

By: Johnson

H.B. No. 1100

A BILL TO BE ENTITLED

AN ACT

relating to a gold standard full-day prekindergarten program provided by public school districts.

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; and

(2) 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 commissioner;

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

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

(D) accelerated instruction under Section 28.0211;

(E) high school graduation requirements under Section 28.025;

(F) special education programs under Subchapter

1 A, Chapter 29;

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

4 (H) prekindergarten programs under Subchapter E
5 or E-1, Chapter 29;

6 (I) extracurricular activities under Section
7 [33.081](#);

8 (J) discipline management practices or behavior
9 management techniques under Section [37.0021](#);

10 (K) health and safety under Chapter 38;

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

13 (M) the requirement under Section [21.006](#) to
14 report an educator's misconduct; and

15 (N) intensive programs of instruction under
16 Section [28.0213](#).

17 SECTION 2. Section [25.001](#)(a), Education Code, is amended to
18 read as follows:

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

27 SECTION 3. Section [29.153](#), Education Code, is amended by

1 amending Subsection (c) and adding Subsection (c-1) to read as
2 follows:

3 (c) A prekindergarten class under this section shall be
4 operated on a half-day basis, unless the school district chooses to
5 operate gold standard prekindergarten classes on a full-day basis
6 in accordance with Subchapter E-1. A school district is eligible
7 for funding under the Foundation School Program for students
8 enrolled in a gold standard prekindergarten class as provided by
9 Section 29.166.

10 (c-1) A district is not required to provide transportation
11 for a prekindergarten class, but transportation, if provided, is
12 included for funding purposes as part of the regular transportation
13 system.

14 SECTION 4. Subchapter E, Chapter 29, Education Code, is
15 amended by adding Section 29.1541 to read as follows:

16 Sec. 29.1541. COLLECTION AND REPORTING OF INFORMATION. The
17 agency shall:

18 (1) collect data from all prekindergarten classes,
19 including gold standard prekindergarten classes under Subchapter
20 E-1, regarding student demographics, classroom size, student to
21 instructor ratios, funding sources, and curricula used by the class
22 and maintain that information in the Texas student data system; and

23 (2) make the information available and accessible to
24 parents and the general public.

25 SECTION 5. Chapter 29, Education Code, is amended by adding
26 Subchapter E-1 to read as follows:

27 SUBCHAPTER E-1. GOLD STANDARD PREKINDERGARTEN PROGRAM

1 Sec. 29.164. DEFINITION. In this subchapter, "program"
2 means a gold standard prekindergarten program provided free of
3 tuition or fees in accordance with this subchapter.

4 Sec. 29.165. GOLD STANDARD PREKINDERGARTEN PROGRAM. (a)
5 From funds appropriated for that purpose, the commissioner by rule
6 shall establish a funding program under which funds are awarded to
7 school districts and open-enrollment charter schools to implement a
8 full-day prekindergarten program under this subchapter for
9 children who are:

10 (1) eligible for classes under Section 29.153; and
11 (2) at least four years of age on September 1 of the
12 year the child begins the program.

13 (b) Before a school district may participate in the program,
14 the district must apply to the agency and the agency must approve
15 the district's application. The school district shall include in
16 the district's application:

17 (1) a design plan for implementation of the program;
18 (2) a professional development plan to improve the
19 instruction quality of teachers and teacher's aides; and
20 (3) any other information required by the
21 commissioner.

22 (c) A program is subject to any other requirements imposed
23 by law that apply to a prekindergarten program not provided in
24 accordance with this subchapter, except that to the extent a
25 conflict exists between this subchapter and any other provision of
26 law, this subchapter prevails.

27 Sec. 29.166. GOLD STANDARD PROGRAM FUNDING. (a) In

1 addition to funding granted under Subsection (b), a school district
2 is eligible for half-day funding under the Foundation School
3 Program for students enrolled in a program class.

4 (b) A school district is entitled to receive \$3,650 for
5 every student in average daily attendance in a program class.

6 Sec. 29.167. GOLD STANDARD CURRICULUM AND INSTRUCTION
7 STANDARDS. (a) The agency shall approve curricula to be used in a
8 prekindergarten program under this subchapter.

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

14 (c) The agency shall ensure that the curriculum implemented
15 in a program includes prekindergarten guidelines established by the
16 agency.

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

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

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

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

26 (1) must have been awarded a Child Development
27 Associate (CDA) credential; or

1 (2) must:

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

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

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

11 Sec. 29.168. PARENT ENGAGEMENT PLANS. A school district
12 shall:

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

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

19 Sec. 29.169. STUDENT ASSESSMENTS. (a) A school district
20 shall administer diagnostic assessments to students in the program
21 but may not administer a standardized assessment instrument. A
22 diagnostic assessment may not be the basis of class advancement,
23 teacher compensation, or district funding. A school district shall
24 report data from results of diagnostic assessments in accordance
25 with Section 29.1541.

26 (b) The agency shall approve diagnostic assessments for a
27 prekindergarten program under this subchapter. A school district

1 may select assessments for the program from among the approved
2 assessments. If the school district does not select an approved
3 assessment, the school district must obtain agency approval for the
4 assessment selected by the district before using the assessment.

5 Sec. 29.170. PROGRAM ASSESSMENT. (a) The agency shall
6 assess the effectiveness of the program by comparing student-level
7 results of assessment instruments administered under Section
8 39.023(a) in the third and fourth grades of students who completed
9 the program against the results of the same assessment instruments
10 of students who did not complete the program.

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

17 (c) A school district may select and implement appropriate
18 methods approved by the agency for assessing the district's program
19 classes. If the school district does not select an approved
20 assessment method, the school district must obtain agency approval
21 for the assessment method selected. A school district shall report
22 data from results of program assessments in accordance with Section
23 29.1541.

24 Sec. 29.171. PROGRAM ACCOUNTABILITY. (a) The commissioner
25 shall establish benchmarks for the effectiveness of a school
26 district's program using student-level results collected under
27 Section 29.170(a). The rules must require a district to demonstrate

1 high achievement or show substantial progress toward high
2 achievement with respect to the benchmarks to continue operating
3 the program.

4 (b) If a school district's program does not satisfy
5 benchmarks adopted under Subsection (a), the agency shall propose
6 changes for the district's program to assist the district in
7 satisfying the benchmarks. A district that implements proposed
8 changes is eligible to operate the program notwithstanding the
9 district's failure to satisfy benchmarks for the program. If a
10 district to which the agency has proposed changes fails to
11 implement the proposed changes, the district is ineligible to
12 receive funding under this subchapter.

13 Sec. 29.172. CONTRACTS WITH PRIVATE PROVIDERS. A school
14 district participating in the program may enter into a contract
15 with eligible private providers to provide services or equipment
16 for the program.

17 Sec. 29.173. ELIGIBLE PRIVATE PROVIDERS. To be eligible to
18 contract with a school district to provide a program or part of a
19 program, a private provider must be licensed by and in good standing
20 with the Department of Family and Protective Services. For
21 purposes of this section, a private provider is in good standing
22 with the Department of Family and Protective Services if the
23 department has not taken an action against the provider's license
24 under Section 42.071, 42.072, or 42.078, Human Resources Code,
25 during the 24-month period preceding the date of a contract with a
26 school district. The private provider must also be accredited by a
27 research-based, nationally recognized, and universally accessible

1 accreditation system approved by the commissioner.

2 Sec. 29.174. WRITTEN CONTRACT REQUIRED. A school district
3 and a private provider contracting under this subchapter shall
4 enter a written contract governing the services to be provided by
5 the private provider, including the amount of funding allocated by
6 the school district to the private provider and the number of
7 students the private provider agrees to enroll. The contract may
8 provide that:

9 (1) the school district leases school facilities to or
10 from the private provider;

11 (2) the school district employs a certified teacher
12 for the prekindergarten class and the private provider supplies the
13 school facilities and all other personnel and supplies; or

14 (3) the private provider supplies the school
15 facilities, certified teachers, personnel, and supplies.

16 Sec. 29.175. DISCRIMINATION BY PRIVATE PROVIDER
17 PROHIBITED. A private provider may not deny program services to a
18 student on the basis of the student's race, religion, sex,
19 ethnicity, national origin, or disability.

20 Sec. 29.176. OVERSIGHT OF PRIVATE PROVIDERS. (a) A school
21 district that contracts with a private provider shall monitor the
22 private provider's compliance with the terms of the contract.

23 (b) The commissioner shall monitor a private provider's
24 compliance with state laws and requirements for prekindergarten
25 programs.

26 Sec. 29.177. RULES. The commissioner may adopt rules
27 necessary to implement this subchapter.

1 SECTION 6. Section 42.003(b), Education Code, is amended to
2 read as follows:

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

7 SECTION 7. This Act applies beginning with the 2015-2016
8 school year.

9 SECTION 8. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2015.