

By: Huberty, Deshotel, King of Hemphill,  
Giddings, Ashby, et al.

H.B. No. 4

A BILL TO BE ENTITLED

AN ACT

relating to a high quality prekindergarten program provided by  
public school districts.

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

SECTION 1. Subchapter B, Chapter 8, Education Code, is  
amended by adding Section 8.058 to read as follows:

Sec. 8.058. CHILD DEVELOPMENT ASSOCIATE TRAINING. A  
regional education service center may offer to teachers employed by  
school districts the training required to be awarded a Child  
Development Associate (CDA) credential.

SECTION 2. 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

- 1 instruction programs under Section 28.006;
- 2 (D) accelerated instruction under Section
- 3 28.0211;
- 4 (E) high school graduation requirements under
- 5 Section 28.025;
- 6 (F) special education programs under Subchapter
- 7 A, Chapter 29;
- 8 (G) bilingual education under Subchapter B,
- 9 Chapter 29;
- 10 (H) prekindergarten programs under Subchapter E
- 11 or E-1, Chapter 29;
- 12 (I) extracurricular activities under Section
- 13 33.081;
- 14 (J) discipline management practices or behavior
- 15 management techniques under Section 37.0021;
- 16 (K) health and safety under Chapter 38;
- 17 (L) public school accountability under
- 18 Subchapters B, C, D, E, F, G, and J, Chapter 39;
- 19 (M) the requirement under Section 21.006 to
- 20 report an educator's misconduct; and
- 21 (N) intensive programs of instruction under
- 22 Section 28.0213.

23 SECTION 3. Section 25.001(a), Education Code, is amended to

24 read as follows:

25 (a) A person who, on the first day of September of any school

26 year, is at least five years of age and under 21 years of age, or is

27 at least 21 years of age and under 26 years of age and is admitted by

1 a school district to complete the requirements for a high school  
2 diploma is entitled to the benefits of the available school fund for  
3 that year. Any other person enrolled in a prekindergarten class  
4 under Section 29.153 or Subchapter E-1, Chapter 29, is entitled to  
5 the benefits of the available school fund.

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

8 SUBCHAPTER E-1. HIGH QUALITY PREKINDERGARTEN PROGRAM

9 Sec. 29.164. DEFINITION. In this subchapter, "program"  
10 means a high quality prekindergarten program provided free of  
11 tuition or fees in accordance with this subchapter.

12 Sec. 29.165. HIGH QUALITY PREKINDERGARTEN PROGRAM. (a) From  
13 funds appropriated for that purpose, the commissioner by rule shall  
14 establish a funding program under which funds are awarded to school  
15 districts and open-enrollment charter schools to implement a  
16 prekindergarten program under this subchapter. Notwithstanding any  
17 other provision of this subchapter, a prekindergarten program  
18 implemented under this subchapter may operate on a full-day basis.

19 (b) A school district may participate in and receive funding  
20 under the program if the district meets all program standards  
21 required under this subchapter.

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

27 Sec. 29.166. HIGH QUALITY PROGRAM FUNDING. (a) A school

1 district is eligible for half-day funding under the Foundation  
2 School Program for each student who satisfies eligibility  
3 requirements under Section 29.153(b) and who is enrolled in a  
4 program class.

5 (b) In addition to funding under Subsection (a), a school  
6 district is entitled to receive funding in an amount determined by  
7 the commissioner for each qualifying student described under  
8 Subsection (c) in average daily attendance in a program class. The  
9 commissioner may not establish an amount of funding per qualifying  
10 student under this subsection that exceeds \$1,500.

11 (c) A student qualifies for additional funding under  
12 Subsection (b) if the student:

13 (1) satisfies eligibility requirements under Section  
14 29.153(b); and

15 (2) is four years of age on September 1 of the year the  
16 student begins the program.

17 (d) A school district that receives the funding under  
18 Subsection (b) may use the funding only to improve the quality of  
19 the district's prekindergarten programs.

20 (e) The total amount of funding distributed to school  
21 districts under Subsection (b) for the state fiscal biennium ending  
22 August 31, 2017, may not exceed the greater of:

23 (1) \$130 million; or

24 (2) the amount of the appropriation provided for the  
25 prekindergarten program under this subchapter in H.B. No. 1, Acts  
26 of the 84th Legislature, Regular Session, 2015, as enacted.

27 Sec. 29.167. HIGH QUALITY CURRICULUM AND TEACHER

1 REQUIREMENTS. (a) A school district shall select and implement a  
2 curriculum for a prekindergarten program under this subchapter  
3 that:

4 (1) includes the prekindergarten guidelines  
5 established by the agency;

6 (2) measures the progress of students in meeting the  
7 recommended learning outcomes; and

8 (3) does not use national curriculum standards  
9 developed by the Common Core State Standards Initiative.

10 (b) Each teacher for a prekindergarten program class must:

11 (1) be certified under Subchapter B, Chapter 21; and

12 (2) have one of the following additional  
13 qualifications:

14 (A) a Child Development Associate (CDA)  
15 credential;

16 (B) certification offered through a training  
17 center associated with Association Montessori Internationale or  
18 through the Montessori Accreditation Council for Teacher  
19 Education;

20 (C) at least eight years' experience of teaching  
21 in a nationally accredited child care program; or

22 (D) an equivalent qualification.

23 (c) A school district may allow a teacher employed by the  
24 district to receive the training required to be awarded a Child  
25 Development Associate (CDA) credential from a regional education  
26 service center that offers the training in accordance with Section  
27 8.058.

1       Sec. 29.168. FAMILY ENGAGEMENT PLAN. (a) A school district  
2 shall develop and implement a family engagement plan to assist the  
3 district in achieving and maintaining high levels of family  
4 involvement and positive family attitudes toward education. The  
5 family engagement plan must be based on family engagement  
6 strategies established under Subsection (b).

7       (b) The agency shall collaborate with other state agencies,  
8 including the Health and Human Services Commission, that provide  
9 services for children from birth through five years of age to  
10 establish prioritized family engagement strategies to be included  
11 in a school district's family engagement plan. A parent-teacher  
12 organization, community group, or faith-based institution may  
13 submit to the agency recommendations regarding the establishment of  
14 family engagement strategies, and the agency, in establishing the  
15 family engagement strategies, shall consider any received  
16 recommendations. The engagement strategies must be:

17               (1) based on empirical research; and

18               (2) proven to demonstrate significant positive  
19 short-term and long-term outcomes for early childhood education.

20       Sec. 29.169. PROGRAM EVALUATION. (a) A school district  
21 shall:

22               (1) select and implement appropriate methods for  
23 evaluating the district's program classes by measuring student  
24 progress; and

25               (2) make data from the results of program evaluations  
26 available to parents.

27       (b) A school district may administer diagnostic assessments

1 to students in a program class to evaluate student progress as  
2 required by Subsection (a) but may not administer a state  
3 standardized assessment instrument.

4 (c) An assessment instrument administered to a  
5 prekindergarten program class must be selected from a list of  
6 appropriate prekindergarten assessment instruments identified by  
7 the commissioner.

8 Sec. 29.170. PROGRAM FUNDING EVALUATION. (a) The  
9 commissioner shall evaluate the use and effectiveness of funding  
10 provided under this subchapter in improving student learning. The  
11 commissioner shall identify effective instruction strategies  
12 implemented by school districts under this subchapter.

13 (b) Beginning in 2018, not later than December 1 of each  
14 even-numbered year, the commissioner shall deliver a report to the  
15 legislature containing the results of the evaluation.

16 (c) This section expires December 31, 2024.

17 Sec. 29.171. REPORT OF ADDITIONAL INFORMATION REQUIRED. In  
18 addition to information reported under Section 29.1532(c), a school  
19 district that offers a prekindergarten program under this  
20 subchapter shall include the following information in the  
21 district's Public Education Information Management System (PEIMS)  
22 report:

23 (1) the class size and ratio of instructional staff to  
24 students for each prekindergarten program class offered by the  
25 district;

26 (2) each type of assessment instrument administered to  
27 students enrolled in district prekindergarten program classes and

1 the results of each type of assessment instrument;

2 (3) student demographic information for the district's  
3 prekindergarten program classes;

4 (4) funding sources for the district's prekindergarten  
5 program classes; and

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

8 Sec. 29.172. ELIGIBLE PRIVATE PROVIDERS. (a) A school  
9 district participating in the program under this subchapter may  
10 enter into a contract with an eligible private provider to provide  
11 services or equipment for the program.

12 (b) To be eligible to contract with a school district to  
13 provide a program or part of a program, a private provider must be  
14 licensed by and in good standing with the Department of Family and  
15 Protective Services. For purposes of this section, a private  
16 provider is in good standing with the Department of Family and  
17 Protective Services if the department has not taken an action  
18 against the provider's license under Section 42.071, 42.072, or  
19 42.078, Human Resources Code, during the 24-month period preceding  
20 the date of a contract with a school district. The private provider  
21 must also:

22 (1) be accredited by a research-based, nationally  
23 recognized, and universally accessible accreditation system  
24 approved by the commissioner;

25 (2) be a Texas Rising Star Program provider with a  
26 three-star certification or higher;

27 (3) be a Texas School Ready! participant;



1           (4) have an existing partnership with a school  
2 district to provide a prekindergarten program not provided under  
3 this subchapter; or

4           (5) be accredited by an organization that is  
5 recognized by the Texas Private School Accreditation Commission.

6           (c) A prekindergarten program provided by a private  
7 provider under this section is subject to the requirements of this  
8 subchapter.

9           Sec. 29.173. RULES. The commissioner may adopt rules  
10 necessary to implement this subchapter.

11           SECTION 5. Section 42.003(b), Education Code, is amended to  
12 read as follows:

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

17           SECTION 6. (a) Section 29.167(b), Education Code, as added  
18 by this Act, requiring a prekindergarten teacher to have been  
19 awarded a Child Development Associate (CDA) credential, applies  
20 beginning with the 2016-2017 school year.

21           (b) Except as provided by Subsection (a) of this section,  
22 this Act applies beginning with the 2015-2016 school year.

23           SECTION 7. This Act takes effect immediately if it receives  
24 a vote of two-thirds of all the members elected to each house, as  
25 provided by Section 39, Article III, Texas Constitution. If this  
26 Act does not receive the vote necessary for immediate effect, this  
27 Act takes effect September 1, 2015.