

BILL ANALYSIS

Senate Research Center
81R2369 CAE-F

S.B. 21
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Education
3/9/2009
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law requires that districts offer half-day prekindergarten (pre-k) if there are at least 15 eligible four-year-old students residing in the district. S.B. 21 gives school districts the opportunity to expand their pre-k programs from half-day to full-day for children who are currently eligible for pre-k under Texas law. The program is voluntary, and districts will not be forced to expand if they are not ready or do not see a need.

The expansion is paid for by formula funding, with a 1.2 weight given to each child, given the extra costs required to educate very young children in an enhanced quality setting.

Class sizes are limited to 22 children with an 11:1 child-per-staff ratio and certified teachers are required to have an additional nine hours of class training in early childhood education. The bill requires districts to use curriculum from the Texas Education Agency's (TEA) approved list. In an effort to promote accountability, districts are required to report on and evaluate their pre-k programs for effectiveness and student performance.

The legislation also requires participating districts to use at least 20 percent of the additional funds they receive for the program to partner with eligible community child care providers, such as private child care, Head Start, faith-based, and nonprofit child care programs. The legislation defines eligible child care providers so that school districts are required to partner only with entities that have demonstrated high-quality practices, and guarantees a waiver for any district that cannot find an eligible child care program with which to partner (such as a very rural district).

TEA is required to prepare a report to the legislature on districts' efforts to partner with community providers and improve the quality of and parental involvement in pre-k, including data on class size. TEA will also provide assistance through the education service centers to parents to inform them of available pre-k programs. The bill provides that TEA will facilitate community partnering by creating standardized forms and processes for outreach to and contracting with eligible community providers. TEA is also required to contract with an independent evaluator to report on the effectiveness of the enhanced-quality program.

As proposed, S.B. 21 authorizes school districts to operate an enhanced quality full-day prekindergarten program and sets forth provisions relating to the requirements and funding for such programs.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education in SECTION 2 (Section 29.172, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 29.153, Education Code, by amending Subsection (c) and adding Subsection (c-1), as follows:

- (c) Requires a prekindergarten (pre-k) class under this section to be operated on a half-day basis, unless the school district chooses to operate pre-k classes on a full-day basis using any combination of Foundation School Program (FSP) funding, local funds, tuition authorized under Section 29.1531 (Tuition-Supported and District-Financed

Prekindergarten), and grants received for that purpose under Section 29.155 (Kindergarten and Prekindergarten Grants), or enhanced pre-k classes on a full-day basis in accordance with Subchapter E-1, using funding provided under FSP for that purpose.

(c-1) Creates this subsection from existing text.

SECTION 2. Amends Chapter 29, Education Code, by adding Subchapter E-1, as follows:

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

Sec. 29.164. DEFINITION. Defines "enhanced program" and "program."

Sec. 29.165. ENHANCED QUALITY FULL-DAY PREKINDERGARTEN PROGRAM AUTHORIZED. (a) Authorizes a school district to offer an enhanced quality full-day pre-k program for children eligible for classes under Section 29.153, as provided by this subchapter.

(b) Prohibits a school district from enrolling more than 22 students in a program class and requires that an average ratio in the program of not less than one teacher or teacher's aide for each 11 students be maintained.

(c) Requires a teacher in the program to have a minimum of nine credit hours of college education courses emphasizing early childhood education.

(d) Requires a school district to select the curriculum for the program from the list of curricula approved for that purpose by the commissioner of education (commissioner).

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

Sec. 29.166. CONTRACTS WITH COMMUNITY PROVIDERS REQUIRED. (a) Requires the district, beginning not later than the second school year that a school district provides an enhanced program, to use at least 20 percent of the additional prekindergarten funding available to the district each school year due to the change in law made by (__B. __), Acts of the 81st Legislature, Regular Session, 2009, to contract with one or more eligible providers to provide the program.

(b) Authorizes the commissioner to waive the requirement under Subsection (a) on an annual basis if the school district provides acceptable documentation to the commissioner that meets certain guidelines.

(c) Requires the commissioner to send a written notice to the school district granting or denying the request for a waiver not later than the 30th day after the date the request is received. Authorizes the commissioner's decision to be appealed as provided by Section 7.057 (Appeals).

Sec. 29.167. ELIGIBLE COMMUNITY PROVIDERS. (a) Requires a community provider to be center-based and licensed by and in good standing with the Department of Family and Protective Services (DFPS) to be eligible to contract with a school district to provide an enhanced program. Provides that a community provider is in good standing with DFPS if no action has been taken against the provider's license by DFPS under Section 42.071 (Suspension, Evaluation, or Probation of License or Registration), 42.072 (License, Listing, or Registration Denial, Suspension, or Revocation), or 42.078 (Administrative Penalty), Human Resources Code, during the 12-month period preceding the date of a contract with a school district.

(b) Requires an eligible community provider to meet certain certification or accreditation criteria. Creates an exception under Subsection (c).

(c) Authorizes a community provider otherwise eligible to contract with a school district under Subsection (a), notwithstanding failure to satisfy the requirements of Subsection (b) and subject to Subsection (d), to contract with a district if the community provider meets certain quality criteria adopted by the district and the commissioner approves the arrangement.

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

Sec. 29.168. **WRITTEN CONTRACT REQUIRED.** Requires a school district and a community provider contracting under this subchapter to enter a written contract governing the services to be provided by the community provider. Authorizes the contract to provide for certain options related to facilities, personnel, and supplies.

Sec. 29.169. **FUNDING TO COMMUNITY PROVIDER.** (a) Requires the school district to reimburse the community provider in an amount not less than the amount of the district's adjusted basic allotment, as determined under Section 42.102 (Cost of Education Adjustment) or 42.103 (Small and Mid-Sized District Adjustment), as applicable, multiplied by 1.0, for each student in average daily attendance in an enhanced program class in which the school facilities, teachers, personnel, and supplies are provided by a community provider.

(b) Provides that funding 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. **ANNUAL ENHANCED PROGRAM REPORT.** Requires a school district operating an enhanced program to provide an annual report to the Texas Education Agency not later than August 1 of each year. Requires the report to include certain information.

Sec. 29.171. **DUTIES OF COMMISSIONER.** Requires the commissioner to prepare and deliver to each member of the legislature a biennial report describing certain information; to provide technical assistance through regional education service centers to school districts and both eligible and ineligible community providers; and to encourage regional education service centers and school districts to use locally available child care resources and referral services.

Sec. 29.172. **RULES.** Authorizes the commissioner to adopt rules necessary to implement this subchapter.

Sec. 29.173. **LEGISLATIVE INTENT.** Provides that it is the intent of the legislature that funds provided for the operation of the enhanced program through the allotment under Section 42.1511 are not authorized to be used to pay for a public education voucher program or a public education voucher pilot program. Provides that this section does not prohibit the use of state funding by a school district in which the program uses state funds to pay tuition vouchers for children to attend a private school, or open-enrollment charter school under a contract entered into by the district or school under a law in effect on January 1, 2009, if the state funds were paid directly to the district or school.

Sec. 29.174. **ENHANCED PROGRAM EVALUATION.** (a) Requires the commissioner to contract for an evaluation of the effectiveness of the enhanced program in promoting student achievement and school readiness using funds available for that purpose in an amount not to exceed \$150,000 each fiscal year.

(b) Requires the commissioner to deliver an interim report to the legislature containing preliminary results of the evaluation not later than December 1, 2010.

(c) Requires the commissioner to deliver to the legislature a final report regarding the program not later than December 1, 2012.

(d) Provides that this section expires December 1, 2012.

SECTION 3. Amends Section 25.001(a), Education Code, to provide that any other person enrolled in a pre-k class under Section 29.153 or Subchapter E-1, Chapter 29, is entitled to the benefits of the available school fund.

SECTION 4. Amends Section 42.003(b), Education Code, to provide that a student to whom Subsection (a) does not apply is entitled to the benefits of FSP if the student is enrolled in a pre-k class under Section 29.153 or Subchapter E-1, Chapter 29.

SECTION 5. Amends Subchapter C, Chapter 42, Education Code, by adding Section 42.1511, as follows:

Sec. 42.1511. ENHANCED QUALITY FULL-DAY PREKINDERGARTEN ALLOTMENT. Provides that for each student in average daily attendance in an enhanced quality full-day pre-k program under Subchapter E-1, Chapter 29, a district is entitled to an annual allotment equal to the adjusted basic allotment multiplied by 0.2.

SECTION 6. Makes this Act prospective to the 2009-2010 school year.

SECTION 7. Effective date: upon passage or September 1, 2009.