

The Texas Education Agency (TEA) proposes an amendment to §102.1003, concerning the high-quality prekindergarten grant program. The proposed amendment would modify the rule to reflect changes made by House Bill (HB) 3, 86th Texas Legislature, 2019. The proposed amendment would update the rule to implement full-day high-quality prekindergarten for eligible four-year-old students and remove reference to the grant program.

BACKGROUND INFORMATION AND JUSTIFICATION: Effective April 6, 2016, the commissioner adopted 19 TAC §102.1003 as authorized by the TEC, §§29.1532, 29.165-29.169, and 29.172, 84th Texas Legislature, 2015. The law required the commissioner to adopt rules for implementing a High-Quality Prekindergarten Grant program. The rule provides appropriate definitions and explains the required quality components. The components include curriculum aligned to the Texas Prekindergarten Guidelines, increased prekindergarten teacher training and/or qualifications, implementation of student progress monitoring, program evaluation, and development of a family engagement plan.

HB 3, 86th Texas Legislature, 2019, removed the High-Quality Prekindergarten Grant program from statute and requires that school districts and charters schools provide full-day prekindergarten to eligible four-year-old students consistent with the requirements of a High-Quality Prekindergarten program as established by TEC, Chapter 29, Subchapter E-1.

The proposed amendment to 19 TAC §102.1003 would implement statute and update and clarify existing provisions, as follows.

Subsection (a) would be deleted to remove reference to the High-Quality Prekindergarten Grant Program.

Subsection (b) would be redesignated as subsection (a) and updated to remove all references to the grant program and grant funding so that all school districts and charter schools providing a prekindergarten program must provide high-quality educational services established under TEC, Chapter 29, Subchapter E-1, to qualifying students. Paragraph (7) would be added to include the eligibility of the child of a person eligible for the Star of Texas Award. House Bill 357, 85th Texas Legislature, 2017, amended the prekindergarten eligibility criteria. New paragraph (7) would align the rule with current statute.

Subsection (c) would be redesignated as subsection (b) and updated to remove references to the grant program and grant funding.

Subsection (d) would be redesignated as subsection (c) and updated to remove reference to grant funding. Paragraph (1) would be revised to add the frequency and timing to student progress monitoring and specify that social and emotional development may be referred to as health and wellness in a progress monitoring tool. Paragraph (2) would be revised to add the administration timeframe for the kindergarten assessment and specify that it must address reading and at least three developmental skills, including literacy. The revisions to frequency and timing were amended to align with best practices for administering child progress monitoring tools.

Subsection (e) would be redesignated as subsection (d) and updated to remove reference to grant funding. Paragraph (4) would be revised to provide additional teacher qualification guidance regarding degrees. Paragraph (6) would be revised to provide a window for professional development to occur as well as suggested topics relating to a high-quality program. The revisions made to the teacher qualifications are to ensure the professional development occurs during the school year and is aligned with national standards.

Subsection (f) would be redesignated as subsection (e) and updated to remove reference to grant funding and provide a deadline for school districts and charter schools to make their family engagement plan available on the district or charter website. Proposed new paragraph (2)(D)(i) would be added to require school districts and charter schools to provide families with updates at least three times a year regarding their child's development. Subsequent clauses in paragraph (2)(D) would be relettered. The revisions made to the family engagement plan are to ensure the plan is complete at the beginning of the year and it is a best practice to share a child's progress with families.

Subsection (g) would be redesignated as subsection (f) and updated to remove reference to grant funding. Applicable cross references would be updated throughout. Paragraph (2) would be revised to add frequency to the reporting of prekindergarten assessment information. Paragraph (3) would be revised to add the requirement that the

kindergarten readiness instrument must be multidimensional and approved by the commissioner as well as a deadline for submitting results. Proposed new paragraphs (4)-(6) would add the reporting of the additional teacher qualifications, the family engagement URL/website link, and the prekindergarten program evaluation type. These reporting requirements have been in place since the 2016-2017 school year and the proposed changes will align the rule with the reporting requirements.

Subsection (h) would be redesignated as subsection (g) and updated to remove reference to grant funding.

Subsection (j) would be deleted to remove reference to grant funding.

Subsection (k) would redesignated as subsection (i) and updated to remove reference to grant funding.

The section title would also be revised to remove reference to the grant program. Technical edits to the reference of the Texas Prekindergarten Guidelines would be made throughout the rule.

FISCAL IMPACT: Lily Laux, deputy commissioner for school programs, has determined that for the first five-year period the proposal is in effect there would be no fiscal impact to state or local government, including school districts and open-enrollment charter schools, required to comply with the proposal. Districts have been implementing the high-quality components since the 2018-2019 biennium and the proposal will align the rule with the amended statute.

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, and 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 repeal an existing regulation by removing grant and funding language from the high-quality prekindergarten grant rule. The proposal would expand an existing regulation to conform with changes to statute by extending the high-quality prekindergarten components to all eligible four-year-old students. The proposed rulemaking would also expand an existing regulation by providing additional detail on student progress monitoring, family engagement, additional teacher qualifications, and program evaluation.

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 an existing regulation; would not increase or decrease the number of individuals subject to the rule's applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: Ms. Laux 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 clarifying terminology and requirements relating to a high-quality prekindergarten program for school districts and open-

enrollment charter schools. 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 new data or reporting impact. School districts and open-enrollment charters would continue to report the data elements relating to a high-quality prekindergarten program defined as defined in statute. All of the data collection points referenced are already being collected through the Early Childhood Data System (ECDS). The proposal would align the rule with current practice and does not require any additional information to be reported.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: The 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 November 8, 2019, and ends December 9, 2019. 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 November 8, 2019. 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/). Comments on the proposal may also be submitted to Cristina De La Fuente-Valadez, Rulemaking, Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701.

STATUTORY AUTHORITY. The amendment is proposed under Texas Education Code (TEC), §29.165, repealed by House Bill (HB) 3, §4.001, 86th Texas Legislature, 2019, which required the commissioner to by rule establish a grant funding program under which funds are awarded to school districts and open-enrollment charter schools to implement a high-quality prekindergarten grant program; TEC, §29.166, repealed by HB 3, §4.001, 86th Texas Legislature, 2019, which addressed the student qualifications and general school district and charter eligibility for funding under this grant program; TEC, §29.167, as amended by HB 3, 86th Texas Legislature, 2019, which requires school districts and charter schools to select and implement a curriculum for a high-quality prekindergarten program that includes the prekindergarten guidelines established by the TEA, 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. This section also outlines requirements that each teacher of a prekindergarten program class must meet, including employment as a prekindergarten teacher in a school district that has received approval from the commissioner for the district's prekindergarten-specific instructional training plan that the teacher uses in the teacher's prekindergarten classroom, and allows for equivalent qualifications; TEC, §29.168, which requires a school district or charter school 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. The local family engagement plan must be based on the family engagement strategies established by the TEA in collaboration with other state agencies; TEC, §29.169, which requires a school district to select and implement appropriate methods for evaluating the district's program classes by measuring student progress and make data from the results of program evaluations available to parents; and TEC, §29.172, as amended by HB 3, 86th Texas Legislature, 2019, which permits the commissioner of education to adopt rules necessary to implement TEC, Chapter 29, Subchapter E-1. HB 3, §2.019, 86th Texas Legislature, 2019, which requires that school districts and charters schools provide full-day prekindergarten to eligible four-year-old students consistent with the requirements of a High-Quality Prekindergarten program as established by TEC, Chapter 29, Subchapter E-1.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code, §29.165 and §29.166, repealed by HB 3, 86th Texas Legislature; §29.167, as amended by HB 3, 86th Texas Legislature, 2019; §29.168; §29.169; and §29.172, as amended by HB 3, 86th Texas Legislature, 2019.

<rule>

§102.1003. High-Quality Prekindergarten [Grant] Program.

~~[(a) From funds appropriated for this purpose, all eligible school districts and open enrollment charter schools may receive grant funding for each qualifying student in average daily attendance in a high-quality prekindergarten program in the district or charter school.]~~

~~[(1) The amount of funding per qualifying student will be determined based on the total amount of appropriated funding, the number of eligible grant applicants, and the number of qualifying students served by each eligible grant applicant. Funding under this program for each qualifying student in attendance for the entire instructional period on a school day shall not exceed \$1,500.]~~

~~[(2) Each applicant seeking funding through the high-quality prekindergarten grant program authorized by the Texas Education Code (TEC), §29.165, must submit an application in a format prescribed by the Texas Education Agency (TEA) through a request for application (RFA).]~~

~~[(3) Each applicant must meet all the requirements established under the TEC, Chapter 29, Subchapter E-1.]~~

(a) ~~[(b)]~~ School districts and open-enrollment charter schools providing a prekindergarten ~~[An eligible applicant receiving funds under this]~~ 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 ~~[qualifies for additional funding under this grant]~~ 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; ~~[or]~~
- (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 []~~
- (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) ~~[(c)]~~ ~~A [To be eligible to receive grant funding under this program, a]~~ school district or an open-enrollment charter school shall implement a curriculum for a high-quality prekindergarten ~~[grant]~~ program that addresses ~~[all of]~~ the 2015 Texas Prekindergarten Guidelines ~~[updated 2015]~~ in the following domains:

- (1) social and emotional development;
- (2) 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) ~~(d)~~ A ~~[To be eligible to receive grant funding under this program, a]~~ school district or an open-enrollment charter school shall measure:

- (1) at the beginning 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 ~~[updated 2015]~~ 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) 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 ~~[readiness]~~ 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) ~~(e)~~ Each lead ~~[To be eligible to receive grant funding under this program, each]~~ teacher of a high-quality prekindergarten ~~[grant]~~ program 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;
- (4) 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, teachers who provide prekindergarten instruction have completed at least 150 cumulative hours of documented professional development addressing [all ten domains in] the 2015 Texas Prekindergarten Guidelines ~~[that were approved prior to 2015]~~ in addition to other relevant topics related to high-quality prekindergarten over a consecutive five-year period;
 - (B) teachers who have not completed training required in subparagraph (A) of this paragraph prior to assignment in a prekindergarten class 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: ~~[addressing all ten domains in the Texas Prekindergarten Guidelines (updated 2015) in addition to other relevant topics related to high-quality prekindergarten before the end of the 2016-2017 school year; and]~~

- (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;
- (IV) improving the effectiveness of teacher interaction with students as determined by an evaluation tool; and

(ii) ~~complete~~ 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) (f)~~ A ~~[To be eligible to receive grant funding under this program, 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. 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 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) ~~(i)~~ designing or implementing existing home educational resources to support learning at home while strengthening the family/school partnership;
 - (iii) ~~(ii)~~ providing families with information and/or training on creating a home learning environment connected to formal learning opportunities;
 - (iv) ~~(iii)~~ equipping families with resources and skills to support their children through the transition to school and offering opportunities for families and children to visit the school in advance of the prekindergarten school year;
 - (v) ~~(iv)~~ 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) ~~(v)~~ providing families with information, best practices, and training related to age-appropriate developmental expectations;
 - (vii) ~~(vi)~~ emphasizing benefits of positive family practices such as attachment and nurturing that complement the stages of children's development;

(viii) ~~(vii)~~ collaborating with families to appropriately respond to children's behavior in a non-punitive, positive, and supportive way;

(ix) ~~(viii)~~ encouraging families to reflect on family experiences and practices in helping children; and

(x) ~~(ix)~~ 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.

(f) ~~(e)~~ In a format prescribed by the Texas Education Agency (TEA) ~~(TEA)~~, a school district or an open-enrollment charter school ~~[that receives funding under this grant]~~ shall:

(1) report the curriculum used in the high-quality prekindergarten program classes as required by subsection (b) ~~(e)~~ 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) ~~(d)~~ of this section; and

(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) ~~(d)~~ 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 (c) of this section;
and

(6) report the prekindergarten program evaluation type.

(g) ~~(h)~~ A school district or an open-enrollment charter school ~~[that receives funding under this grant]~~ shall:

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

(h) ~~(i)~~ A school district or an open-enrollment charter school ~~[that receives funding under this grant]~~ 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.

~~(i) — A school district or an open-enrollment charter school that receives funding under this grant may only use the funding to improve the quality of the district's or charter school's high-quality prekindergarten program. Program funds must be used in accordance with the requirements stated in the RFA.]~~

(i) ~~(k)~~ A school district or an open-enrollment charter school ~~[that receives funding under this grant]~~ shall maintain locally and provide at the TEA's request the necessary documentation to ensure fidelity of high-quality prekindergarten program implementation.