

By: Johnson of Dallas

H.B. No. 2282

A BILL TO BE ENTITLED

AN ACT

relating to a gold standard full-day prekindergarten program provided by public school districts and the elimination of the high school allotment under the Foundation School Program.

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 A, Chapter 29;

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

(H) prekindergarten programs under Subchapter E, ~~or~~ E-1, or E-2, Chapter 29;

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

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

(N) intensive programs of instruction under Section 28.0213; and

(O) the right of a school employee to report a crime, as provided by Section 37.148.

SECTION 2. Section 25.001(a), Education Code, is amended to read as follows:

(a) A person who, on the first day of September of any school year, is at least five years of age and under 21 years of age, or is at least 21 years of age and under 26 years of age and is admitted by a school district to complete the requirements for a high school diploma is entitled to the benefits of the available school fund for that year. Any other person enrolled in a prekindergarten class

under Section 29.153 or Subchapter E-1 or E-2, Chapter 29, is entitled to the benefits of the available school fund.

SECTION 3. Section 29.153, Education Code, is amended by amending Subsection (c) and adding Subsection (c-1) to read as follows:

(c) A prekindergarten class under this section shall be operated on a half-day basis, unless the school district chooses to operate gold standard prekindergarten classes on a full-day basis in accordance with Subchapter E-2. A school district is eligible for funding under the Foundation School Program for students enrolled in a gold standard prekindergarten class as provided by Section 29.17403.

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

SECTION 4. Section 29.1532, Education Code, is amended by amending Subsection (c) and adding Subsection (e) to read as follows:

(c) A school district that offers prekindergarten classes, including a high quality prekindergarten program class under Subchapter E-1 or a gold standard prekindergarten program class under Subchapter E-2, shall include the following information in the district's Public Education Information Management System (PEIMS) report:

(1) demographic information, as determined by the commissioner, on students enrolled in district and campus

prekindergarten classes, including the number of students who are eligible for classes under Section 29.153;

(2) the numbers of half-day and full-day prekindergarten classes offered by the district and campus;

(3) the sources of funding for the prekindergarten classes;

(4) the class size and ratio of instructional staff to students for each prekindergarten program class offered by the district and campus;

(5) if the district elects to administer an assessment instrument to students enrolled in district and campus prekindergarten program classes, a description and the results of each type of assessment instrument; and

(6) curricula used in the district's prekindergarten program classes.

(e) The agency shall make the information required under this section available and accessible to parents and the general public.

SECTION 5. Chapter 29, Education Code, is amended by adding Subchapter E-2 to read as follows:

SUBCHAPTER E-2. GOLD STANDARD PREKINDERGARTEN PROGRAM

Sec. 29.17401. DEFINITION. In this subchapter, "program" means a gold standard prekindergarten program provided free of tuition or fees in accordance with this subchapter.

Sec. 29.17402. GOLD STANDARD PREKINDERGARTEN PROGRAM. (a) From funds appropriated for that purpose, the commissioner by rule shall establish a funding program under which funds are awarded to

school districts and open-enrollment charter schools to implement a full-day prekindergarten program under this subchapter for children who are:

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

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

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

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

Sec. 29.17403. GOLD STANDARD PROGRAM FUNDING. (a) In addition to funding granted under Subsection (b), a school district is eligible for half-day funding under the Foundation School Program for students enrolled in a program class.

(b) A school district is entitled to receive a gold standard prekindergarten program allotment under Section 42.160.

Sec. 29.17404. GOLD STANDARD CURRICULUM AND INSTRUCTION

1 STANDARDS. (a) The agency shall approve curricula to be used in a
2 prekindergarten program under this subchapter.

3 (b) A school district may select and implement a curriculum
4 for the program that the agency has approved. If the school district
5 does not select an approved curriculum for the program, the school
6 district must obtain agency approval for the selected curriculum
7 before the district implements the curriculum.

8 (c) The agency shall ensure that the curriculum implemented
9 in a program includes prekindergarten guidelines established by the
10 agency.

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

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

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

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

20 (1) must have been awarded a Child Development
21 Associate (CDA) credential; or

22 (2) must:

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

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

1 (f) The commissioner shall develop standards for
2 instructional coaching and clinical practice for teachers and
3 teacher's aides in the program that ensure continued improvement of
4 instruction quality.

5 Sec. 29.17405. PARENT ENGAGEMENT PLANS. A school district
6 shall:

7 (1) develop and implement a parent engagement plan to
8 assist the district in achieving and maintaining high levels of
9 parental involvement and positive parental attitudes toward
10 education; and

11 (2) assess parental involvement in the program and
12 parental attitude.

13 Sec. 29.17406. STUDENT ASSESSMENTS. (a) A school district
14 shall administer diagnostic assessments to students in the program
15 but may not administer a standardized assessment instrument. A
16 diagnostic assessment may not be the basis of class advancement,
17 teacher compensation, or district funding. A school district shall
18 report data from results of diagnostic assessments in accordance
19 with Section [29.1532\(c\)](#).

20 (b) The agency shall approve diagnostic assessments for a
21 prekindergarten program under this subchapter. A school district
22 may select assessments for the program from among the approved
23 assessments. If the school district does not select an approved
24 assessment, the school district must obtain agency approval for the
25 assessment selected by the district before using the assessment.

26 Sec. 29.17407. PROGRAM ASSESSMENT. (a) The agency shall
27 assess the effectiveness of the program by comparing student-level

results of assessment instruments administered under Section 39.023(a) in the third and fourth grades of students who completed the program against the results of the same assessment instruments of students who did not complete the program.

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

(c) A school district may select and implement appropriate methods approved by the agency for assessing the district's program classes. If the school district does not select an approved assessment method, the school district must obtain agency approval for the assessment method selected. A school district shall report data from results of program assessments in accordance with Section 29.1532(c).

Sec. 29.17408. PROGRAM ACCOUNTABILITY. (a) The commissioner shall establish benchmarks for the effectiveness of a school district's program using student-level results collected under Section 29.17407(a). The rules must require a district to demonstrate high achievement or show substantial progress toward high achievement with respect to the benchmarks to continue operating the program.

(b) If a school district's program does not satisfy benchmarks adopted under Subsection (a), the agency shall propose changes for the district's program to assist the district in

satisfying the benchmarks. A district that implements proposed changes is eligible to operate the program notwithstanding the district's failure to satisfy benchmarks for the program. If a district to which the agency has proposed changes fails to implement the proposed changes, the district is ineligible to receive funding under this subchapter.

Sec. 29.17409. CONTRACTS WITH PRIVATE PROVIDERS. A school district participating in the program may enter into a contract with eligible private providers to provide services or equipment for the program.

Sec. 29.17410. ELIGIBLE PRIVATE PROVIDERS. To be eligible to contract with a school district to provide a program or part of a program, a private provider must be licensed by and in good standing with the Department of Family and Protective Services. For purposes of this section, a private provider is in good standing with the Department of Family and Protective Services if the department has not taken an action against the provider's license under Section [42.071](#), [42.072](#), or [42.078](#), Human Resources Code, during the 24-month period preceding the date of a contract with a school district. The private provider must also be accredited by a research-based, nationally recognized, and universally accessible accreditation system approved by the commissioner.

Sec. 29.17411. WRITTEN CONTRACT REQUIRED. A school district and a private provider contracting under this subchapter shall enter a written contract governing the services to be provided by the private provider, including the amount of funding allocated by the school district to the private provider and the

number of students the private provider agrees to enroll. The contract may provide that:

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

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

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

Sec. 29.17412. DISCRIMINATION BY PRIVATE PROVIDER PROHIBITED. A private provider may not deny program services to a student on the basis of the student's race, religion, sex, ethnicity, national origin, or disability.

Sec. 29.17413. OVERSIGHT OF PRIVATE PROVIDERS. (a) A school district that contracts with a private provider shall monitor the private provider's compliance with the terms of the contract.

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

Sec. 29.17414. RULES. The commissioner may adopt rules necessary to implement this subchapter.

SECTION 6. Sections 29.918(a) and (b), Education Code, are amended to read as follows:

(a) Notwithstanding Section [~~39.234~~ or] 42.152, a school district or open-enrollment charter school with a high dropout rate, as determined by the commissioner, must submit a plan to the

1 commissioner describing the manner in which the district or charter
 2 school intends to use the compensatory education allotment under
 3 Section 42.152 [~~and the high school allotment under Section 42.160~~]
 4 for developing and implementing research-based strategies for
 5 dropout prevention. The district or charter school shall submit
 6 the plan not later than December 1 of each school year preceding the
 7 school year in which the district or charter school will receive the
 8 compensatory education allotment [~~or high school allotment~~] to
 9 which the plan applies.

10 (b) A school district or open-enrollment charter school to
 11 which this section applies may not spend or obligate more than 25
 12 percent of the district's or charter school's compensatory
 13 education allotment [~~or high school allotment~~] unless the
 14 commissioner approves the plan submitted under Subsection
 15 (a). The commissioner shall complete an initial review of the
 16 district's or charter school's plan not later than March 1 of the
 17 school year preceding the school year in which the district or
 18 charter school will receive the compensatory education allotment
 19 [~~or high school allotment~~] to which the plan applies.

20 SECTION 7. Section 39.0233(a), Education Code, is amended
 21 to read as follows:

22 (a) The agency, in coordination with the Texas Higher
 23 Education Coordinating Board, shall adopt a series of questions to
 24 be included in an end-of-course assessment instrument administered
 25 under Section 39.023(c) to be used for purposes of Section 51.3062.
 26 The questions adopted under this subsection must be developed in a
 27 manner consistent with any college readiness standards adopted

under Section [~~Sections 39.233 and~~] 51.3062.

SECTION 8. Section 42.003(b), Education Code, is amended to read as follows:

(b) A student to whom Subsection (a) does not apply is entitled to the benefits of the Foundation School Program if the student is enrolled in a prekindergarten class under Section 29.153 or Subchapter E-1 or E-2, Chapter 29.

SECTION 9. The heading to Section 42.160, Education Code, is amended to read as follows:

Sec. 42.160. GOLD STANDARD PREKINDERGARTEN PROGRAM [~~HIGH SCHOOL~~] ALLOTMENT.

SECTION 10. Section 42.160(a), Education Code, is amended to read as follows:

(a) A school district is entitled to an annual allotment equal to the adjusted basic allotment multiplied by 0.5 [~~of \$275~~] for each student in average daily attendance in a gold standard prekindergarten program under Subchapter E-2, Chapter 29, [~~grades 9 through 12~~] in the district.

SECTION 11. Section 42.302(a), Education Code, is amended to read as follows:

(a) Each school district is guaranteed a specified amount per weighted student in state and local funds for each cent of tax effort over that required for the district's local fund assignment up to the maximum level specified in this subchapter. The amount of state support, subject only to the maximum amount under Section 42.303, is determined by the formula:

$$\text{GYA} = (\text{GL} \times \text{WADA} \times \text{DTR} \times 100) - \text{LR}$$

1 where:

2 "GYA" is the guaranteed yield amount of state funds to be
3 allocated to the district;

4 "GL" is the dollar amount guaranteed level of state and local
5 funds per weighted student per cent of tax effort, which is an
6 amount described by Subsection (a-1) or a greater amount for any
7 year provided by appropriation;

8 "WADA" is the number of students in weighted average daily
9 attendance, which is calculated by dividing the sum of the school
10 district's allotments under Subchapters B and C, less any allotment
11 to the district for transportation, any allotment under Section
12 42.158 [~~or 42.160~~], and 50 percent of the adjustment under Section
13 42.102, by the basic allotment for the applicable year;

14 "DTR" is the district enrichment tax rate of the school
15 district, which is determined by subtracting the amounts specified
16 by Subsection (b) from the total amount of maintenance and
17 operations taxes collected by the school district for the
18 applicable school year and dividing the difference by the quotient
19 of the district's taxable value of property as determined under
20 Subchapter M, Chapter 403, Government Code, or, if applicable,
21 under Section 42.2521, divided by 100; and

22 "LR" is the local revenue, which is determined by multiplying
23 "DTR" by the quotient of the district's taxable value of property as
24 determined under Subchapter M, Chapter 403, Government Code, or, if
25 applicable, under Section 42.2521, divided by 100.

26 SECTION 12. The following provisions of the Education Code
27 are repealed:

- (1) Section 29.097(g);
- (2) Section 29.098(e);
- (3) Section 39.233;
- (4) Section 39.234; and
- (5) Sections 42.160(b), (c), and (d).

SECTION 13. This Act applies beginning with the 2017-2018 school year.

SECTION 14. 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, 2017.