

ARTICLE 5. MEASURES TO SUPPORT EARLY CHILDHOOD EDUCATION

SECTION 5.01. 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 5.02. The heading to Section 21.4552, Education

Code, is amended to read as follows:

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

SECTION 5.03. 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 5.04. The heading to Section 21.4553, Education Code, is amended to read as follows:

Sec. 21.4553. TEACHER MATHEMATICS ACHIEVEMENT AND INTERVENTIONIST ACADEMIES.

SECTION 5.05. 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 5.06. 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 5.07. 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 5.08. The heading to Section 28.006, Education Code, is amended to read as follows:

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

SECTION 5.09. 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 comply 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 5.10. 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