

BILL ANALYSIS

Senate Research Center

H.B. 4
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Education
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Research demonstrates that children who participate in high-quality pre-kindergarten (pre-k) programs are more successful academically. While there is well-established research identifying which indicators ensure a pre-k program is considered high-quality, current statute only addresses eligibility, reporting, and general curriculum requirements.

Many independent school districts in Texas prioritize and provide high-quality pre-k programs on their own, however, these school districts are not provided additional funding to continue to build upon this investment. What's more, there are school districts that need additional state assistance to enhance the pre-k programs they operate.

H.B. 4 establishes a high-quality pre-k program that school in which school districts could choose to participate, provided they meet the program's requirements. The program requirements include teacher certification, curriculum standards, and a plan related to parental engagement. School districts participating in this program would be eligible to receive additional funding that must be used towards enhancing their pre-k programs in a manner best suited for the individual school districts. The commissioner of education (commissioner) would be responsible for establishing the program's funding and guideline components in rule.

The bill also requires the participating school districts to evaluate their high-quality pre-k program and make the data available to parents. What's more, the commissioner would be required to evaluate the use and effectiveness of the funding provided through this program and identify effective strategies implemented by school districts.

H.B. 4 amends current law relating to a high quality prekindergarten program provided by public school districts.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education in SECTION 4 (Sections 29.165 and 29.173, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 8, Education Code, by adding Section 8.058, as follows:

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

SECTION 2. Amends Section 12.104(b), Education Code, to provide that an open-enrollment charter school is subject to a prohibition, restriction, or requirement, as applicable, imposed by this title or a rule adopted under this title, relating to prekindergarten programs under Subchapter E (Kindergarten and Prekindergarten Programs) or E-1, Chapter 29 (Educational Programs).

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

SECTION 4. Amends Chapter 29, Education Code, by adding Subchapter E-1, as follows:

SUBCHAPTER E-1. HIGH QUALITY PREKINDERGARTEN PROGRAM

Sec. 29.164. DEFINITION. Defines, in this subchapter, "program."

Sec. 29.165. HIGH QUALITY PREKINDERGARTEN PROGRAM. (a) Requires the commissioner of education (commissioner) by rule, from funds appropriated for that purpose, to establish a funding program under which funds are awarded to school districts and open-enrollment charter schools to implement a prekindergarten program under this subchapter. Authorizes a high quality prekindergarten program free of tuition or fees in accordance with this subchapter (program), implemented under this subchapter, notwithstanding any other provision of this subchapter, to operate on a full-day basis.

(b) Authorizes a school district to participate in and receive funding under the program if the district meets all program standards required under this subchapter.

(c) Provides that 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. 29.166. HIGH QUALITY PROGRAM FUNDING. (a) Provides that a school district is eligible for half-day funding under the Foundation School Program for each student who satisfies eligibility requirements under Section 29.153(b) (providing that a child is eligible for enrollment in a prekindergarten class under this section if the child is at least three years of age and meets certain criteria) and who is enrolled in a program class.

(b) Entitles a school district, in addition to funding under Subsection (a), to receive funding in an amount determined by the commissioner for each qualifying student described under Subsection (c) in average daily attendance in a program class. Prohibits the commissioner from establishing an amount of funding per qualifying student under this subsection that exceeds \$1,500.

(c) Provides that a student qualifies for additional funding under Subsection (b) if the student:

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

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

(d) Authorizes a school district that receives the funding under Subsection (b) to use the funding only to improve the quality of the district's prekindergarten programs.

(e) Prohibits the total amount of funding distributed to school districts under Subsection (b) for the state fiscal biennium ending August 31, 2017, from exceeding the greater of:

(1) \$130 million; or

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

Sec. 29.167. HIGH QUALITY CURRICULUM AND TEACHER REQUIREMENTS.

(a) Requires a school district to select and implement a curriculum for a prekindergarten program under this subchapter that:

- (1) includes the prekindergarten guidelines established by the Texas Education Agency (TEA);
- (2) measures the progress of students in meeting the recommended learning outcomes; and
- (3) does not use national curriculum standards developed by the Common Core State Standards Initiative.

(b) Requires each teacher for a prekindergarten program class to:

- (1) be certified under Subchapter B (Certification of Educators), Chapter 21 (Educators); and
- (2) have one of the following additional qualifications:
 - (A) a Child Development Associate (CDA) credential;
 - (B) certification offered through a training center associated with Association Montessori Internationale or through the Montessori Accreditation Council for Teacher Education;
 - (C) at least eight years' experience of teaching in a nationally accredited child care program; or
 - (D) an equivalent qualification.

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

Sec. 29.168. FAMILY ENGAGEMENT PLAN. (a) Requires a school district to develop and implement a family engagement plan to assist the district in achieving and maintaining high levels of family involvement and positive family attitudes toward education. Requires that the family engagement plan be based on family engagement strategies established under Subsection (b).

(b) Requires TEA to collaborate with other state agencies, including the Texas Health and Human Services Commission, that provide services for children from birth through five years of age to establish prioritized family engagement strategies to be included in a school district's family engagement plan. Authorizes a parent-teacher organization, community group, or faith-based institution to submit to TEA recommendations regarding the establishment of family engagement strategies, and requires TEA, in establishing the family engagement strategies, to consider any received recommendations. Requires that the engagement strategies be:

- (1) based on empirical research; and
- (2) proven to demonstrate significant positive short-term and long-term outcomes for early childhood education.

Sec. 29.169. PROGRAM EVALUATION. (a) Requires a school district to:

- (1) select and implement appropriate methods for evaluating the district's program classes by measuring student progress; and
- (2) make data from the results of program evaluations available to parents.

(b) Authorizes a school district to administer diagnostic assessments to students in a program class to evaluate student progress as required by Subsection (a) but prohibits a school district from administering a state standardized assessment instrument.

(c) Requires that an assessment instrument administered to a prekindergarten program class be selected from a list of appropriate prekindergarten assessment instruments identified by the commissioner.

Sec. 29.170. PROGRAM FUNDING EVALUATION. (a) Requires the commissioner to evaluate the use and effectiveness of funding provided under this subchapter in improving student learning. Requires the commissioner to identify effective instruction strategies implemented by school districts under this subchapter.

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

(c) Provides that this section expires December 31, 2024.

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

- (1) the class size and ratio of instructional staff to students for each prekindergarten program class offered by the district;
- (2) each type of assessment instrument administered to students enrolled in district prekindergarten program classes and the results of each type of assessment instrument;
- (3) student demographic information for the district's prekindergarten program classes;
- (4) funding sources for the district's prekindergarten program classes; and
- (5) curricula used in the district's prekindergarten program classes.

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

(b) Requires a private provider, to be eligible to contract with a school district to provide a program or part of a program, to be licensed by and in good standing with the Texas Department of Family and Protective Services (DFPS). Provides that a private provider, for purposes of this section, is in good standing with DFPS if DFPS has not taken an action against the provider's license 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 24-month period preceding the date of a contract with a school district. Requires the private provider to also:

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

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

(3) be a Texas School Ready! participant;

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

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

(c) Provides that a prekindergarten program provided by a private provider under this section is subject to the requirements of this subchapter.

Sec. 29.173. RULES. Authorizes the commissioner to adopt rules necessary to implement this subchapter.

SECTION 5. Amends Section 42.003(b), Education Code, to entitle a student to whom Subsection (a) does not apply 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, Chapter 29.

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

(b) Provides that this Act, except as provided by Subsection (a) of this section, applies beginning with the 2015-2016 school year.

SECTION 7. Effective date: upon passage or September 1, 2015.