

Commissioner's Rule Review

Chapter 102, Subchapter AA, Early Childhood Education Programs

Chap.	Ext.	Issue	Desired Change	Rationale	Focus Group Comments	TEC	Agency Response
102	1001, 1002		<p>1. Addition of new districts that have not previously received pre-K Expansion Grant or Pre-K Early Start Grant through the sharing of limited resources.</p> <p>2. Districts that have received funds would have their allocations reduced by 25%, 35% and ultimately 50% to free up resources for other new districts while not completely eliminating funding for districts that have come to depend on the grant to provide a full-day program.</p> <p>3. Two Tiers (rather than three) - one for districts that have not previously received the grant, with eligibility based on need and a second tier for those that received the grant in the past (at a reduced rate), with eligibility based on ability and commitment to offer a quality program.</p>	<p>Given that the Legislature will not increase funding this session, this measure will buy time until such time the Legislature can increase funding for full-time offering, thereby maximizing the effective use of the funds available.</p>	<p>The focus group recommended that the rule and the statute regarding the Head Start Educational Component Grant Program be deleted. The program has not been funded in 10 years.</p> <p>Focus group members discussed the feasibility of moving to two tiers and away from the three tier system. Some focus group members supported the current three tier system. Other focus group members supported the idea of changing the rule to allow for a two tier system as proposed.</p> <p>Some members of the focus group noted that this program was intended to be a supplemental "start-up" grant program and, therefore, districts previously receiving funds should not be "phased out" but should sustain the program using local funding after the grant program ends. In addition, focus group members recommended re-competing the grant program after each cycle ends to ensure that districts most in need receive funding.</p>	29.155	<p>Agree. The agency agrees that the eligibility and tier structure needs revision and will amend the rule to change the eligibility and tier structure.</p> <p>The agency also agrees to re-competing the grant cycle and address funding.</p>

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		Removal of requirements to base eligibility on Grade 3 TAKS results, which have not been proven as valid and reliable indicator of success in pre-K.			Focus group members recommended that the statute that gives priority to districts with low 3rd Grade TAKS scores be changed to focus on results from the School Readiness Certification System. 3. Another focus group member suggested the statute be changed to focus on only the 3rd Grade TAKS scores of students who had been in the district's prekindergarten program.	29.155	Statutory change required for removing eligibility based on Grade 3 TAKS scores.
102	1002 (a) 10(A)	The rule needs clarification by inserting a quantitative measurement when describing how often the "three hours of high-quality skill development" should take place. Should this be accomplished 1 time per semester, 1 time per month, 1 time per week, or once a day? The other clarification needed is on the type of "skill development" needed. Is it focusing on academic skills or social skills for all three hours?	"receives a minimum of three hours daily of high –quality skill development...."	Provides a quantitative measurement to describe how often the three hours of skill development should take place.	The focus group recommended clarifying the rule by inserting the word "daily."	29.155	Agree. The rule will be changed to insert the word "daily."

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102	1001	Head Start Educational Component Grant Program	No changes	No changes	The focus group recommended that the rule and the statute regarding the Head Start Educational Component Grant Program be deleted. The program has not been funded in 10 years.	29.156	No change is requested.
102	1002	Prekindergarten Early Start Grant Program	No changes	No changes	N/A	29.155	No change is requested.
102	1002	A charter school desiring to apply for the Early Start Pre-K Grant could not develop the required partnership because the ISD had already partnered with all possible entities in the district.	More flexibility.	Rule does not permit both the ISD and the charter school to pursue the grant funding.	The focus group recommended no change to the rule.	29.155	The current rule addresses this situation by permitting a waiver request for this requirement.

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102	1002	Section 102.1002, subsections (b)(1) and (h)(3) should be revised because they put unreasonable constraints upon a school district wishing to start or expand a prekindergarten program. Additionally, Section 102.1002(j)(1) should be struck. Finally, the rules should be changed to require that grant recipients must comply with, at a minimum, the class size limits provided for in Texas Education Code in order to help ensure that students in these programs are in settings that will promote academic success.	Section 102.1002(b) should be revised as follows: - strike (b)(1) and renumber (b)(2) as (b)(1) - this eliminates "(b)(1) establishes a school readiness integration partnership; and"  Strike section 102.1002(h)(3) entirely, including the three subsections. Renumber accordingly.  Strike section 102.1002(j)(1) entirely and renumber subsections accordingly	Changing the rule in the way suggested eliminates an unreasonable constraint upon school districts wishing to start or expand prekindergarten programs. Although we understand the potential benefits of an integrated early childhood service delivery model, we do not support the requirement that grantees are required to share use of an existing Head Start or child care program site as a prekindergarten site, as stated in the letter of explanation accompanying the rules ( <a href="http://www.tea.state.tx.us/rules/commissioner/proposed/1008/102-1002-ltrprop.html">http://www.tea.state.tx.us/rules/commissioner/proposed/1008/102-1002-ltrprop.html</a> ) or the requirement to "establish/collaborate in a school readiness integration partnership" If a public school that wishes to start a prekindergarten program, or expand an existing ½ day public prekindergarten program into a full-day program, has the facilities to accommodate the program, we see no legitimate public policy reason to require them to share an existing Head Start or child care program site as a condition for receiving this grant. CONTINUED	1. Some focus group members recommended supporting the change to 102.1002(h)(3), stating that if a district has facilities, why should it be required to establish a partnership. Other focus group members recommended re-writing the rule to incentivize school readiness integration, rather than requiring it. 2. Other focus group members recommended no change to the rule and stated that the requirement successfully met the intended purpose to increase collaborative partnerships in communities that would never have otherwise collaborated. 3. In addition, some members commented that the requirement was less about available facilities and more about increasing the quality of all programs serving four year olds in a community so that every student enters kindergarten prepared for school. Some focus group members recommended class size limits in prekindergarten.	25.111, 25.112, 29.1533, 29.158	Statutory change required.

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<p>CONTINUED FROM RATIONALE:            Such a condition ultimately limits the ability of more kids to be served by programs that could have expanded to full-day programs or started otherwise. Finally, requiring grant recipients to comply, at a minimum, with the class size limits provided for in Texas Education Code Section 25.112, will do much to help ensure that students in these programs are in settings that will promote academic success. Public prekindergarten programs are not subject to class size limits, while grades K-4 are subject to class size limits of 22:1. This paradox is especially perverse when one considers research showing the importance of small classes at early grades, combined with the importance of prekindergarten in the eventual academic success of a child. Although it might be argued that our concern about class size limits would be addressed by the requirement that entities participate a school readiness integration partnership, thus subjecting these entities to the requirements of Department of Family and Protective Services child care licensing standards, including classroom ratios and group sizes, we do not believe that requiring public schools to participate in such a partnership in order to receive these grant funds is an appropriate way to ensure that public prekindergarten programs are subject to class size limits, for the reasons we have expressed above.</p>							
102		yes	102.1002(a)(5)	PreK expansion program could be universal and all day.	N/A	29.153 (c), 29.155	Statutory change would be required.
102		No change	No changes	No changes	N/A	29.155	No change is requested.
102	1001	The current rule empowers the State Center for Early Childhood Development (SCECD) to create a mandatory curriculum and instructional design for all grant recipients to implement,	Revise the rule to eliminate this one-size-fits-all requirement, particularly the requirements for mandatory curriculum, classroom set up, and collaboration with other pre-k providers. These requirements are antithetical to the charter concept.	This change will permit the kind of unique and targeted instructional innovations that open-enrollment charter schools were created to achieve.	Focus group members recommended no change to the rule language.	29.155, 29.158	The rule requires grant participants to use a State Board of Education adopted curriculum product.
102	1001	Currently, eligible applicants include only the agencies that operate a federal Head Start Program.	Revise the rule to permit eligibility for Early Head Start Programs	This change will include children who are younger than three years old. By serving younger children, the program will increase its effectiveness for preparing school ready students.	Since this program has not been funded for 10 years, the focus group members recommended deleting the rule and the statute.	29.156	The current rule does not prohibit eligibility for Early Head Start programs.

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102	1002	The current program does not attract more open-enrollment charter school applicants because (1) a low percentage of the funds are available to applicants with above average student performance (Tier 2); (2) the funding is available for a limited term of three years, and (3) required participation in the School Readiness Certification System excludes opportunities for other instructional approaches such as Montessori.	Make the grant an "entitlement grant" instead of a competitive grant; make the funding available for as long as the school is providing a successful program rather than on a three-year cycle; and make the School Readiness Certification System required only for schools that are struggling to make their program successful.	These changes will eliminate waste of resources dedicated to the application process; will target resources directly to the neediest children; encourage a stable stream of revenue to support children with the greatest need; encourage innovation in school design; and provide structure and guidance to schools that need it.	1. Focus group members recommended that the grant remain competitive.  2. Focus group members recommended continuing the requirement to participate in the School Readiness Certification System.	29.155, 29.161	Due to limited resources, this program cannot become an entitlement.  Agree. The eligibility and tier structure needs revision and the agency has proposed an amendment to change the eligibility and tier structure.
102	1001	Outdated information	Program not funded since 2000, need to delete	Clarity and improved communication	The focus group recommended that the rule and the statute regarding the Head Start Educational Component Grant Program be deleted. The program has not been funded in 10 years.	29.156	Statutory change would be required.
102	1002(9)	Overlapping/multiple systems that schools have to deal with and respond to.	Ensure coordination between agencies on the data collection process (i.e. Pre-K readiness and TPRI.)	Simplification - reduce stress and confusion	Focus group members recommended no change to the rule language.	29.161	Agree. The agency is currently working on coordinating the data collection systems through the Texas Student Data System.
102	1001(d)	Yes. The wording is outdated.	Education performance standards should be revised to say "Prekindergarten Guidelines".	It is essential that Head Start curriculum is congruent with state curriculum (TEKS).	The focus group recommended that the rule and the statute regarding the Head Start Educational Component Grant Program be deleted. The program has not been funded in 10 years.	29.155	The rule requires grant participants to use a State Board of Education adopted curriculum product.

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102	1002	Disallowal of funding for renovation inhibits use of space in many locations.	Allow funds for remodeling or renovation of current classrooms	Will allow districts and programs access to more space to expand programs for young children.	Focus group members recommended no change to the rule language.	29.155	The change would require a statutory change.
102	1002	Districts not described as Tier 1, 2 or 3 grantees are falling through the cracks in getting services for children	Districts falling in the middle are not able to get services that they need, funding currently not there for the 'in-betweeners,' make eligibility more flexible	Every district needs funding for such services whether they are described in the Tiers or not.	Focus group members discussed the feasibility of moving to two tiers and away from the three tier system. Some focus group members supported the current three tier system. Other focus group members supported the idea of changing the rule to allow for a two tier system as proposed.	29.155	Agree. The agency agrees that the eligibility and tier structure needs revision and has proposed an amendment to the rule to change the eligibility and tier structure.