

By: Patrick

H.B. No. 130

A BILL TO BE ENTITLED

1 AN ACT

2 relating to an enhanced quality full-day prekindergarten program  
3 provided by public school districts in conjunction with community  
4 providers.

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

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

9 (c) A prekindergarten class under this section shall be  
10 operated on a half-day basis, unless the school district chooses to  
11 operate:

12 (1) prekindergarten classes on a full-day basis, using  
13 any combination of Foundation School Program funding, local funds,  
14 tuition authorized under Section 29.1531, and grants received for  
15 that purpose under Section 29.155; or

16 (2) enhanced prekindergarten classes on a full-day  
17 basis in accordance with Subchapter E-1, using funding provided  
18 under the Foundation School Program for that purpose.

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

23 SECTION 2. Chapter 29, Education Code, is amended by adding  
24 Subchapter E-1 to read as follows:

1 SUBCHAPTER E-1. ENHANCED QUALITY FULL-DAY PREKINDERGARTEN PROGRAM

2 Sec. 29.164. DEFINITION. In this subchapter, "enhanced  
3 program" or "program" means an enhanced quality full-day  
4 prekindergarten program provided in accordance with this  
5 subchapter.

6 Sec. 29.165. ENHANCED QUALITY FULL-DAY PREKINDERGARTEN  
7 PROGRAM AUTHORIZED. (a) As provided by this subchapter, a school  
8 district may offer an enhanced quality full-day prekindergarten  
9 program for children eligible for classes under Section 29.153.

10 (b) A school district may not enroll more than 22 students  
11 in a program class and must maintain an average ratio in the program  
12 of not less than one teacher or teacher's aide for each 11 students.

13 (c) A teacher in the program must have a minimum of nine  
14 credit hours of college education courses emphasizing early  
15 childhood education.

16 (d) A school district must select the curriculum for the  
17 program from the list of curricula approved for that purpose by the  
18 commissioner.

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

24 Sec. 29.166. CONTRACTS WITH COMMUNITY PROVIDERS REQUIRED.

25 (a) Beginning not later than the second school year that a school  
26 district provides an enhanced program, the district shall use at  
27 least 20 percent of the additional prekindergarten funding

1 available to the district each school year due to the change in law  
2 made by \_\_.B. \_\_\_\_\_, Acts of the 81st Legislature, Regular Session,  
3 2009, to contract with one or more eligible community providers to  
4 provide the program.

5 (b) The commissioner may waive the requirement under  
6 Subsection (a) on an annual basis if a school district provides  
7 documentation acceptable to the commissioner that:

8 (1) the area served by the district does not have a  
9 sufficient number of eligible community providers;

10 (2) the school district did not receive any  
11 applications or other indications of interest in contracting with  
12 the district from eligible community providers; or

13 (3) after a good faith effort and for good cause, the  
14 district and one or more eligible community providers interested in  
15 contracting with the district were unable to reach an agreement.

16 (c) Not later than the 30th day after the date the  
17 commissioner receives a request for a waiver under Subsection (b),  
18 the commissioner shall send a written notice to the school district  
19 granting or denying the request. A decision of the commissioner may  
20 be appealed as provided by Section 7.057.

21 Sec. 29.167. ELIGIBLE COMMUNITY PROVIDERS. (a) To be  
22 eligible to contract with a school district to provide an enhanced  
23 program, a community provider must be center-based and licensed by  
24 and in good standing with the Department of Family and Protective  
25 Services. For purposes of this subsection, a community provider is  
26 in good standing with the Department of Family and Protective  
27 Services if the department has not taken an action against the

1 provider's license under Section 42.071, 42.072, or 42.078, Human  
2 Resources Code, during the 12-month period preceding the date of a  
3 contract with a school district.

4 (b) Except as provided by Subsection (c), an eligible  
5 community provider must also:

6 (1) be certified through the school readiness  
7 certification system established under Section 29.161;

8 (2) be a Texas Early Education Model participant;

9 (3) be a Texas Rising Star Provider with a three-star  
10 certification or higher; or

11 (4) be accredited by a research-based, nationally  
12 recognized, and universally accessible accreditation system  
13 approved by the agency that requires a developmentally appropriate  
14 curriculum that includes math, science, social studies, and  
15 literacy components.

16 (c) Notwithstanding failure to satisfy the requirements of  
17 Subsection (b) and subject to Subsection (d), a community provider  
18 otherwise eligible to contract with a school district under  
19 Subsection (a) may contract with a district if:

20 (1) the community provider meets quality criteria  
21 adopted by the district that are:

22 (A) based on the best available peer-reviewed  
23 research; and

24 (B) made available to the public in a timely  
25 manner; and

26 (2) the commissioner approves the arrangement.

27 (d) A community provider contracting with a school district

1 as provided by Subsection (c) must meet the requirements for  
2 eligibility provided by Subsection (b) not later than the second  
3 anniversary of the date the contract was executed.

4 Sec. 29.168. WRITTEN CONTRACT REQUIRED. A school district  
5 and a community provider contracting under this subchapter shall  
6 enter a written contract governing the services to be provided by  
7 the community provider. The contract may provide that:

8 (1) the school district leases school facilities from  
9 the community provider;

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

13 (3) the community provider supplies the school  
14 facilities, teachers, personnel, and supplies.

15 Sec. 29.169. FUNDING TO COMMUNITY PROVIDER. (a) For each  
16 school district prekindergarten student in average daily  
17 attendance in an enhanced program class provided by a community  
18 provider in which the community provider supplies the school  
19 facilities, teachers, personnel, and supplies, a school district  
20 shall reimburse the community provider in an amount not less than  
21 the amount of the district's adjusted basic allotment, as  
22 determined under Section 42.102 or 42.103, as applicable,  
23 multiplied by 1.0.

24 (b) Funding provided under this section does not affect a  
25 community provider's eligibility to receive any other local, state,  
26 or federal funds to provide before-school, after-school, and summer  
27 child care.

1       Sec. 29.170. ANNUAL ENHANCED PROGRAM REPORT. A school  
2 district operating an enhanced program shall provide an annual  
3 report to the agency not later than August 1 of each year. The  
4 report must include:

5           (1) the percentage of the total increase in  
6 prekindergarten funding, as described by Section 29.166, used by  
7 the district to contract with community providers; and

8           (2) any other information required by commissioner  
9 rule.

10       Sec. 29.171. DUTIES OF COMMISSIONER. The commissioner  
11 shall:

12           (1) prepare and deliver to each member of the  
13 legislature a biennial report describing:

14                   (A) efforts to:

15                           (i) encourage community providers to  
16 participate in the enhanced program; and

17                           (ii) improve the quality of parental  
18 involvement in prekindergarten programs; and

19                   (B) class sizes of prekindergarten classes  
20 provided through the program;

21           (2) provide technical assistance through regional  
22 education service centers:

23                   (A) to school districts to:

24                           (i) inform parents of prekindergarten  
25 options;

26                           (ii) identify eligible community  
27 providers; and

1                    (iii) create standardized forms and  
2 processes for outreach to and contracts with community providers;

3                    (B) to community providers to establish  
4 contracts with school districts under this subchapter; and

5                    (C) to community providers who are not eligible  
6 to contract with a school district under this subchapter to assist  
7 the providers in improving quality so that the providers will  
8 become eligible to contract with a school district; and

9                    (3) encourage regional education service centers and  
10 school districts to use locally available child care resources and  
11 referral services.

12                    Sec. 29.172. RULES. The commissioner may adopt rules  
13 necessary to implement this subchapter.

14                    Sec. 29.173. LEGISLATIVE INTENT. It is the intent of the  
15 legislature that the funds provided for the operation of the  
16 enhanced program through the allotment under Section 42.1511 may  
17 not be used to pay for a public education voucher program or a  
18 public education voucher pilot program in which the program uses  
19 state funds to pay tuition vouchers for children to attend a private  
20 school. This section does not prohibit the use of state funding by  
21 a school district or open-enrollment charter school under a  
22 contract entered into by the district or school under a law in  
23 effect on January 1, 2009, if state funds are paid directly to the  
24 district or school.

25                    Sec. 29.174. ENHANCED PROGRAM EVALUATION. (a) Using funds  
26 available for that purpose, in an amount not to exceed \$150,000 each  
27 fiscal year, the commissioner shall contract for an evaluation of

1 the effectiveness of the enhanced program in promoting student  
2 achievement and school readiness.

3 (b) Not later than December 1, 2010, the commissioner shall  
4 deliver an interim report to the legislature containing the  
5 preliminary results of the evaluation.

6 (c) Not later than December 1, 2012, the commissioner shall  
7 deliver to the legislature a final report regarding the program.

8 (d) This section expires December 1, 2012.

9 SECTION 3. Section 25.001(a), Education Code, is amended to  
10 read as follows:

11 (a) A person who, on the first day of September of any school  
12 year, is at least five years of age and under 21 years of age, or is  
13 at least 21 years of age and under 26 years of age and is admitted by  
14 a school district to complete the requirements for a high school  
15 diploma is entitled to the benefits of the available school fund for  
16 that year. Any other person enrolled in a prekindergarten class  
17 under Section 29.153 or Subchapter E-1, Chapter 29, is entitled to  
18 the benefits of the available school fund.

19 SECTION 4. Section 42.003(b), Education Code, is amended to  
20 read as follows:

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

25 SECTION 5. Subchapter C, Chapter 42, Education Code, is  
26 amended by adding Section 42.1511 to read as follows:

27 Sec. 42.1511. ENHANCED QUALITY FULL-DAY PREKINDERGARTEN



1 ALLOTMENT. For each student in average daily attendance in an  
2 enhanced quality full-day prekindergarten program under Subchapter  
3 E-1, Chapter 29, a district is entitled to an annual allotment equal  
4 to the adjusted basic allotment multiplied by 0.2.

5 SECTION 6. This Act applies beginning with the 2009-2010  
6 school year.

7 SECTION 7. This Act takes effect immediately if it receives  
8 a vote of two-thirds of all the members elected to each house, as  
9 provided by Section 39, Article III, Texas Constitution. If this  
10 Act does not receive the vote necessary for immediate effect, this  
11 Act takes effect September 1, 2009.