

The Texas Education Agency (TEA) proposes an amendment to §102.1003, concerning high-quality prekindergarten programs. The proposed amendment would address requirements for teachers of prekindergarten classes provided by an entity with which a school district contracts to provide prekindergarten as required by House Bill (HB) 2729, 88th Texas Legislature, Regular Session, 2023. The proposed amendment would also make technical edits for clarification and to update the rule to align with updated prekindergarten guidelines and current research.

**BACKGROUND INFORMATION AND JUSTIFICATION:** Texas Education Code (TEC), §29.167, as amended by HB 2729, 88th Texas Legislature, Regular Session, 2023, adds two new options to the list of additional qualifications for prekindergarten program teachers. The bill eliminates until September 1, 2029, the requirement that prekindergarten partnership classroom teachers possess a certification under TEC, Chapter 21, and outlines the alternate qualifications for these teachers.

To implement HB 2729, the following changes would be made.

The proposed amendment to §102.1003(d) would add an associate or baccalaureate degree in early childhood education or a related field and at least eight years of experience teaching in a Texas Rising Star Program to the list of additional qualifications for prekindergarten program teachers.

New §102.1003(e) would be added to identify specific requirements for teachers of prekindergarten classes provided by an entity with which a school district contracts to provide prekindergarten.

New §102.1003(f) would require a teacher of a bilingual or English as a second language class provided by an entity with which a school district contracts to provide prekindergarten to be appropriately certified to align with other requirements in state law.

New §102.1003(g) would identify the requirements for supervisors in programs provided by entities with which a school district contracts to provide prekindergarten.

In addition, the following changes would be made to the rule.

The proposal would amend §102.1003(a)(6) to add children who reside in Texas and were in foster care in another state or territory to the eligibility requirements for public prekindergarten.

The proposal would remove references to 2015 related to the Texas Prekindergarten Guidelines to align the rule with updated guidelines. References to language and literacy throughout the rule would be clarified as emergent literacy language and communication.

Subsection (c) would be amended to add a requirement that progress monitoring be conducted in the middle of the school year.

In re-lettered subsection (h), requirements related to family engagement plans would be amended to include the requirement for the inclusion of a primary point of contact and contact information.

In re-lettered subsection (i), progress monitoring requirements would be updated to include a requirement that school districts and charter schools plan for data-driven program improvements annually by using information from the district's or charter school's program evaluation to ensure the district's or charter school's prekindergarten program is meeting all high-quality prekindergarten requirements.

Additional technical edits would update the rule to provide clarification and align with current research.

**FISCAL IMPACT:** Monica Martinez, associate commissioner of standards and programs, has determined that for the first five-year period the proposal is in effect, there are no additional costs to state or local government, including school districts and open-enrollment charter schools, required to comply with the proposal.

**LOCAL EMPLOYMENT IMPACT:** The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code, §2001.022.

**SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT:** The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis, specified in Texas Government Code, §2006.002, is required.

**COST INCREASE TO REGULATED PERSONS:** The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code, §2001.0045.

**TAKINGS IMPACT ASSESSMENT:** The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under Texas Government Code, §2007.043.

**GOVERNMENT GROWTH IMPACT:** TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would expand an existing regulation by adding options to the list of additional qualifications for prekindergarten program teachers, identifying specific requirements for teachers of prekindergarten classes provided by an entity with which a school district contracts to provide prekindergarten, expanding eligibility for public prekindergarten, and adding to requirements for family engagement.

The proposed rulemaking would not create a new regulation; would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not create a new regulation; would not limit or repeal an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

**PUBLIC BENEFIT AND COST TO PERSONS:** Ms. Martinez has determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of enforcing the proposal would be to implement the statutory requirements for teachers of prekindergarten classes provided by an entity with which a school district contracts to provide prekindergarten and would clarify various components of the rule and align with current research. There is no anticipated economic cost to persons who are required to comply with the proposal.

**DATA AND REPORTING IMPACT:** The proposal would have no data and reporting impact.

**PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS:** TEA has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

**PUBLIC COMMENTS:** The public comment period on the proposal begins December 15, 2023, and ends January 22, 2024. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on December 15, 2023. A form for submitting public comments is available on the TEA website at [https://tea.texas.gov/About\\_TEA/Laws\\_and\\_Rules/Commissioner\\_Rules\\_\(TAC\)/Proposed\\_Commissioner\\_of\\_Education\\_Rules/](https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_(TAC)/Proposed_Commissioner_of_Education_Rules/).

**STATUTORY AUTHORITY.** The amendment is proposed under Texas Education Code (TEC), §29.167(a), which requires a school district to select and implement a curriculum for a prekindergarten program that includes the Texas Prekindergarten Guidelines, measures the progress of students in meeting the recommended learning outcomes, and does not use national curriculum standards developed by the Common Core State Standards Initiative; TEC, §29.167(b), as amended by House Bill (HB) 2729, 88th Texas Legislature, Regular Session, 2023, which establishes the qualifications an individual must possess to teach a public school prekindergarten class; TEC, §29.167(b-1), as added by HB 2729, 88th Texas Legislature, Regular Session, 2023, which establishes requirements, including qualifications an individual must possess to teach a prekindergarten class provided by an entity with which a school district contracts to provide a prekindergarten program; TEC, §29.167(b-2), as added by HB 2729, 88th Texas

Legislature, Regular Session, 2023, which permits a supervisor of a prekindergarten program provided by an entity with which a school district contracts to supervise multiple prekindergarten classrooms to ensure programmatic compliance and support classroom instruction, the developmental needs of students, and continuous quality improvement; and TEC, §29.168, which requires the Texas Education Agency to collaborate with other state agencies to establish prioritized family engagement strategies to be included in a school district's family engagement plan. The engagement strategies must be based on empirical research, proven to demonstrate significant positive short-term and long-term outcomes for early childhood education, and include programs and interventions that engage a family in supporting a student's learning at home.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code, §29.167, as amended by House Bill 2729, 88th Texas Legislature, Regular Session, 2023, and §29.168.

<rule>

§102.1003. High-Quality Prekindergarten Program.

- (a) School districts and open-enrollment charter schools providing a prekindergarten program must provide high-quality educational services established under ~~[the]~~ Texas Education Code (TEC), Chapter 29, Subchapter E-1, to qualifying students. A student is qualified to participate in a high-quality prekindergarten program if the student is four years of age on September 1 of the year the student begins the program and:
  - (1) is unable to speak and comprehend the English language;
  - (2) is educationally disadvantaged;
  - (3) is a homeless child, as defined by 42 United States Code §11434a, regardless of the residence of the child, of either parent of the child, or of the child's guardian or other person having lawful control of the child;
  - (4) is the child of an active duty member of the armed forces of the United States, including the state military forces or a reserve component of the armed forces, who is ordered to active duty by proper authority;
  - (5) is the child of a member of the armed forces of the United States, including the state military forces or a reserve component of the armed forces, who was injured or killed while serving on active duty;
  - (6) is or ever has been in the conservatorship of the Department of Family and Protective Services following an adversary hearing held as provided by ~~[the]~~ Texas Family Code, §262.201 , or foster care in another state or territory, if the child resides in Texas ; or
  - (7) is the child of a person eligible for the Star of Texas Award as:
    - (A) a peace officer under Texas Government Code, §3106.002;
    - (B) a firefighter under Texas Government Code, §3106.003; or
    - (C) an emergency medical first responder under Texas Government Code, §3106.004.
- (b) A school district or an open-enrollment charter school shall implement a curriculum for a high-quality prekindergarten program that addresses the ~~[2015]~~ Texas Prekindergarten Guidelines in the following domains:
  - (1) social and emotional development;
  - (2) emergent literacy language and communication;
  - (3) emergent literacy reading;
  - (4) emergent literacy writing;

- (5) mathematics;
  - (6) science;
  - (7) social studies;
  - (8) fine arts;
  - (9) physical development and health; and
  - (10) technology.
- (c) A school district or an open-enrollment charter school shall measure:
- (1) at the beginning, middle, and end of the school year, the progress of each student in meeting the recommended end of prekindergarten year outcomes identified in the [2015] Texas Prekindergarten Guidelines using a progress monitoring tool included on the commissioner's list of approved prekindergarten instruments that measures:
    - (A) social and emotional development, which may be referred to as "health and wellness" in a progress monitoring tool;
    - (B) emergent literacy language and communication;
    - (C) emergent literacy reading;
    - (D) emergent literacy writing; and
    - (E) mathematics; and
  - (2) the preparation of each student for kindergarten using a commissioner-approved multidimensional kindergarten instrument during the first 60 days of school for reading and at least three developmental skills, including literacy, as described in TEC, §28.006.
- (d) Each teacher of record in a high-quality prekindergarten program class must be certified under [the] TEC, Chapter 21, Subchapter B, and have one of the following additional qualifications:
- (1) a Child Development Associate (CDA) credential;
  - (2) a certification offered through a training center accredited by Association Montessori Internationale or through the Montessori Accreditation Council for Teacher Education;
  - (3) at least eight years' experience [of] teaching in a nationally accredited child care program or a Texas Rising Star Program ;
  - (4) an associate or baccalaureate [a graduate or undergraduate] degree in early childhood education or early childhood special education or a non-early childhood education degree with a documented minimum of 15 units of coursework in early childhood education;
  - (5) documented completion of the Texas School Ready Training Program (TSR Comprehensive); or
  - (6) be employed as a prekindergarten teacher in a school district that has ensured that:
    - (A) prior to assignment in a prekindergarten class, the teacher [teachers] who provides [provide] prekindergarten instruction has [have] completed at least 150 cumulative hours of documented professional development addressing the [2015] Texas Prekindergarten Guidelines in addition to other relevant topics related to high-quality prekindergarten over a consecutive five-year period;
    - (B) a teacher [teachers] who has [have] not completed training required in subparagraph (A) of this paragraph prior to assignment in a prekindergarten class completes [shall complete] :
      - (i) the first 30 hours of 150 cumulative hours of documented professional development before the beginning of the next school year. The professional development shall address topics relevant to high-quality prekindergarten and may include:

- (I) the [2015] Texas Prekindergarten Guidelines;
    - (II) the use of student progress monitoring results to inform classroom instruction;
    - (III) improving the prekindergarten classroom environment to enhance student outcomes; and
    - (IV) improving the effectiveness of teacher interaction with students as determined by an evaluation tool; and
  - (ii) the additional hours in the subsequent four years in order to continue providing instruction in a high-quality prekindergarten classroom; and
  - (C) at least half of the hours required by subparagraph (A) or (B) of this paragraph [shall] include experiential learning, practical application, and direct interaction with specialists in early childhood education, mentors, or instructional coaches.
- (e) Each teacher in a high-quality prekindergarten program class provided by an entity with which a school district contracts to provide a prekindergarten program must be supervised by a person who meets the requirements under subsection (d) of this section and must have one of the following additional qualifications:
- (1) at least two years' experience teaching in a nationally accredited child care program or a Texas Rising Star Program and:
    - (A) a CDA credential or another early childhood education credential approved by the Texas Education Agency (TEA); or
    - (B) a certification offered through a training center accredited by Association Montessori Internationale or through the Montessori Accreditation Council for Teacher Education;
  - (2) an associate or baccalaureate degree in early childhood education or early childhood special education or a non-early childhood education degree with a documented minimum of 15 units of coursework in early childhood education;
  - (3) at least eight years' experience teaching in a nationally accredited child care program or a Texas Rising Star Program; or
  - (4) be employed as a prekindergarten teacher in a partnership program that has ensured that:
    - (A) prior to assignment in a prekindergarten class, the teacher has completed at least 150 cumulative hours of documented professional development addressing the Texas Prekindergarten Guidelines in addition to other relevant topics related to high-quality prekindergarten over a consecutive five-year period;
    - (B) a teacher who has not completed the training required in subparagraph (A) of this paragraph prior to assignment in a prekindergarten class completes:
      - (i) the first 30 hours of 150 cumulative hours of documented professional development before the beginning of the next school year. The professional development shall address topics relevant to high-quality prekindergarten and may include:
        - (I) the Texas Prekindergarten Guidelines;
        - (II) the use of student progress monitoring results to inform classroom instruction;
        - (III) improving the prekindergarten classroom environment to enhance student outcomes; and
        - (IV) improving the effectiveness of teacher interaction with students as determined by an evaluation tool; and

- (ii) the additional hours in the subsequent four years in order to continue providing instruction in a high-quality prekindergarten classroom; and
- (C) at least half of the hours required by subparagraph (A) or (B) of this paragraph include experiential learning, practical application, and direct interaction with specialists in early childhood education, mentors, or instructional coaches.
- (f) A teacher of a bilingual or English as a second language (ESL) program class provided by an entity with which a school district contracts to provide a prekindergarten program must be appropriately certified for the grade and content and with the appropriate supplemental certification (either bilingual or ESL).
- (g) A prekindergarten partnership supervisor:
- (1) shall meet the requirements under subsection (d) of this section;
- (2) may supervise multiple prekindergarten classrooms; and
- (3) shall ensure programmatic compliance and support classroom instruction, the developmental needs of students, and continuous quality improvement, including professional development
- (h) ~~(e)~~ A school district or an open-enrollment charter school shall develop, implement, and make available on the district, charter, or campus website by November 1 of each school year <sup>[1]</sup> a family engagement plan to assist the district in achieving and maintaining high levels of family involvement and positive family attitudes toward education. The family engagement plan shall include a primary point of contact and contact information. An effective family engagement plan creates a foundation for the collaboration of mutual partners, embraces the individuality and uniqueness of families, and promotes a culture of learning that is child centered, age appropriate, and family driven.
- (1) The following terms, when used in this section, shall have the following meanings.
- (A) Family--Adults responsible for the child's care and children in the child's life who support the early learning and development of the child.
- (B) Family engagement--The mutual responsibility of families, schools, and communities to build relationships to support student learning and achievement and to support family well-being and the continuous learning and development of children, families, and educators. Family engagement is fully integrated in the child's educational experience and supports the whole child and is both culturally responsive and linguistically appropriate.
- (2) The family engagement plan shall:
- (A) facilitate family-to-family support using strategies such as:
- (i) creating a safe and respectful environment where families can learn from each other as individuals and in groups;
- (ii) inviting former program participants, including families and community volunteers, to share their education and career experiences with current families; and
- (iii) ensuring opportunities for continuous participation in events designed for families by families such as training on family leadership;
- (B) establish a network of community resources using strategies such as:
- (i) building strategic partnerships;
- (ii) leveraging community resources;
- (iii) monitoring and evaluating policies and practices to stimulate innovation and create learning pathways;
- (iv) establishing and maintaining partnerships with businesses, faith-based organizations, and community agencies;

- (v) identifying support from various agencies, including mental and physical health providers;
  - (vi) partnering with local community-based organizations and early learning programs to create a family-friendly transition plan for students arriving from early childhood settings;
  - (vii) providing and facilitating referrals to family support or educational groups based on family interests and needs;
  - (viii) communicating short- and long-term program goals to all stakeholders; and
  - (ix) identifying partners to provide translators and culturally relevant resources reflective of the home language;
- (C) increase family participation in decision making using strategies such as:
- (i) developing and supporting a family advisory council;
  - (ii) developing, adopting, and implementing identified goals within the annual campus/school improvement plan targeting family engagement;
  - (iii) developing and supporting leadership skills for family members and providing opportunities for families to advocate for their children/families;
  - (iv) collaborating with families to develop strategies to solve problems and serve as problem solvers;
  - (v) engaging families in shaping program activities and cultivating the expectation that information must flow in both directions to reflect two-way communication;
  - (vi) developing, in collaboration with families, clearly defined goals, outcomes, timelines, and strategies for assessing progress;
  - (vii) providing each family with an opportunity to review and provide input on program practices, policies, communications, and events in order to ensure the program is responsive to the needs of families; and
  - (viii) using appropriate tools such as surveys or focus groups to gather family feedback on the family engagement plan;
- (D) equip families with tools to enhance and extend learning using strategies such as:
- (i) providing families with updates at least three times a year that specify student progress in health and wellness, language and communication, emergent literacy reading, emergent literacy writing, and mathematics;
  - (ii) designing or implementing existing home educational resources to support learning at home while strengthening the family/school partnership;
  - (iii) providing families with information and/or training on creating a home learning environment connected to formal learning opportunities;
  - (iv) equipping families with resources and skills to support their children through the transition to school and offering opportunities for families and children to participate in parent/child learning sessions and visit the school in advance of the prekindergarten school year;
  - (v) providing complementary home learning activities for families to engage in at home with children through information presented in newsletters, online technology, social media, parent/family-teacher conferences, or other school- or center-related events;
  - (vi) providing families with information, best practices, and training related to age-appropriate developmental expectations;

- (vii) emphasizing benefits of positive family practices such as attachment and nurturing that complement the stages of children's development;
- (viii) collaborating with families to appropriately respond to children's behavior in a non-punitive, positive, and supportive way;
- (ix) encouraging families to reflect on family experiences and practices in helping children; and
- (x) assisting families to implement best practices that will help achieve the goals and objectives identified to meet the needs of the child and family;
- (E) develop staff skills in evidence-based practices that support families in meeting their children's learning benchmarks using strategies such as:
  - (i) providing essential professional development for educators in understanding communication and engagement with families, including training on communicating with families in crisis;
  - (ii) promoting and developing family engagement as a core strategy to improve teaching and learning among all educators and staff; and
  - (iii) developing staff skills to support and use culturally diverse, culturally relevant, and culturally responsive family engagement strategies; and
- (F) evaluate family engagement efforts and use evaluations for continuous improvement using strategies such as:
  - (i) conducting goal-oriented home visits to identify strengths, interests, and needs;
  - (ii) developing data collection systems to monitor family engagement and focusing on engagement of families from specific populations to narrow the achievement gap;
  - (iii) using data to ensure alignment between family engagement activities and district/school teaching and learning goals and to promote continuous family engagement;
  - (iv) ensuring an evaluation plan is an initial component that guides action;
  - (v) using a cyclical process to ensure evaluation results are used for continuous improvement and adjustment; and
  - (vi) ensuring teachers play a role in the family engagement evaluation process.

(i) [(F)] In a format prescribed by TEA [the Texas Education Agency (TEA)], a school district or an open-enrollment charter school shall:

- (1) report the curriculum used in the high-quality prekindergarten program classes as required by subsection (b) of this section;
- (2) report a description and the beginning- and end-of-year results of each commissioner-approved prekindergarten instrument used in the high-quality prekindergarten program classes as required by subsection (c) of this section;
- (3) report:
  - (A) a description of each commissioner-approved multidimensional kindergarten readiness instrument used in the district or charter school to measure the effectiveness of the district's or charter school's high-quality prekindergarten program classes as required by subsection (c) of this section; and
  - (B) the results for at least 95% of the district's or charter school's kindergarten students on the commissioner-approved multidimensional kindergarten readiness instrument by the end of the TEA-determined assessment collection window;



- (4) report additional teacher qualifications described in subsection (d) of this section;
- (5) report the family engagement plan URL/website link described in subsection (h) ~~(e)~~ of this section; and
- (6) report the prekindergarten program evaluation type.

(j) ~~(g)~~ A school district or an open-enrollment charter school shall:

- (1) select and implement appropriate methods for evaluating the district's or charter school's high-quality prekindergarten program by using data from a ~~measuring~~ student progress monitoring instrument from the commissioner's list of approved prekindergarten instruments ; ~~and~~
- (2) make data from the results of program evaluations available to parents ; and ~~;~~
- (3) plan for data-driven program improvements annually by using information from the district's or charter school's program evaluation to ensure the district's or charter school's prekindergarten program is meeting all high-quality prekindergarten indicators.

(k) ~~(h)~~ A school district or an open-enrollment charter school must attempt to maintain an average ratio in any prekindergarten program class of not less than one certified teacher or teacher's aide for every 11 students.

(l) ~~(i)~~ A school district or an open-enrollment charter school shall maintain locally and provide at ~~the~~ TEA's request the necessary documentation to ensure fidelity of high-quality prekindergarten program implementation.