the following qualifications:

24 (A) at least two years' experience of teaching in
25 a nationally accredited child care program or a Texas Rising Star
26 Program and:

27 (i) a Child Development Associate (CDA)

1 credential or another early childhood education credential
2 approved by the agency; or

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

7 (B) a qualification described by Subsection
8 (b)(2)(A), (D), (E), or (F); and

9 (3) when appropriate, be appropriately certified or be
10 supervised by a person who is appropriately certified to provide
11 effective instruction to emergent bilingual students, as defined by
12 Section 29.052, enrolled in the prekindergarten program.

13 (b-3) Subsections (b-1), ~~[and]~~ (b-2), and (b-4) and this
14 subsection expire September 1, 2029.

15 (b-4) Subsections (b-1) and (b-2) apply to any
16 prekindergarten class provided by an entity with which a school
17 district contracts to provide a prekindergarten program under
18 Section 29.153.

19 SECTION 16. Sections 29.934(b) and (d), Education Code, are
20 amended to read as follows:

21 (b) To apply to be designated as a resource campus under
22 this section, the campus must have received an overall performance
23 rating under Section 39.054 of D or F, or an overall performance
24 rating under Section 39.054(a-4)(1) or 39.0546 of "Not Rated," for
25 three ~~[four]~~ years over a 10-year period of time.

26 (d) To be designated as a resource campus, the campus must:

27 (1) implement a targeted improvement plan as described

1 by Chapter 39A and establish a school community partnership team;

2 (2) adopt an accelerated campus excellence turnaround
3 plan as provided by Section 39A.105(b) [~~except that a classroom~~
4 ~~teacher who satisfies the requirements for demonstrated~~
5 ~~instructional effectiveness under Section 39A.105(b)(3) must also~~
6 ~~hold a current designation assigned under Section 21.3521~~];

7 (3) be in a school district that has adopted an
8 approved local optional teacher designation system under Section
9 21.3521;

10 (4) satisfy certain staff criteria by:

11 (A) requiring a principal or teacher employed at
12 the campus before the designation to apply for a position to
13 continue at the campus;

14 (B) for a subject in the foundation curriculum
15 under Section 28.002(a)(1):

16 (i) employing only teachers who have at
17 least two [~~three~~] years of teaching experience; and

18 (ii) ensuring that at least 50 percent of
19 teachers hold a current designation assigned under Section 21.3521;

20 (C) employing at least one school counselor for
21 every 300 students; and

22 (D) employing at least one appropriately
23 licensed professional to assist with the social and emotional needs
24 of students and staff, who must be a:

25 (i) family and community liaison;

26 (ii) clinical social worker;

27 (iii) specialist in school psychology; or

- 1 (iv) professional counselor;
- 2 (5) implement a positive behavior program as provided
- 3 by Section 37.0013;
- 4 (6) implement a family engagement plan as described by
- 5 Section 29.168;
- 6 (7) develop and implement a plan to use high quality
- 7 instructional materials;
- 8 (8) if the campus is an elementary or middle school
- 9 campus, operate the campus for a school year that qualifies for
- 10 funding under Section 48.0051; and
- 11 (9) annually submit to the commissioner data and
- 12 information required by the commissioner to assess fidelity of
- 13 implementation.

14 SECTION 17. Effective September 1, 2028, Section 29.934,

15 Education Code, is amended by amending Subsection (b) and adding

16 Subsection (b-1) to read as follows:

17 (b) To apply to be designated as a resource campus under

18 this section, the campus must have received an overall performance

19 rating under Section 39.054 of D or F, or an overall performance

20 rating under Section 39.054(a-4)(1) of "Not Rated," for three

21 ~~four~~ years over a 10-year period of time.

22 (b-1) Notwithstanding Subsection (b), a campus may apply to

23 be designated as a resource campus under this section if the campus

24 received an overall performance rating under Section 39.054 of D or

25 F, or an overall performance rating under Section 39.054(a-4)(1) or

26 former Section 39.0546 of "Not Rated," for three years over a

27 10-year period of time. This subsection expires September 1, 2033.

1 SECTION 18. Subchapter B-1, Chapter 31, Education Code, is
2 amended by adding Section 31.0754 to read as follows:

3 Sec. 31.0754. COMMUNICATION REGARDING HIGH QUALITY
4 INSTRUCTIONAL MATERIALS. (a) Notwithstanding Chapter 2113,
5 Government Code, the commissioner may enter into contracts or
6 agreements and engage in efforts to communicate information to
7 parents, classroom teachers, school districts, and open-enrollment
8 charter schools regarding the educational value, particularly the
9 impact on reading and math achievement, of open education resource
10 instructional materials made available under this subchapter,
11 including activities to promote, market, and advertise the content
12 included in and how to use those materials.

13 (b) The commissioner may use appropriated funds to pay for
14 activities authorized under this section.

15 SECTION 19. Section 39.333, Education Code, is amended to
16 read as follows:

17 Sec. 39.333. REGIONAL AND DISTRICT LEVEL REPORT. As part of
18 the comprehensive biennial report under Section 39.332, the agency
19 shall submit a regional and district level report covering the
20 preceding two school years and containing:

21 (1) a summary of school district compliance with the
22 student/teacher ratios and class-size limitations prescribed by
23 Sections 25.111 and 25.112, including:

24 (A) the number of campuses and classes at each
25 campus granted an exception from Section 25.112; and

26 (B) for each campus granted an exception from
27 Section 25.112, a statement of whether the campus has been awarded a

1 distinction designation under Subchapter G or has been identified
2 as an unacceptable campus under Chapter 39A;

3 (2) a summary of the exemptions and waivers granted to
4 campuses and school districts under Section 7.056 or 39.232 and a
5 review of the effectiveness of each campus or district following
6 deregulation;

7 (3) an evaluation of the performance of the system of
8 regional education service centers based on the indicators adopted
9 under Section 8.101 and client satisfaction with services provided
10 under Subchapter B, Chapter 8; and

11 ~~(4) [an evaluation of accelerated instruction~~
12 ~~programs offered under Section 28.006, including an assessment of~~
13 ~~the quality of such programs and the performance of students~~
14 ~~enrolled in such programs; and~~

15 ~~(5)]~~ the number of classes at each campus that are
16 currently being taught by individuals who are not certified in the
17 content areas of their respective classes.

18 SECTION 20. Section 48.0051, Education Code, is amended by
19 amending Subsections (a), (b), and (d) and adding Subsection (b-1)
20 to read as follows:

21 (a) The ~~[Subject to Subsection (a-1), the]~~ commissioner
22 shall adjust the average daily attendance of a school district or
23 open-enrollment charter school under Section 48.005 in the manner
24 provided by Subsection (b) if the district or school:

25 (1) provides the minimum number of minutes of
26 operational and instructional time required under Section 25.081
27 and commissioner rules adopted under that section over at least 175

1 ~~180~~ days of instruction; and

2 (2) offers an additional 30 days of half-day
3 instruction for students enrolled in prekindergarten through
4 eighth ~~[fifth]~~ grade.

5 (b) Subject to Subsection (b-1), for ~~[For]~~ a school district
6 or open-enrollment charter school described by Subsection (a), the
7 commissioner shall increase the average daily attendance of the
8 district or school under Section 48.005 by the amount that results
9 from the quotient of the sum of attendance by students described by
10 Subsection (a)(2) for each of the 30 additional instructional days
11 of half-day instruction that are provided divided by 175 ~~[180]~~.

12 (b-1) For a school district or open-enrollment charter
13 school described by Subsection (a) that provides at least 200 full
14 days of instruction to students described by Subsection (a)(2), the
15 commissioner shall increase the amount computed for the district or
16 school under Subsection (b) by 50 percent.

17 (d) This section does not prohibit a school district from
18 providing the minimum number of minutes of operational and
19 instructional time required under Section 25.081 and commissioner
20 rules adopted under that section over fewer than 175 ~~[180]~~ days of
21 instruction.

22 SECTION 21. Subchapter A, Chapter 48, Education Code, is
23 amended by adding Section 48.0052 to read as follows:

24 Sec. 48.0052. INCENTIVE FOR ADDITIONAL INSTRUCTIONAL DAYS
25 FOR READING INTERVENTIONS. (a) The commissioner shall adjust the
26 average daily attendance of a school district or open-enrollment
27 charter school under Section 48.005 in the manner provided by

1 Subsection (b) if the district or school:

2 (1) does not qualify for funding under Section
3 48.0051;

4 (2) provides the minimum number of minutes of
5 operational and instructional time required under Section 25.081
6 and commissioner rules adopted under that section over at least 180
7 days of instruction; and

8 (3) offers up to an additional 30 days of half-day
9 instruction consisting of reading interventions described by
10 Section 28.0064 for students who are required to be provided
11 reading interventions under that section.

12 (b) For a school district or open-enrollment charter school
13 described by Subsection (a), the commissioner shall increase the
14 average daily attendance of the district or school under Section
15 48.005 by 50 percent of the amount that results from the quotient of
16 the sum of attendance by students described by Subsection (a)(3)
17 for each of the additional instructional days of half-day
18 instruction that are provided divided by 175.

19 (c) The agency shall assist school districts and
20 open-enrollment charter schools in qualifying for the incentive
21 under this section.

22 (d) The commissioner shall adopt rules necessary for the
23 implementation of this section.

24 SECTION 22. Sections 48.108(a) and (b), Education Code, are
25 amended to read as follows:

26 (a) For each student in average daily attendance in
27 kindergarten through third grade, a school district is entitled to

1 an annual allotment equal to the basic allotment multiplied by 0.11
2 [~~0.1~~] if the student is:

- 3 (1) educationally disadvantaged; or
4 (2) an emergent bilingual student, as defined by
5 Section 29.052, and is in a bilingual education or special language
6 program under Subchapter B, Chapter 29.

7 (b) Funds allocated under this section must be used to fund:

8 (1) the attendance of teachers employed by the
9 district at teacher literacy achievement academies under Section
10 21.4552 or teacher mathematics achievement academies under Section
11 21.4553;

12 (2) prekindergarten programs under Subchapters E and
13 E-1, Chapter 29; and

14 (3) programs and services designed to improve student
15 performance in reading and mathematics in prekindergarten through
16 third grade, including programs and services designed to assist the
17 district in achieving the goals set in the district's early
18 childhood literacy and mathematics proficiency plans adopted under
19 Section 11.185.

20 SECTION 23. Subchapter C, Chapter 48, Education Code, is
21 amended by adding Section 48.122 to read as follows:

22 Sec. 48.122. EARLY LITERACY INTERVENTION ALLOTMENT. (a)
23 Except as provided by Subsections (b) and (c), for each enrolled
24 student receiving reading interventions under Section 28.0064, a
25 school district is entitled to an annual allotment of \$250, or a
26 greater amount provided by appropriation.

27 (b) A school district may not receive funding under this

1 section for a student for which the district receives an allotment
2 under Section 48.103.

3 (c) A school district may receive funding under this section
4 for not more than 10 percent of students enrolled in the district in
5 kindergarten through third grade.

6 SECTION 24. Section 48.257, Education Code, is amended by
7 adding Subsection (b-1) to read as follows:

8 (b-1) If for any school year a school district receives an
9 adjustment under Subsection (b) and, after that adjustment, is no
10 longer subject to Subsection (a), the district is entitled to
11 additional state aid for that school year in an amount equal to the
12 lesser of:

13 (1) the difference, if the difference is greater than
14 zero, between:

15 (A) the amount to which the district is entitled
16 under Subchapters B, C, and D less the district's distribution from
17 the available school fund for that school year; and

18 (B) the district's tier one maintenance and
19 operations tax collections for that school year; or

20 (2) the sum of the district's allotments under
21 Sections 48.0051, 48.110, and 48.112 for that school year.

22 SECTION 25. Subchapter G, Chapter 48, Education Code, is
23 amended by adding Sections 48.310 and 48.315 to read as follows:

24 Sec. 48.310. EARLY CHILDHOOD PARENTAL SUPPORT FUNDING. (a)
25 A school district or open-enrollment charter school that implements
26 an early childhood parental support program on the list established
27 by the agency under Section 29.163 may elect to receive a funding

1 adjustment as provided by this section.

2 (b) For each child who is eligible to receive free
3 prekindergarten under Section 29.153 and whose family participates
4 in an early childhood parental support program under Section 29.163
5 offered by a school district or open-enrollment charter school, the
6 district or school is entitled to an amount equal to the basic
7 allotment multiplied by 0.2.

8 (c) For each child for whom a school district or
9 open-enrollment charter school receives funding under Subsection
10 (b) for a school year, the commissioner shall reduce the district's
11 or school's entitlement under this chapter for the subsequent five
12 school years by an amount equal to the basic allotment multiplied by
13 0.02.

14 (d) Notwithstanding any other provision of this chapter or
15 Chapter 49, the agency may make a modification to the Foundation
16 School Program requirements to ensure that a school district's or
17 open-enrollment charter school's entitlement is adjusted only as
18 necessary for the district or school to receive funding in
19 accordance with this section.

20 Sec. 48.315. THIRD GRADE SUPPLEMENTARY SUPPORTS GRANT;
21 FUNDING ADJUSTMENT. (a) A student to whom the agency provides a
22 grant under Section 28.02111 is entitled to receive an amount of
23 \$750, or a greater amount provided by appropriation.

24 (b) A student may receive only one grant under Section
25 28.02111.

26 (c) Subject to Subsection (d), beginning with the 2030-2031
27 school year, the agency shall reduce the school district's

1 entitlement under this chapter each school year by \$750 for each
2 student who both:

3 (1) received and used a grant under Section 28.02111
4 during the preceding school year; and

5 (2) was enrolled in the district from kindergarten
6 through third grade.

7 (d) For a student described by Subsection (c) who is
8 eligible to participate in a school district's special education
9 program under Section 29.003, the agency shall reduce the
10 district's entitlement in accordance with Subsection (c) by \$325.

11 (e) Notwithstanding Section 7.057, a determination by the
12 commissioner under this section is final and may not be appealed.

13 SECTION 26. The following sections of the Education Code
14 are repealed:

15 (1) Section 7.058;

16 (2) Section 21.4552(f);

17 (3) Section 21.4553(f);

18 (4) Sections 28.006(c), (c-1), (g), (g-1), (g-2), (i),
19 (j), and (k); and

20 (5) Section 28.007.

21 SECTION 27. Sections 12.104, 21.4552, 21.4553, 25.085,
22 28.006, 29.1543, 29.167, 29.934, and 39.333, Education Code, as
23 amended by this Act, and Sections 28.0063, 28.0064, 28.0065,
24 28.02111, and 29.163, Education Code, as added by this Act, apply
25 beginning with the 2025-2026 school year.

26 SECTION 28. (a) Sections 48.0051 and 48.108, Education
27 Code, as amended by this Act, and Sections 48.0052, 48.122,

1 48.257(b-1), 48.310, and 48.315, Education Code, as added by this
2 Act, take effect September 1, 2025.

3 (b) Except as provided by Subsection (a) of this section,
4 this Act takes effect immediately if it receives a vote of
5 two-thirds of all the members elected to each house, as provided by
6 Section 39, Article III, Texas Constitution. If this Act does not
7 receive the vote necessary for immediate effect, this Act takes
8 effect September 1, 2025.