

ATTACHMENT I

Statutory Citations Relating to Proposed New 19 TAC Chapter 102, Educational Programs, Subchapter AA, Commissioner's Rules Concerning Early Childhood Education Programs, §102.1002, Prekindergarten Early Start Grant Program

Texas Education Code, Chapter 29, Educational Programs, Subchapter E, Kindergarten and Prekindergarten Programs

§29.1533. Establishment of New Prekindergarten Program.

Before establishing a new prekindergarten program, a school district shall consider the possibility of sharing use of an existing Head Start or other child-care program site as a prekindergarten site.

§29.155. Kindergarten and Prekindergarten Grants.

- (a) From amounts appropriated for the purposes of this section, the commissioner may make grants to school districts and open-enrollment charter schools to implement or expand kindergarten and prekindergarten programs by:
 - (1) operating an existing half-day kindergarten or prekindergarten program on a full-day basis; or
 - (2) implementing a prekindergarten program at a campus that does not have a prekindergarten program.
- (b) A school district or open-enrollment charter school may use funds received under this section to employ teachers and other personnel for a kindergarten or prekindergarten program and acquire curriculum materials or equipment, including computers, for use in kindergarten and prekindergarten programs.
- (c) To be eligible for a grant under this section, a school district or open-enrollment charter school must apply to the commissioner in the manner and within the time prescribed by the commissioner.
- (d) In awarding grants under this section, the commissioner shall give priority to districts and open-enrollment charter schools in which the level of performance of students on the assessment instruments administered under Section 39.023 to students in grade three is substantially below the average level of performance on those assessment instruments for all school districts in the state.
- (e) The commissioner may adopt rules to administer this section.
- (f) Notwithstanding Section 7.056(e)(3)(I), the commissioner may waive a requirement prescribed by this subchapter to the extent necessary to implement a grant awarded under this section or Section 29.156.
- (g) From amounts appropriated for the purposes of this subsection, the commissioner may also provide for:
 - (1) coordinating early childhood care and education programs;

- (2) developing and disseminating for programs described by Subdivision (1) prekindergarten instructional materials and school-readiness information for parents; and
- (3) developing standards for model early childhood care and education coordination.
- (h) The model program standards developed under Subsection (g) must focus on pre-literacy skills, including language acquisition, vocabulary development, and phonological awareness.
- (i) In carrying out the purposes of Subsection (g), a school district or open-enrollment charter school may use funds granted to the district or school under this subsection in contracting with another entity, including a private entity.
- (j) If a school district or open-enrollment charter school returns to the commissioner funds granted under this section, the commissioner may grant those funds to another entity, including a private entity, for the purposes of Subsection (g).

§29.158. Coordination of Services.

- (a) In a manner consistent with federal law and regulations, each prekindergarten program provider, Head Start and Early Head Start program provider, and provider of an after-school child-care program provided at a school shall coordinate with the agency, the Texas Workforce Commission, and local workforce development boards regarding subsidized child-care services.
- (b) The coordination required by this section must include:
 - (1) providing to an applicant for a child-care service information regarding:
 - (A) child-care resource and referral agencies serving the applicant's community;
 - (B) information and referral providers serving the applicant's community; or
 - (C) the prekindergarten program, local child-care and development fund contractor, or Head Start program administrator serving the applicant's community; and
 - (2) coordinating to ensure, to the extent practicable, that full-day, full-year child-care services are available to meet the needs of low-income parents who are working or participating in workforce training or workforce education.
- (c) The coordination required by this section may also include:
 - (1) cooperating with each state agency regarding child-care or child-development studies conducted by that agency;
 - (2) collecting data necessary to determine a child's eligibility for subsidized child-care services or a prekindergarten, Head Start or Early Head Start, or after-school child-care program, to the extent that the collection of data does not violate the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g);
 - (3) cooperating to provide for staff training and professional development activities;
 - (4) identifying and developing methods for the collaborative provision of subsidized child-care services and prekindergarten, Head Start or Early Head Start, or after-school child-care program services, including:

- (A) operating a combined system for eligibility determination or registration processes so that an applicant may apply for all services available in an applicant's community through a single point of access;
 - (B) sharing facilities or staff; and
 - (C) increasing the enrollment capacity of those programs;
 - (5) identifying child-care facilities located in close proximity to prekindergarten, Head Start or Early Head Start, or after-school child-care programs;
 - (6) coordinating transportation between child-care facilities identified under Subdivision (5) and a prekindergarten, Head Start or Early Head Start, or after-school child-care program; and
 - (7) coordinating with the State Center for Early Childhood Development to develop longitudinal studies to measure the effects of quality early childhood care and education programs on educational achievement, including high school performance and completion.
- (d) In coordinating child-care services under this section and in making any related decision to contract with another provider for child-care services, the agency, Texas Workforce Commission, local workforce development boards, and each prekindergarten program provider, Head Start and Early Head Start program provider, and provider of an after-school child-care program provided at a school shall consider the quality of the services involved in the proposed coordination or contracting decision and shall give preference to services of the highest quality. Any appropriate indicator of quality services may be considered under this subsection, including whether the provider of the services:
- (1) meets the Texas Rising Star Provider criteria described by 40 T.A.C. Section 809.15(b);
 - (2) is accredited by a nationally recognized accrediting organization approved by the Texas Workforce Commission and the Department of Protective and Regulatory Services;
 - (3) meets standards developed by the State Center for Early Childhood Development; or
 - (4) has achieved any other measurable target relevant to improving the quality of child care in this state.
- (e) Any coordination required by this section that involves a prekindergarten program must be approved by the commissioner.

§29.161. School Readiness Certification System.

- (a) The State Center for Early Childhood Development, in conjunction with the P-16 Council established under Section 61.076, shall develop and adopt a school readiness certification system for use in certifying the effectiveness of prekindergarten programs, Head Start and Early Head Start programs, government-subsidized child-care programs provided by nonprofit or for-profit entities, government-subsidized faith-based child-care programs, and other government-subsidized child-care programs in preparing children for kindergarten. The system shall be made available on a voluntary basis to program providers seeking to obtain certification as evidence of the quality of the program provided.

- (b) In developing and adopting the system, the center shall seek the active participation of all interested stakeholders, including parents and program providers.
- (c) The system must:
 - (1) be reflective of research in the field of early childhood care and education;
 - (2) be well-grounded in the cognitive, social, and emotional development of young children;
 - (3) apply a common set of criteria to each program provider seeking certification, regardless of the type of program or source of program funding; and
 - (4) be capable of fulfilling the reporting and notice requirements of Sections 28.006(d) and (g).
- (d) The agency shall collect each student's raw score results on the reading instrument administered under Section 28.006 from each school district using the system created under Subsection (a) and shall contract with the State Center for Early Childhood Development for purposes of this section.
- (e) The State Center for Early Childhood Development shall, using funds appropriated for the school readiness certification system, provide the system created under Subsection (a) to each school district to report each student's raw score results on the reading instrument administered under Section 28.006.
- (f) The agency shall:
 - (1) provide assistance to the State Center for Early Childhood Development in developing and adopting the school readiness certification system under this section, including providing access to data for the purpose of locating the teacher and campus of record for students; and
 - (2) require confidentiality and other security measures for student data provided to the State Center for Early Childhood Development as the agency's agent, consistent with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g).