

House Bill 130
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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) satisfactory performance on assessment instruments and to accelerated instruction under Section 28.0211;
 - (E) high school graduation 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;
 - (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,

SENATE VERSION

Same as House version.

CONFERENCE

House Bill 130
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

C, D, and G, Chapter 39;

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

(N) intensive programs of instruction under Section 28.0213.

SECTION 2. Section 28.002(1), Education Code, is amended to read as follows:

(1) A school district shall require a student enrolled in full-day prekindergarten, in kindergarten, or in a grade level below grade six to participate in moderate or vigorous daily physical activity for at least 30 minutes throughout the school year as part of the district's physical education curriculum or through structured activity during a school campus's daily recess. To the extent practicable, a school district shall require a student enrolled in prekindergarten on less than a full-day basis to participate in the same type and amount of physical activity as a student enrolled in full-day prekindergarten.

A school district shall require students enrolled in grade levels six, seven, and eight to participate in moderate or vigorous daily physical activity for at least 30 minutes for at least four semesters during those grade levels as part of the district's physical education curriculum. If a school district determines, for any particular grade level below grade six, that requiring moderate or vigorous daily physical activity is impractical due to scheduling concerns or other factors, the district may as an

Same as House version.

House Bill 130
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

alternative require a student in that grade level to participate in moderate or vigorous physical activity for at least 135 minutes during each school week. Additionally, a school district may as an alternative require a student enrolled in a grade level for which the district uses block scheduling to participate in moderate or vigorous physical activity for at least 225 minutes during each period of two school weeks. A school district must provide for an exemption for:

- (1) any student who is unable to participate in the required physical activity because of illness or disability; and
- (2) a middle school or junior high school student who participates in an extracurricular activity with a moderate or vigorous physical activity component that is considered a structured activity under rules adopted by the commissioner.

SECTION 3. Subchapter E, Chapter 29, Education Code, is amended by adding Section 29.1534 to read as follows:

Sec. 29.1534. NOTIFICATION OF PREKINDERGARTEN PROGRAMS. (a) In this section, "prekindergarten program" includes prekindergarten programs provided by a private entity through a partnership with the school district. (b) The agency shall develop joint strategies with other state agencies regarding methods to increase community

SENATE VERSION

No equivalent provision.

CONFERENCE

House Bill 130
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

awareness of prekindergarten programs through programs that provide information relating to public assistance programs.

(c) The agency may develop outreach materials for use by school districts to increase community awareness of prekindergarten programs.

(d) Each school district shall report annually to the agency the strategies implemented by the school district to increase community awareness of prekindergarten programs offered by the district. The district shall report the information on a form prescribed by the commissioner. A report required by this subsection may be combined, at the discretion of the commissioner, with another report that the district submits to the agency.

(e) Not later than the 90th day after the date the agency receives a report from a school district as required by Subsection (d), the agency shall post the report on the agency's Internet website.

(f) Not later than April 1, 2010, the agency shall conduct a study to identify effective methods to communicate to the parent of an eligible child the availability of prekindergarten programs. The study must include research on providing information regarding prekindergarten programs through public, private, and nonprofit institutions that provide assistance and support to families with children eligible for prekindergarten programs. Not later than May 1, 2010, the agency shall make recommendations to school districts based on the study regarding the most effective methods to increase

House Bill 130
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

communication regarding the availability of prekindergarten programs. This subsection expires June 1, 2010.

(g) Not later than December 1, 2010, the agency shall prepare and deliver to the lieutenant governor, the speaker of the house of representatives, and the presiding officer of each legislative standing committee with primary jurisdiction over primary and secondary education a report detailing strategies developed under Subsection (b) to increase community awareness of prekindergarten programs. This subsection expires January 1, 2011.

No equivalent provision.

SENATE VERSION

SECTION 3. Section 28.006, Education Code, is amended by adding Subsections (d-2) and (d-3) to read as follows:

(d-2) A school district that participates in the grant program under Subchapter E-1, Chapter 29, shall include student-level results of reading instruments administered at the kindergarten and first and second grade levels in the district's Public Education Information Management System (PEIMS) report.

(d-3) If a school district that participates in the grant program under Subchapter E-1, Chapter 29, administers a reading instrument that does not provide information in a form that can be reported to the agency on the Public Education Information Management System (PEIMS) report, the commissioner shall adopt an alternative

CONFERENCE

House Bill 130
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

reporting method that allows the district to submit student-level results of reading instruments administered by the district at the kindergarten and first and second grade levels.

No equivalent provision.

SECTION __. FUNDING FOR GRANTS UNDER 29.155. Funds appropriated to fund eligible prekindergarten programs under Section 29.155, Education Code, may be used in the 2009-2010 school year, with prior written approval from the Governor and the Legislative Budget Board, to support at the same level of funding as the 2008-2009 school year districts that received grant funds for such programs under Section 29.155 in the 2008-2009 school year, and to fund additional districts that have received notice of grant awards for such programs for the 2009-2010 school year. If additional state or federal funds become available to support such programs for the 2010-2011 school year, the commissioner of education shall have authority and flexibility to provide funds for all such programs. If additional funds are not sufficient to fund all such programs in the 2010-2011 school year at the amount per student provided in the 2009-2010 school year, funding for all participating districts shall be reduced proportionally. All funds appropriated that are not expended in the 2009-2010 school year are transferred to the 2010-2011 school year, and the commissioner may use such funds to support additional programs and

House Bill 130
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

services for eligible prekindergarten students.

SECTION 4. Chapter 29, Education Code, is amended by adding Subchapter E-1 to read as follows:

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

Sec. 29.164. DEFINITION. In this subchapter, "enhanced program" or "program" means an enhanced quality full-day prekindergarten program provided free of tuition or fees in accordance with this subchapter.

Sec. 29.165. ENHANCED QUALITY FULL-DAY PREKINDERGARTEN PROGRAM GRANTS. (a) From funds appropriated for that purpose, the commissioner by rule shall establish a grant program under which grants are awarded to school districts to implement an enhanced quality full-day prekindergarten program for children eligible for classes under Section 29.153.

(b) A school district may apply to the commissioner to participate in the grant program. In awarding grants under this subchapter for each school year, the commissioner shall give priority in the order listed to the following school districts:

(1) school districts that receive grant funding from the commissioner for early childhood education in a lesser amount than the amount provided for that purpose during the preceding school year;

SECTION 4. Chapter 29, Education Code, is amended by adding Subchapter E-1 to read as follows:

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

Sec. 29.164. DEFINITION. In this subchapter, "enhanced program" or "program" means an enhanced quality full-day prekindergarten program provided free of tuition or fees in accordance with this subchapter.

Sec. 29.165. ENHANCED QUALITY FULL-DAY PREKINDERGARTEN PROGRAM GRANTS. (a) From funds appropriated for that purpose, the commissioner by rule shall establish a grant program under which grants are awarded to school districts to implement an enhanced quality full-day prekindergarten program for children eligible for classes under Section 29.153.

(b) A school district may apply to the commissioner to participate in the grant program. In awarding grants under this subchapter for each school year, the commissioner shall give priority in the order listed to the following school districts:

(1) school districts that receive grant funding from the commissioner for early childhood education in a lesser amount than the amount provided for that purpose during the 2008-2009 school year and demonstrate above-average student performance for the preceding three

House Bill 130
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

(2) school districts that are not eligible to receive any other existing early childhood grants awarded by the commissioner; and

(3) school districts with a high percentage of students who are educationally disadvantaged, as determined by the commissioner.

(c) A school district may not enroll more than 22 students in a program class and must maintain an average ratio in the program of not less than one certified teacher or teacher's aide for each 11 students. Each program class must have at least one certified teacher.

(d) A certified teacher in the program must have a minimum of nine semester credit hours of college education courses emphasizing early childhood education.

(d-1) If a certified teacher who meets the requirements of Subsection (d) is unavailable, a community provider contracting with a school district under this subchapter may employ a teacher for the program who has a minimum of three years experience in early childhood education, who is certified as a Child Development Associate by the Council for Professional Recognition,

school years on the assessment instruments administered under Section 39.023 to students in the third grade; and
(2) school districts that provide services to eligible prekindergarten students and demonstrate above-average student performance for the preceding three school years on the assessment instruments administered under Section 39.023 to students in the third grade.

(c) A school district may not enroll more than 22 students in a program class and must maintain an average ratio in the program of not less than one certified teacher or teacher's aide for each 11 students. Each program class must have at least one certified teacher.

(d) A certified teacher in the program must have a minimum of nine semester credit hours of college education courses emphasizing early childhood education.

(d-1) If a certified teacher who meets the requirements of Subsection (d) is unavailable, a community provider contracting with a school district under this subchapter may employ a teacher for the program who has a minimum of three years experience in early childhood education, who is certified as a Child Development Associate by the Council for Professional Recognition,

House Bill 130
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

and who is taking one or more college education courses that emphasize early childhood education. Not later than the third anniversary of the date the community provider contracts with the district, the community provider must employ a teacher who meets the requirements of Subsection (d).

(e) A school district must select and implement a curriculum for the program that includes the prekindergarten guidelines established by the agency.

(f) 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.

(g) To participate in the program, a school district must meet requirements adopted by the commissioner under Section 29.174.

Sec. 29.166. CONTRACTS WITH COMMUNITY PROVIDERS REQUIRED. (a) A school district that provides an enhanced program shall use at least 20 percent of grant funds provided under this subchapter to contract with one or more eligible community providers to provide the program.

(b) The commissioner may waive the requirement under

SENATE VERSION

and who is taking one or more college education courses that emphasize early childhood education. Not later than the third anniversary of the date the community provider contracts with the district, the community provider must employ a teacher who meets the requirements of Subsection (d).

(e) A school district must select and implement a curriculum for the program that includes the prekindergarten guidelines established by the agency.

(f) 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.

(g) The commissioner may accept, solicit, and use federal or private grant funds and gifts available for that purpose to fund additional or increased grants under this section and section 29.155.

Sec. 29.166. CONTRACTS WITH COMMUNITY PROVIDERS REQUIRED. (a) A school district that provides an enhanced program shall use at least 20 percent of grant funds provided under this subchapter to contract with one or more eligible community providers to provide the program.

(b) The commissioner may waive the requirement under

CONFERENCE

House Bill 130
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

Subsection (a) on an annual basis if a school district provides documentation acceptable to the commissioner that:

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

(2) after a good faith effort, the school district did not receive any applications or other indications of interest in contracting with the district from eligible community providers; or

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

(c) Not later than the 30th day after the date the commissioner receives a request for a waiver under Subsection (b), the commissioner shall send a written notice to the school district and the affected community provider, if applicable, granting or denying the request.

A school district or community provider affected by a decision of the commissioner under this subsection may appeal the decision as provided by Section 7.057.

Sec. 29.167. ELIGIBLE COMMUNITY PROVIDERS.

(a) To be eligible to contract with a school district to provide an enhanced program, a community provider must be center-based and licensed by and in good standing with the Department of Family and Protective Services. For purposes of this subsection, a community provider is in good standing with the Department of Family and Protective Services if the department has not

SENATE VERSION

Subsection (a) on an annual basis if a school district provides documentation acceptable to the commissioner that:

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

(2) after a good faith effort, the school district did not receive any applications or other indications of interest in contracting with the district from eligible community providers; or

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

(c) Not later than the 30th day after the date the commissioner receives a request for a waiver under Subsection (b), the commissioner shall send a written notice to the school district and the affected community provider, if applicable, granting or denying the request.

A school district or community provider affected by a decision of the commissioner under this subsection may appeal the decision as provided by Section 7.057.

Sec. 29.167. ELIGIBLE COMMUNITY PROVIDERS.

(a) To be eligible to contract with a school district to provide an enhanced program, a community provider must be center-based and licensed by and in good standing with the Department of Family and Protective Services. For purposes of this subsection, a community provider is in good standing with the Department of Family and Protective Services if the department has not

CONFERENCE

House Bill 130
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

(b) Except as provided by Subsection (c), an eligible community provider must also meet one of the following criteria:

(1) the community provider must be certified through the school readiness certification system established under Section 29.161;

(2) the community provider must be a Texas Early Education Model participant;

(3) the community provider must be a Texas Rising Star Provider with a three-star certification or higher; or

(4) the community provider must be accredited by a research-based, nationally recognized, and universally accessible accreditation system approved by the agency that requires a developmentally appropriate curriculum that includes math, science, social studies, literacy, physical development, and social and emotional components.

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

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

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

SENATE VERSION

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

(b) Except as provided by Subsection (c), an eligible community provider must also meet one of the following criteria:

(1) the community provider must be certified through the school readiness certification system established under Section 29.161;

(2) the community provider must be a Texas Early Education Model participant;

(3) the community provider must be a Texas Rising Star Provider with a three-star certification or higher; or

(4) the community provider must be accredited by a research-based, nationally recognized, and universally accessible accreditation system approved by the agency that requires a developmentally appropriate curriculum that includes math, science, social studies, literacy, physical development, and social and emotional components.

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

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

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

CONFERENCE

House Bill 130
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

and

(B) made available to the public in a timely manner; and
(2) the commissioner approves the arrangement.

(d) A community provider contracting with a school district as provided by Subsection (c) must meet the requirements for eligibility provided by Subsection (b) not later than the first anniversary of the date the contract was executed.

Sec. 29.168. WRITTEN CONTRACT REQUIRED. A school district and a community provider contracting under this subchapter shall enter a written contract governing the services to be provided by the community provider. The contract may provide for, but is not limited to, the following types of partnerships:

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

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

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

Sec. 29.169. FUNDING TO COMMUNITY PROVIDER. (a) Except as provided by Subsection (b), the amount of reimbursement provided by a school district to a community provider is negotiable between the district and the community provider based on the services provided.

(b) For each school district prekindergarten student in

SENATE VERSION

and

(B) made available to the public in a timely manner; and
(2) the commissioner approves the arrangement.

(d) A community provider contracting with a school district as provided by Subsection (c) must meet the requirements for eligibility provided by Subsection (b) not later than the first anniversary of the date the contract was executed.

Sec. 29.168. WRITTEN CONTRACT REQUIRED. A school district and a community provider contracting under this subchapter shall enter a written contract governing the services to be provided by the community provider. The contract may provide for, but is not limited to, the following types of partnerships:

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

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

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

Sec. 29.169. FUNDING TO COMMUNITY PROVIDER. (a) Except as provided by Subsection (b), the amount of reimbursement provided by a school district to a community provider is negotiable between the district and the community provider based on the services provided.

(b) For each school district prekindergarten student in

CONFERENCE

House Bill 130
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

attendance in an enhanced program class provided by a community provider in which the community provider supplies the school facilities, certified teachers, personnel, and supplies, a school district shall reimburse the community provider in an amount not less than the sum of:

(1) the amount of the district's adjusted basic allotment, as determined under Section 42.102 or 42.103, as applicable, multiplied by 1.0; and

(2) the amount of any additional funding received by the district for the student under Subchapter C, Chapter 42.

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

Sec. 29.170. DISCRIMINATION BY COMMUNITY PROVIDER PROHIBITED. A community provider may not deny enhanced program services to a student on the basis of the student's race, religion, sex, ethnicity, national origin, or disability.

Sec. 29.171. ANNUAL ENHANCED PROGRAM REPORT. A school district operating an enhanced program shall provide an annual report to the agency not later than August 1 of each year. The report must include:

(1) the percentage of the grant funds provided under this subchapter used by the district to contract with community providers; and

(2) data components, approved by the commissioner,

SENATE VERSION

attendance in an enhanced program class provided by a community provider in which the community provider supplies the school facilities, certified teachers, personnel, and supplies, a school district shall reimburse the community provider in an amount not less than the sum of:

(1) the amount of the district's adjusted basic allotment, as determined under Section 42.102 or 42.103, as applicable, multiplied by 1.0; and

(2) the amount of any additional funding received by the district for the student under Subchapter C, Chapter 42.

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

Sec. 29.170. DISCRIMINATION BY COMMUNITY PROVIDER PROHIBITED. A community provider may not deny enhanced program services to a student on the basis of the student's race, religion, sex, ethnicity, national origin, or disability.

Sec. 29.171. ANNUAL ENHANCED PROGRAM REPORT. (a) A school district operating an enhanced program shall provide an annual report to the agency not later than August 1 of each year. The report must include:

(1) the percentage of the grant funds provided under this subchapter used by the district to contract with community providers; and

(2) data components, approved by the commissioner,

CONFERENCE

House Bill 130
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

that illustrate acquisition of knowledge and skills consistent with the prekindergarten guidelines established by the agency and student-level progress towards school readiness.

Sec. 29.172. DUTIES OF COMMISSIONER. The commissioner shall:

- (1) require regional education service centers to assist:
- (A) school districts in:
 - (i) informing parents of prekindergarten options;
 - (ii) identifying eligible community providers and maintaining an updated list of eligible community providers; and

SENATE VERSION

that illustrate acquisition of knowledge and skills consistent with the prekindergarten guidelines established by the agency and student-level progress towards school readiness.

(b) The commissioner may not require a district or recipient of grant funds to participate in the school readiness certification system established under Section 29.161.

Sec. 29.172. COLLECTION AND REPORTING OF INFORMATION. The agency shall:

(1) collect and maintain information that is reported by a school district to the agency under Section 28.006 and information from the assessment instruments administered under Section 39.023 to students in the third grade;

(2) produce longitudinal student performance reports using student-level information collected for consecutive grade levels; and

(3) make the reports available and accessible to parents and the general public.

Sec. 29.174. DUTIES OF COMMISSIONER. The commissioner shall:

- (1) require regional education service centers to assist:
- (A) school districts in:
 - (i) informing parents of prekindergarten options;
 - (ii) identifying eligible community providers and maintaining an updated list of eligible community providers; and

CONFERENCE

House Bill 130
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

(iii) creating standardized forms and processes for outreach to and contracts with community providers for use when considering community partnerships;
(B) community providers in establishing contracts with school districts under this subchapter; and
(C) community providers who are not eligible to contract with a school district under this subchapter by providing information regarding eligibility to contract with a school district; and
(2) encourage regional education service centers and school districts to use locally available child care resources and referral services.
Sec. 29.173. STATE FUNDING; GRANT AMOUNT.
(a) From funds appropriated for the purposes of this subchapter the commissioner shall award grants as provided by this subchapter.
(b) The commissioner, in accordance with this subsection, shall determine the amount of each grant awarded under this subchapter. A grant must provide an amount of funding for each student in the program equal to 70 percent of the statewide average funding provided per student to an open-enrollment charter school under Section 12.106, including all adjustments used in computing per-student funding under that section.

SENATE VERSION

(iii) creating standardized forms and processes for outreach to and contracts with community providers for use when considering community partnerships;
(B) community providers in establishing contracts with school districts under this subchapter; and
(C) community providers who are not eligible to contract with a school district under this subchapter by providing information regarding eligibility to contract with a school district; and
(2) encourage regional education service centers and school districts to use locally available child care resources and referral services.
Sec. 29.175. STATE FUNDING; GRANT AMOUNT.
(a) From funds appropriated for the purposes of this subchapter the commissioner shall award grants as provided by this subchapter.
(b) The commissioner, in accordance with this subsection, shall determine the amount of each grant awarded under this subchapter. A grant must provide an amount of funding for each student in the program equal to the greater of:
(1) the amount to which the district would be entitled under the foundation school program for an additional student in average daily attendance on a half-day basis;
or
(2) the amount of funding equal to the statewide average amount to which a district would be entitled under the foundation school program for an additional student in average daily attendance on a half-day basis.

CONFERENCE

House Bill 130
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

(c) Funding provided for each program student through a grant under this subchapter is in addition to funding otherwise provided for the student under Chapter 42.

Sec. 29.174. RULES. The commissioner may adopt rules necessary to implement this subchapter.

Sec. 29.175. **PROHIBITION ON USE OF FUNDS FOR VOUCHERS.**

Funds provided for the operation of the enhanced program through a grant awarded under this subchapter must be paid directly to a public school district or open-enrollment charter school. It is the intent of the legislature that this requirement is absolute and that the terms of this requirement be broadly construed so as to prevent the use of public funds for any program having the same effect as a voucher program. This section does not prohibit the use of state funding by a school district or open-enrollment charter school under a contract entered into by the district or school before January 1, 2009, under a law in effect at the time the contract was approved, if state funds are paid directly to the district or school.

Sec. 29.176. **ENHANCED PROGRAM EVALUATION.** (a) Using information provided to the agency under Section 29.171 and using funds available for that purpose, in an amount not to exceed \$150,000 each fiscal year, the commissioner shall contract for an

SENATE VERSION

(c) Funding provided for each program student through a grant under this subchapter is in addition to funding otherwise provided for the student under Chapter 42.

(d) Funding provided for each school district or open-enrollment charter school through a grant under this subchapter may not exceed \$4 million annually.

Sec. 29.176. RULES. The commissioner may adopt rules necessary to implement this subchapter.

Sec. 29.177. **STATE FUNDING; DIRECTIVE FOR GRANT PAYMENTS TO SCHOOL DISTRICTS.**

Funds provided for the operation of the enhanced program through a grant awarded under this subchapter must be paid directly to a public school district or open-enrollment charter school. Funds awarded under this subchapter may not be awarded directly to a private or nonprofit child care provider or to a private school.

Sec. 29.173. **ENHANCED PROGRAM EVALUATION.** (a) Using information provided to the agency under Sections 29.171 and 29.172 and using funds available for that purpose, the Legislative Budget Board shall conduct or contract for an evaluation of the

CONFERENCE

House Bill 130
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

(b) Not later than December 1, 2012, the commissioner shall deliver an interim report to the legislature containing the preliminary results of the evaluation.

(c) Not later than December 1, 2016, the commissioner shall deliver to the legislature a final report regarding the program.

(d) This section expires December 1, 2016.

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

No equivalent provision.

SECTION 6. 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, 2009.

SENATE VERSION

effectiveness of the enhanced program regarding student performance outcomes.

(b) Not later than December 1, 2012, the board shall deliver an interim report to the legislature containing the preliminary results of the evaluation.

(c) Not later than December 1, 2016, the board shall deliver to the legislature a final report regarding the program.

(d) This section expires December 1, 2016.

Same as House version.

SECTION __. This Act does not make an appropriation. This Act takes effect only if a specific appropriation for the implementation of the Act is provided in a general appropriations act of the 81st Legislature.

Same as House version.

CONFERENCE