

The Texas Education Agency (TEA) proposes an amendment to §102.1003, concerning high-quality prekindergarten programs. The proposed amendment would add to the eligibility criteria for public prekindergarten and update 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) 2, 89th Texas Legislature, Regular Session, 2025. The proposal would also make technical edits for clarification and to update the rule to align with updated prekindergarten guidelines and current best practices.

BACKGROUND INFORMATION AND JUSTIFICATION: Texas Education Code (TEC), §29.153(b), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, adds to the list of students who are eligible for free public prekindergarten the child of a person employed as a classroom teacher at a public primary or secondary school in the school district that offers a prekindergarten class under TEC, §29.153. HB 2 amended TEC, §29.167(b-1), to clarify that a teacher of a prekindergarten class provided by an entity with which a school district contracts to provide a prekindergarten program must either be certified or be supervised by a person who meets certification requirements and to clarify requirements for classrooms that serve emergent bilingual students. New TEC, §29.167(b-4), establishes that prekindergarten teacher and supervisor requirements outlined in TEC, §29.167(b-1) and (b-2), apply to any prekindergarten class provided by an entity with which a school district contracts to provide a prekindergarten program.

To implement HB 2, the following changes would be made.

The proposed amendment to §102.1003 would add an eighth eligibility criterion to the existing criteria for prekindergarten eligibility; clarify that the teacher requirements for classes provided by an entity with which a school district contracts to provide a prekindergarten program apply to programs serving eligible three and/or four year old students; and establish that a teacher of a bilingual or English as a second language program class provided by an entity with which a school district contracts to provide a prekindergarten program may be supervised by a person who is appropriately certified to provide effective instruction to emergent bilingual students if the person is not appropriately certified.

Additional technical edits would be made for clarification and to update the rule to align with updated prekindergarten guidelines and current best practices.

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 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, clarify various components of the rule, and align with current best practice. 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: TEA requests public comments on the proposal, including, per Texas Government Code, §2001.024(a)(8), information related to the cost, benefit, or effect of the proposed rule and any applicable data, research, or analysis, from any person required to comply with the proposed rule or any other interested person. The public comment period on the proposal begins December 5, 2025, and ends January 5, 2025. 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 5, 2025. 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), §29.153(b), as amended by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025, which outlines the eligibility criteria for a child to be enrolled in a public prekindergarten class; TEC, §29.167(b-1), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which outlines requirements for teachers of prekindergarten classes provided by entities with which a school district contracts to provide a prekindergarten program; and TEC, §29.167(b-4), as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establishes that prekindergarten teacher and supervisor requirements outlined in TEC, §29.167(b-1) and (b-2), apply to any prekindergarten class provided by an entity with which a school district contracts to provide a prekindergarten program under TEC, §29.153.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code (TEC), §29.153(b) and §29.167(b-1), as amended by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025; and TEC, §29.167(b-4), as added by HB 2, 89th Texas Legislature, Regular Session, 2025.

<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 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 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 ; ~~or~~ or
 - (8) is the child of a person employed as a classroom teacher at a public primary or secondary school in a school district that offers a prekindergarten class under TEC, §29.153.
- (b) A school district or an open-enrollment charter school shall implement a curriculum for a high-quality prekindergarten program that addresses the 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 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 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 teaching in a nationally accredited child care program or a Texas Rising Star Program;
 - (4) at minimum, 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;
 - (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 who provides prekindergarten instruction 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 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.
- (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 serving eligible three and/or four-year-old students must be certified under TEC, Chapter 21, Subchapter B, to teach or 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) at minimum, 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) or be supervised by a person who is appropriately certified to provide effective instruction to emergent bilingual students, as defined by TEC, §29.052, enrolled in the prekindergarten program.
- (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) 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 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 to a variety of backgrounds 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 a variety of ~~[culturally diverse-
culturally]~~ relevant [3] 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) In a format prescribed by 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) of this section; and
 - (6) report the prekindergarten program evaluation type.
- (j) 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 student progress monitoring instrument from the commissioner's list of approved prekindergarten instruments;
 - (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) 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 qualified teacher or teacher's aide for every 11 students.

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