By: Wooten H.B. No. 1188

A BILL TO BE ENTITLED

AN ACT

relating to measures to support kindergarten readiness and early literacy and numeracy skills for public school students, including an early childhood parental support program and prekindergarten programs in public schools, and to funding under the Foundation School Program for certain school districts and to support those measures.

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

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

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

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

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

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

(A) the Public Education Information Management System (PEIMS) to the extent necessary to monitor compliance with this subchapter as determined by the agency [~~commissioner~~];

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

(C) reading and mathematics instruments and

reading interventions [~~accelerated reading instruction programs~~] under Sections [~~Section~~] 28.006, 28.0063, and 28.0064;

(D) accelerated instruction under Section 28.0211;

(E) high school graduation requirements under Section 28.025;

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

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

(H) prekindergarten programs under Subchapter E or E-1, Chapter 29, except class size limits for prekindergarten classes imposed under Section 25.112, which do not apply;

(I) extracurricular activities under Section 33.081;

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

(K) health and safety under Chapter 38;

(L) the provisions of Subchapter A, Chapter 39;

(M) public school accountability and special investigations under Subchapters A, B, C, D, F, G, and J, Chapter 39, and Chapter 39A;

(N) the requirement under Section 21.006 to report an educator's misconduct;

(O) intensive programs of instruction under Section 28.0213;

(P) the right of a school employee to report a

crime, as provided by Section 37.148;

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

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

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

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

(U) establishment of residency under Section 25.001;

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

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

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

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

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

Sec. 21.4552. TEACHER LITERACY ACHIEVEMENT <u>AND READING</u>

INTERVENTION ACADEMIES.

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

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

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

(A) must include training in:

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

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

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

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

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

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

(C) may include material on writing instruction;

(3) for teachers who provide reading instruction to students at the sixth, seventh, or eighth grade level, must include training in:

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

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

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

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

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

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

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

[~~(5)~~] for teachers who provide instruction in mathematics, science, or social studies to students at the sixth, seventh, or eighth grade level, must include training in:

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

(B) other areas identified by the commissioner.

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

(d-1) A school district is not required to provide a stipend under Subsection (d) to a classroom teacher if the teacher:

(1) attends the literacy achievement academy as part of an educator preparation program in which the teacher is enrolled;

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

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

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

(h) In addition to the literacy achievement academies developed under Subsection (a), the commissioner shall develop and make available reading intervention academies for teachers or other professionals who provide reading interventions to students who require targeted instruction in foundational reading skills.

(i) The commissioner may establish an advisory board to assist the agency in fulfilling the agency's duties under this section. A recommendation of the advisory board shall be made available to the public. Chapter 2110, Government Code, does not apply to an advisory board established under this subsection.

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

Sec. 21.4553. TEACHER MATHEMATICS ACHIEVEMENT AND INTERVENTIONIST ACADEMIES.

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

(d) Except as provided by Subsection (d-1), from funds provided under Section 48.108 or other available [~~From~~] funds [~~appropriated for that purpose~~], a classroom teacher who completes [~~attends~~] a mathematics achievement academy is entitled to receive a stipend from the school district in the amount determined by the commissioner. A stipend received under this subsection is not considered in determining whether a district is paying the classroom teacher the minimum monthly salary under Section 21.402.

(d-1) A school district is not required to provide a stipend under Subsection (d) to a classroom teacher if the teacher:

(1) attends the mathematics achievement academy as part of an educator preparation program in which the teacher is enrolled;

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

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

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

(h) In addition to the mathematics achievement academies

developed under Subsection (a), the commissioner shall develop and make available mathematics interventionist academies for a teacher or other professional who provides mathematics interventions to students who require targeted instruction in foundational mathematics skills.

(i) The commissioner may establish an advisory board to assist the agency in fulfilling the agency's duties under this section. A recommendation of the advisory board shall be made available to the public. Chapter 2110, Government Code, does not apply to an advisory board established under this subsection.

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

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

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

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

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

(d) Unless specifically exempted by Section 25.086, a

student enrolled in a school district must attend:

(1) an extended-year program for which the student is eligible that is provided by the district for students identified as likely not to be promoted to the next grade level or tutorial classes required by the district under Section 29.084;

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

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

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

(5) a summer program provided under Section 37.008(l) or Section 37.021.

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

Sec. 28.006. KINDERGARTEN READING READINESS [~~DIAGNOSIS~~].

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

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

(1) administering reading instruments to measure students' foundational literacy skills in [~~diagnose student~~] reading development and comprehension;

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

(3) applying the results of the reading instruments to the instructional program.

(b) The commissioner shall adopt a [~~list of~~] reading instrument [~~instruments~~] that a school district shall [~~may~~] use at the beginning of the school year to measure a kindergarten student's foundational literacy skills in [~~diagnose student~~] reading development and comprehension. A reading instrument adopted under this subsection may include other developmental skills as part of [~~For use in diagnosing the reading development and comprehension of kindergarten students, the commissioner shall adopt~~] a multidimensional assessment tool [~~that includes a reading instrument and tests at least three developmental skills, including literacy. A multidimensional assessment tool administered as provided by this subsection is considered to be a reading instrument for purposes of this section. A district-level committee established under Subchapter F, Chapter 11, may adopt a list of reading instruments for use in the district in a grade level other than kindergarten in addition to the reading instruments on the commissioner's list~~]. A [~~Each~~] reading instrument adopted by the commissioner [~~or a district-level committee~~] must be based on scientific research concerning foundational literacy skills in reading [~~skills~~] development and [~~reading~~] comprehension and[~~. A list of reading instruments adopted under this subsection must~~] provide for measuring [~~diagnosing~~] the foundational literacy skills in reading development and comprehension of students, including students participating in a program under Subchapter B, Chapter 29.

(b-1) The commissioner may approve not more than two [~~an~~] alternative reading instruments [~~instrument~~] for use in measuring [~~diagnosing~~] the foundational literacy skills in reading development and comprehension of kindergarten students that complies with the requirements under Subsection (b).

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

(c-3) The commissioner by rule shall determine the performance on a [~~the~~] reading instrument adopted or approved under this section [~~Subsection (b)~~] that indicates kindergarten readiness. Each reading instrument adopted or approved under this section must provide for the ability to compare the performance that indicates kindergarten readiness on that instrument with the performance that indicates kindergarten readiness on other instruments adopted or approved under this section.

(d) The superintendent of each school district shall:

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

(2) not later than the earlier of the 20th school day

or the 30th [~~60th~~] calendar day after the date on which the results of a reading instrument are available, [~~was administered~~] report, in writing or electronically, to a student's parent or guardian the student's results on the instrument; and

(3) using the school readiness certification system provided to the school district in accordance with Section 29.161(e), report electronically each student's raw score on the reading instrument to the agency for use in the school readiness certification system.

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

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

(n) Nothing in this section may be construed to circumvent or supplant federal or state law regarding a student who participates in a special education program under Subchapter A, Chapter 29, or a student who is suspected to have a disability and who may be eligible to participate in a special education program under that subchapter.

SECTION 10. Subchapter A, Chapter 28, Education Code, is

amended by adding Sections 28.0063, 28.0064, 28.0065, and 28.0071 to read as follows:

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

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

(1) be based on scientific research concerning, as applicable:

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

(B) foundational numeracy skills in mathematics;

(2) be capable of being administered at the beginning, middle, and end of the school year;

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

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

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

(4) be capable of monitoring student progress in a manner that allows school district staff to identify specific

foundational literacy or numeracy skills in need of targeted instruction;

(5) assess whether a student's skills identified as in need of targeted instruction indicate that the student is at risk, as determined by the agency, of not achieving satisfactory performance on the third grade reading or mathematics assessment administered under Section 39.023;

(6) for a reading instrument for students in kindergarten and first grade, include the applicable elements and criteria to serve as the required screenings for dyslexia and related disorders under Section 38.003; and

(7) for a reading instrument, allow a school district to generate a report regarding a student's reading progress, including progress from previous administrations of the same instrument, that is clear and easy to understand that may be distributed to the student's parent in English, Spanish, or, to the extent practicable, any other language spoken by the parent.

(c) The commissioner shall:

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

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

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

(4) make publicly available the criteria for the evaluation and approval of an instrument submitted to the

commissioner.

(d) The instruments adopted or approved under this section shall be administered as follows:

(1) for kindergarten, at the middle and end of the school year;

(2) for first and second grade, at the beginning, middle, and end of the school year; and

(3) for third grade, at the beginning and middle of the school year.

(e) The commissioner shall align and determine comparability of the instruments administered under this section with the following instruments:

(1) an instrument adopted or approved under Section 28.006 that is administered to a kindergarten student at the beginning of the school year; and

(2) a third grade assessment instrument adopted or developed under Section 39.023 that is administered at the end of the school year for a third grade student.

(f) If the commissioner determines that an interim assessment instrument adopted under Section 39.023(o) provides the same intended outcomes as an instrument adopted or approved under this section, the commissioner may substitute that interim assessment instrument for an instrument adopted or approved under this section.

(g) A school district shall administer to students in kindergarten through third grade a reading instrument and a mathematics instrument adopted under Subsection (a) in accordance

with requirements and recommendations established by the commissioner under this section, including requirements or recommendations related to:

(1) administering the instruments;

(2) training staff on the instruments; and

(3) applying the results of the instruments to the district's instructional program.

(h) The superintendent of each school district shall:

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

(2) not later than the earlier of the 20th school day or the 30th calendar day after the date on which the results of a reading or mathematics instrument are available, report, in writing or electronically, to a student's parent or guardian:

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

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

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

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

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

(k) The commissioner shall adopt rules as necessary to implement this section.

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

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

Sec. 28.0064. EARLY LITERACY INTERVENTION FOR CERTAIN STUDENTS. (a) If a student's results on two consecutive reading instruments administered under Section 28.0063 indicate that the student is at risk, as determined by the agency, of not achieving satisfactory performance in foundational literacy, a school district shall, as soon as practicable following the receipt of the student's results, provide reading interventions to the student.

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

(1) include targeted instruction in the foundational literacy skills identified as areas in need of targeted instruction

by the reading instrument administered under Section 28.0063;

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

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

(4) be provided by a person:

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

(B) under the oversight of the school district;

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

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

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

(1) the student is no longer determined to be at risk, as determined by the agency, of not achieving satisfactory performance in foundational literacy on a reading instrument administered under Section 28.0063; or

(2) the student begins the fourth grade.

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

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

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

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

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

(g) A student's parent or guardian may submit a written request to the administrator of the campus at which the student is enrolled to opt the student out of all or part of the reading intervention requirements under Subsection (b). A school district may not encourage or direct a parent or guardian to submit a written request under this subsection that would allow the district to not provide reading interventions to the student.

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

(i) Nothing in this section may be construed to prevent or discourage reading interventions for a student whose results on a reading instrument administered under Section 28.0063 indicate that the student is at risk, as determined by the agency, of not

achieving satisfactory performance in foundational literacy.

(j) Nothing in this section may be construed to circumvent or supplant federal or state law regarding a student who participates in a special education program under Subchapter A, Chapter 29, or a student who is suspected to have a disability and who may be eligible to participate in a special education program under that subchapter.

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

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

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

Sec. 28.0065. ADAPTIVE VOCABULARY PILOT PROGRAM. (a) The agency shall develop and implement an adaptive vocabulary assessment pilot program to assess vocabulary development in students in kindergarten through third grade.

(b) The agency may develop an assessment under the pilot program to assess students in grades other than grades described by Subsection (a).

(c) Nothing in this section may be construed to circumvent or supplant federal or state law regarding a student who

participates in a special education program under Subchapter A, Chapter 29, or a student who is suspected to have a disability and who may be eligible to participate in a special education program under that subchapter.

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

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

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

(2) each classroom teacher and principal initially employed in a grade level or at a campus described by Subdivision (1) for the 2030-2031 school year or a subsequent school year has attended a teacher mathematics achievement academy developed under Section 21.4553 by the end of the teacher's or principal's first year of placement in that grade level or campus.

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

(c) The agency shall:

(1) monitor the implementation of this section; and

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

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

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

Sec. 28.02111. THIRD GRADE SUPPLEMENTARY SUPPORTS. (a) The commissioner shall establish and administer a program for students who are required to be provided accelerated instruction under Section 28.0211(a-1) based on the student's third grade performance through which the student's parent may direct tutoring services to support the student. The agency shall provide to a student described by this subsection a grant in the amount provided under Section 48.317 to purchase from an agency-approved provider tutoring services designed to help improve the student's proficiency in reading.

(b) The agency shall approve as a provider of tutoring services under this section a classroom teacher employed by a school district or open-enrollment charter school who:

(1) holds a current teacher designation under Section 21.3521; and

(2) submits the teacher's name to the agency to offer tutoring services designed to help improve student proficiency in reading.

(c) The agency shall:

(1) maintain a system of online accounts under which

each student described by Subsection (a) is assigned an account for the student's parent to access the grant described by Subsection (a); and

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

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

(B) fidelity of spending.

(d) A student may not receive more than one grant under this section.

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

(f) A school district or open-enrollment charter school in which a student who receives a grant under this section is enrolled remains subject to the requirements to provide accelerated instruction under Section 28.0211.

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

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

(i) The commissioner shall adopt rules as necessary to implement this section.

SECTION 12. Section 29.0031, Education Code, is amended by adding Subsection (e) to read as follows:

(e) A school district shall notify the parent of a student identified with dyslexia or a related disorder of the Talking Book Program administered by the Texas State Library and Archives Commission and other available audio book services.

SECTION 13. Section 29.153, Education Code, is amended by adding Subsections (b-1), (h), and (i) to read as follows:

(b-1) Notwithstanding Subsection (b), any child who is at least three years of age is eligible for enrollment in a prekindergarten class under this section if:

(1) the class is provided through a partnership between a school district or open-enrollment charter school and a community-based child-care provider described by Subsection (g); and

(2) the child receives subsidized child-care services provided through the child-care services program administered by the Texas Workforce Commission.

(h) Notwithstanding any other law, a facility or location at which prekindergarten classes are provided by a school district or open-enrollment charter school in partnership with a private entity under this section:

(1) must comply with any municipal ordinance applicable to the operation of a private prekindergarten program; and

(2) may not be required to comply with any municipal ordinance applicable to the operation of a prekindergarten program by a school district or open-enrollment charter school.

(i) A partnership entered into between a school district or

open-enrollment charter school and a private provider for a prekindergarten class under this section must provide for the provider to receive funding for each district or school student enrolled in the class in an amount that is not less than 90 percent of the amount of funding that the district or school receives for the student.

SECTION 14. Section 29.1531, Education Code, is amended by amending Subsections (a) and (b) and adding Subsections (c) and (d) to read as follows:

(a) Except as provided by Subsection (c), a [~~A~~] school district may offer on a tuition basis or use district funds to provide:

(1) an additional half-day of prekindergarten classes to children who are eligible for classes under Section 29.153 and are under four years of age; and

(2) half-day and full-day prekindergarten classes to children not eligible for classes under Section 29.153.

(b) A district that offers a prekindergarten program on a tuition basis:

(1) may not adopt a tuition rate for the program that is higher than necessary to cover the added costs of providing the program, including any costs associated with collecting, reporting, and analyzing data under Section 29.1532(c); [~~and~~]

(2) must submit the proposed tuition rate to the commissioner for approval; and

(3) must certify to the commissioner that a prekindergarten private provider that meets the qualifications of

Section 29.153(g) is not available to the students for which the tuition would apply.

(c) A school district may not charge tuition for a student if a prekindergarten private provider that meets the qualifications of Sections 29.153(g)(1)-(4) is available to the student.

(d) The commissioner may adopt rules under this section, including rules establishing whether a private provider is available.

SECTION 15. Section 29.1543, Education Code, is amended to read as follows:

Sec. 29.1543. EARLY EDUCATION REPORTS. The agency shall produce and make available to the public on the agency's Internet website annual district and campus-level reports containing information from the previous school year on early education in school districts and open-enrollment charter schools. A report under this section must contain:

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

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

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

(4) the number of students whose scores from a [~~diagnostic~~] reading instrument administered in accordance with

Section 28.006(c-2) [~~28.006(c) or (c-2)~~] indicate kindergarten readiness in reading [~~proficiency~~];

(5) the number of kindergarten students who were enrolled in a prekindergarten program, including a program offered through a partnership under Section 29.153, in the previous school years [~~year~~] in the same district or school as the district or school in which the student attends kindergarten;

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

(7) the number of students described by Subdivision (6) who attended kindergarten in the district, disaggregated by:

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

(B) whether the student attended prekindergarten in the district, including a program offered through a partnership under Section 29.153; and

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

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

SECTION 16. Section 29.161(c), Education Code, is amended to read as follows:

(c) The system must:

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

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

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

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

SECTION 17. Subchapter E, Chapter 29, Education Code, is amended by adding Section 29.163 to read as follows:

Sec. 29.163. EARLY CHILDHOOD PARENTAL SUPPORT. (a) The agency shall establish a list of programs that provide early childhood parental support. The programs must:

(1) provide for optional participation by a parent;

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

(3) have demonstrated, through evidence including randomized controlled trials, that the program:

(A) promotes kindergarten readiness; and

(B) increases attendance rates; and

(4) have an established implementation model.

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

SECTION 18. Section 29.167, Education Code, is amended by amending Subsections (b-1) and (b-3) and adding Subsection (b-4) to read as follows:

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

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

(2) have one of the following qualifications:

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

(i) a Child Development Associate (CDA) credential or another early childhood education credential approved by the agency; or

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

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

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

(b-3) Subsections (b-1), [~~and~~] (b-2), and (b-4) and this

subsection expire September 1, 2029.

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

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

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

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

(1) implement a targeted improvement plan as described by Chapter 39A and establish a school community partnership team;

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

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

(4) satisfy certain staff criteria by:

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

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

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

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

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

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

(i) family and community liaison;

(ii) clinical social worker;

(iii) specialist in school psychology; or

(iv) professional counselor;

(5) implement a positive behavior program as provided by Section 37.0013;

(6) implement a family engagement plan as described by Section 29.168;

(7) develop and implement a plan to use high quality instructional materials;

(8) if the campus is an elementary or middle school campus, operate the campus for a school year that qualifies for funding under Section 48.0051; and

(9) annually submit to the commissioner data and information required by the commissioner to assess fidelity of implementation.

SECTION 20. Effective September 1, 2028, Section 29.934, Education Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

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

(b-1) Notwithstanding Subsection (b), a campus may apply to be designated as a resource campus under this section if the campus received an overall performance rating under Section 39.054 of D or F, or an overall performance rating under Section 39.054(a-4)(1) or former Section 39.0546 of "Not Rated," for three years over a 10-year period of time. This subsection expires September 1, 2033.

SECTION 21. Subchapter B-1, Chapter 31, Education Code, is amended by adding Section 31.0754 to read as follows:

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

(b) The commissioner may use appropriated funds or funds

appropriated for the development of open education resource instructional materials under this subchapter to pay for activities authorized under this section.

SECTION 22. Section 38.003, Education Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) The State Board of Education shall identify the necessary criteria and elements that provide for universal screening [~~Students enrolling in public schools in this state shall be screened or tested, as appropriate,~~] for dyslexia and related disorders for students [~~at appropriate times in accordance with a program approved by the State Board of Education. The program must include screening at the end of the school year of each student~~] in kindergarten and [~~each student in the~~] first grade.

(a-1) The criteria and elements identified under Subsection (a) must be included in the reading instruments adopted or approved under Section 28.0063 and administered in accordance with the timelines established under that section.

SECTION 23. Section 39.333, Education Code, is amended to read as follows:

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

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

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

(B) for each campus granted an exception from Section 25.112, a statement of whether the campus has been awarded a distinction designation under Subchapter G or has been identified as an unacceptable campus under Chapter 39A;

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

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

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

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

SECTION 24. Section 48.005, Education Code, is amended by amending Subsection (a) and adding Subsection (a-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) except as provided by Subsection (a-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).

(a-1) Average daily attendance is calculated under Subsection (a)(1) for students:

(1) enrolled in a half-day program or full-day program under Section 29.153(c) provided by an eligible private provider under Section 29.171; and

(2) assigned to a campus:

(A) that is operated under a contract entered into by the district with an entity under Section 11.174 or an eligible private provider under Section 29.171; or

(B) of an open-enrollment charter school that is operated by an entity governed by a management contract approved by the agency.

SECTION 25. Section 48.0051, Education Code, is amended by amending Subsections (a), (b), and (d) and adding Subsection (b-1) to read as follows:

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

(1) provides the minimum number of minutes of operational and instructional time required under Section 25.081 and commissioner rules adopted under that section over at least 175 [~~180~~] days of instruction; and

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

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

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

(d) This section does not prohibit a school district from

providing the minimum number of minutes of operational and instructional time required under Section 25.081 and commissioner rules adopted under that section over fewer than 175 [~~180~~] days of instruction.

SECTION 26. Subchapter A, Chapter 48, Education Code, is amended by adding Section 48.0052 to read as follows:

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

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

(2) provides the minimum number of minutes of operational and instructional time required under Section 25.081 and commissioner rules adopted under that section; and

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

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

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

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

SECTION 27. Section 48.108, Education Code, is amended by amending Subsections (a), (b), and (c) and adding Subsection (a-1) to read as follows:

(a) For each student in average daily attendance in kindergarten through third grade, a school district is entitled to an annual allotment equal to the basic allotment multiplied by 0.01.

(a-1) In addition to the allotment under Subsection (a), a school district is entitled to an annual allotment equal to the basic allotment multiplied by 0.1 for each student in average daily attendance in kindergarten through third grade who [~~0.1 if the student~~] is:

(1) educationally disadvantaged; or

(2) an emergent bilingual student, as defined by Section 29.052, and is in a bilingual education or special language program under Subchapter B, Chapter 29.

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

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

(2) prekindergarten programs under Subchapters E and

E-1, Chapter 29; and

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

(c) A school district is entitled to an allotment under each subdivision of Subsection (a-1) [~~(a)~~] for which a student qualifies.

SECTION 28. Subchapter C, Chapter 48, Education Code, is amended by adding Section 48.122 to read as follows:

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

(b) A school district may not receive funding under this section for a student for which the district receives an allotment under Section 48.103.

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

SECTION 29. Subchapter G, Chapter 48, Education Code, is amended by adding Sections 48.316 and 48.317 to read as follows:

Sec. 48.316. EARLY CHILDHOOD PARENTAL SUPPORT FUNDING. (a) A school district or open-enrollment charter school that implements

an early childhood parental support program on the list established by the agency under Section 29.163 may elect to receive a funding adjustment as provided by this section.

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

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

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

Sec. 48.317. THIRD GRADE SUPPLEMENTARY SUPPORTS GRANT; FUNDING ADJUSTMENT. (a) A student to whom the agency provides a grant under Section 28.02111 is entitled to receive an amount of $750, or a greater amount provided by appropriation.

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

(c) Subject to Subsection (d), beginning with the 2030-2031 school year, the agency shall reduce the school district's entitlement under this chapter each school year by $750 for each student who both:

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

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

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

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

SECTION 30. The following provisions of the Education Code are repealed:

(1) Section 7.058;

(2) Section 21.4552(f);

(3) Section 21.4553(f);

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

(5) Section 28.007.

SECTION 31. This Act does not make an appropriation. A provision in this Act that creates a new governmental program, creates a new entitlement, or imposes a new duty on a governmental entity is not mandatory during a fiscal period for which the legislation has not made a specific appropriation to implement the

provision.

SECTION 32. Sections 12.104, 21.4552, 21.4553, 25.085, 28.006, 29.153, 29.1543, 29.167, 29.934, and 39.333, Education Code, as amended by this Act, and Sections 28.0063, 28.0064, 28.0065, 28.02111, and 29.163, Education Code, as added by this Act, apply beginning with the 2025-2026 school year.

SECTION 33. (a) Sections 48.005, 48.0051, and 48.108, Education Code, as amended by this Act, and Sections 48.0052, 48.122, 48.316, and 48.317, Education Code, as added by this Act, take effect September 1, 2025.

(b) Except as provided by Subsection (a) of this section or as otherwise provided by this Act, this Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2027.