

~~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

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

Sec. 28.02111. FIRST THROUGH THIRD GRADE SUPPLEMENTARY SUPPORTS. (a) The commissioner shall establish and administer a program designed to help improve student proficiency in reading by providing a grant in an amount provided under Section 48.317 through which the student's parent may purchase tutoring services from agency-approved providers to:

(1) a student at or below the third grade level who, beginning in the first grade, is required to be provided reading interventions under Section 28.0064; and

(2) a student who is required to be provided accelerated instruction under Section 28.0211(a-1) based on the student's third grade performance.

(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;

(B) fidelity of spending; and

(C) a parent of a student awarded a grant under

64-1 this section is provided a period of one year from the date on which
 64-2 the grant is awarded to obtain services for which grant money may be
 64-3 used.

64-4 (d) A student may not receive more than one grant under
 64-5 Subsection (a)(1) and one grant under Subsection (a)(2) unless the
 64-6 legislature provides for additional grants by appropriation.

64-7 (e) The agency may reserve from the total amount of money
 64-8 available for purposes of the program an amount, not to exceed five
 64-9 percent of the total amount, to cover the agency's cost of
 64-10 administering the program.

64-11 (f) A school district or open-enrollment charter school in
 64-12 which a student who receives a grant under this section is enrolled
 64-13 remains subject to the requirements to provide reading
 64-14 interventions under Section 28.0064 and accelerated instruction
 64-15 under Section 28.0211, as applicable.

64-16 (g) A school district or open-enrollment charter school
 64-17 shall provide to the parent of a student described by Subsection (a)
 64-18 notice of the student's eligibility for a grant under this section,
 64-19 in a form and manner established by the agency.

64-20 (h) A decision by the commissioner regarding the program
 64-21 under this section is final and may not be appealed.

64-22 (i) The commissioner shall adopt rules as necessary to
 64-23 implement this section.

64-24 SECTION 5.12. Section 29.0031, Education Code, is amended
 64-25 by adding Subsection (e) to read as follows:

64-26 (e) A school district shall notify the parent of a student
 64-27 identified with dyslexia or a related disorder of the Talking Book
 64-28 Program administered by the Texas State Library and Archives
 64-29 Commission and other available audio book services.

64-30 SECTION 5.13. Section 29.153, Education Code, is amended by
 64-31 amending Subsections (b) and (g) and adding Subsections (g-1), (h),
 64-32 and (i) to read as follows:

64-33 (b) A child is eligible for enrollment in a prekindergarten
 64-34 class under this section if the child is at least three years of age
 64-35 and:

64-36 (1) is unable to speak and comprehend the English
 64-37 language;

64-38 (2) is educationally disadvantaged;

64-39 (3) is homeless, regardless of the residence of the
 64-40 child, of either parent of the child, or of the child's guardian or
 64-41 other person having lawful control of the child;

64-42 (4) is the child of an active duty member of the armed
 64-43 forces of the United States, including the state military forces or
 64-44 a reserve component of the armed forces, who is ordered to active
 64-45 duty by proper authority;

64-46 (5) is the child of a member of the armed forces of the
 64-47 United States, including the state military forces or a reserve
 64-48 component of the armed forces, who was injured or killed while
 64-49 serving on active duty;

64-50 (6) is or ever has been in:

64-51 (A) the conservatorship of the Department of
 64-52 Family and Protective Services following an adversary hearing held
 64-53 as provided by Section 262.201, Family Code; or

64-54 (B) foster care in another state or territory, if
 64-55 the child resides in this state; ~~or~~

64-56 (7) is the child of a person eligible for the Star of
 64-57 Texas Award as:

64-58 (A) a peace officer under Section 3106.002,
 64-59 Government Code;

64-60 (B) a firefighter under Section 3106.003,
 64-61 Government Code; or

64-62 (C) an emergency medical first responder under
 64-63 Section 3106.004, Government Code; or

64-64 (8) is the child of a person employed as a classroom
 64-65 teacher at a public primary or secondary school in the school
 64-66 district that offers a prekindergarten class under this section.

64-67 (g) Before a school district or open-enrollment charter
 64-68 school may construct, repurpose, or lease a classroom facility, or
 64-69 issue bonds for the construction or repurposing of a classroom

facility, to provide the prekindergarten classes required under this section, the district or school must:

(1) solicit and consider proposals for partnerships to provide those classes with community-based child-care providers who:

(A) ~~[(1)]~~ are a Texas Rising Star Program provider with a three-star certification or higher;

(B) ~~[(2)]~~ are nationally accredited;

(C) ~~[(3)]~~ are a Head Start program provider;

(D) ~~[(4)]~~ are a Texas School Ready! participant;

or

(E) ~~[(5)]~~ meet the requirements under Section 29.1532; and

(2) have received an official determination from a prekindergarten partnership intermediary designated under Subsection (g-1) that the providers from which the district or school has considered proposals under Subdivision (1) are unable to serve the students for whom the district or school plans to provide prekindergarten classes in the classroom facility to be constructed, repurposed, or leased.

(g-1) The commissioner shall designate at least four appropriate entities as prekindergarten partnership intermediaries to develop partnerships between school districts and open-enrollment charter schools and private prekindergarten providers. The agency shall develop guidelines for use by the prekindergarten partnership intermediaries regarding successful prekindergarten partnerships between school districts and open-enrollment charter schools and private prekindergarten providers.

(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 85 percent of the amount of funding that the district or school receives for the student. Notwithstanding Section 7.056(e)(3)(I), the commissioner may waive the requirement under this subsection on request by a school district or open-enrollment charter school in accordance with Section 7.056.

SECTION 5.14. 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].~~

(c) A school district may offer a prekindergarten program on

a tuition basis only if the district has received an official determination from a prekindergarten partnership intermediary designated under Section 29.153(g-1) that no private prekindergarten providers that meet the qualifications of Section 29.153(g)(1)(A), (B), (C), or (D) are available to serve the students for whom the district plans to charge tuition.

(d) The commissioner may adopt rules under this section, including rules establishing the manner in which a prekindergarten partnership intermediary may determine whether a private prekindergarten provider is available.

SECTION 5.15. 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 5.16. 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 5.17. Section 29.167, Education Code, is amended by amending Subsections (b-1) and (b-3) and adding Subsection (b-4) to read as follows: