

Grant program for full-day pre-kindergarten

HB 130 by Patrick (Zaffirini)

[Return to
Table of
Contents](#)

DIGEST: HB 130, with funds appropriated in the general appropriations act, would have directed the commissioner of education to establish a grant program for school districts and open-enrollment charter schools to implement a full-day prekindergarten program for a child at least 3 years old who:

- was unable to speak and comprehend the English language;
- was educationally disadvantaged;
- was homeless;
- was the child of an active duty member of the armed forces;
- was the child of a member of the armed forces who was injured or killed while serving on active duty; or
- ever had been in the conservatorship of the Department of Family and Protective Services.

Grants awarded to school districts. A school district or open-enrollment charter school would have applied to the commissioner of education, who would have awarded grants in the following priority:

- school districts that received grant funding for early childhood education in a lesser amount than the amount provided during the 2008-09 school year and demonstrated above-average student performance for the preceding three school years on the state assessment instruments to students in the 3rd grade; and
- school districts that provided services to eligible prekindergarten students and demonstrated above-average student performance for the preceding three school years on the state assessment instruments to students in the 3rd grade.

The commissioner would have determined the amount of grants awarded to school districts, and no grant could have exceeded \$4 million annually. The grant would have provided an amount for each student in the program equal to whichever was greater: the amount a district would receive under the Foundation School Program (FSP) for an additional student in average daily attendance (ADA) on a half-day basis, or the statewide average amount a district would receive under the FSP for an additional student in ADA on a half-day basis. Grant funding would have been in addition to funding appropriated under the Foundation School Program. Grant funding would have been paid directly to a school district or open-enrollment charter school and could not have been used in any way that resembled a voucher program.

A school district participating in the grant program would have included in the district's Public Education Information Management System (PEIMS) report

student-level results of reading instruments administered at the kindergarten, first-grade, and second-grade levels. The commissioner would have adopted an alternative reporting method for districts that did not administer a reading instrument that provided data compatible with PEIMS reporting.

Enhanced quality. A district could not have enrolled more than 22 students in a class and would have maintained an average ratio in the program of not less than one certified teacher or teacher's aide for each 11 students. Each class would have had at least one certified teacher — an individual with a minimum of nine semester credit hours of college education courses emphasizing early childhood education. If a certified teacher was unavailable, a community provider contracting with a school district could have employed a teacher for the program who had a minimum of three years experience in early childhood education, who was certified as a Child Development Associate by the Council for Professional Recognition, and who was taking one or more college education courses that emphasized early childhood education. The bill would have required the community provider to employ a certified teacher by the third anniversary of the date the provider contracted with the district.

A school district would have selected and implemented a curriculum for the program that included the pre-kindergarten guidelines established by TEA and would have been subject to all statutes governing prekindergarten programs.

Students enrolled in full-day pre-kindergarten programs would have been required to participate in moderate or vigorous daily physical activity for at least 30 minutes throughout the school year. To the extent possible, a district would have ensured that a student enrolled in half-day prekindergarten participated in the same type and amount of physical activity as a student in a full-day pre-kindergarten program.

Community providers partnerships. The bill would have required a school district to use at least 20 percent of grant funds provided to contract with one or more eligible community providers. The amount of reimbursement provided by a school district to a community provider would have been negotiable between the district and the provider based on the services provided. The district would have reimbursed the community provider for each student for which the community provider supplied the school facilities, certified teachers, personnel, and supplies in an amount not less than the sum of the district's adjusted basic allotment multiplied by 1.0 and any additional funding received by the district for the student under Foundation School Program formulas.

This reimbursement would not have affected a community provider's eligibility to receive any other local, state, or federal funds to provide before-school, after-school, and summer child care.

Waivers. The commissioner could have waived the requirement to spend 20 percent of grant funds to contract with a community provider on an annual basis if a school district documented that:

- the area served by the district did not have a sufficient number of eligible community providers;
- after a good faith effort, the district did not receive any applications or other indications of interest in contracting with the district from eligible community providers; or
- after a good faith effort and for good cause, the district and one or more eligible community providers interested in contracting with the district were not able to reach an agreement.

The commissioner would have sent to the district and the affected community provider, if applicable, written notice granting or denying a request for a waiver no later than 30 days after the commissioner received the request.

Eligibility. To be eligible, a community provider would have been required to have been center-based and licensed by and in good standing with the Department of Family and Protective Services. An eligible community provider also would have been required to have been:

- certified through the school readiness certification system;
- a Texas Early Education Model Participant;
- a Texas Rising Star Provider with a three-star certification or higher; or
- accredited by a research-based, nationally recognized, and universally accessible accreditation system approved by TEA that required a developmentally appropriate curriculum that included math, science, social studies, literacy, and social and emotional components.

Contracts. Each contract would have been in writing, approved by the commissioner, and included several types of partnerships, such as:

- school districts leasing school facilities to or from a community provider;
- a school district employing a certified teacher for a prekindergarten class and a community provider supplying the school facilities and all other personnel and supplies; or

- a community provider supplying the school facilities, certified teachers, personnel, and supplies.

Discrimination prohibited. A community provider could not have denied enhanced pre-kindergarten services on the basis of a student’s race, religion, sex, ethnicity, national origin, or disability.

Annual report. A school district operating an enhanced program would have provided an annual report to TEA no later than August 1 of each year. The report would have included the percentage of the grant funds used to contract with community providers and data components that illustrated acquisition of knowledge and skills consistent with the pre-kindergarten guidelines established by TEA.

TEA would have collected and maintained information reported by school districts regarding state assessments to students in the third grade, produced longitudinal student performance reports, and made the reports available and accessible to the general public.

Program evaluation. The Legislative Budget Board (LBB) would have conducted or contracted for an evaluation of the effectiveness of the enhanced program in promoting student achievement and school readiness. The LBB would have delivered an interim report to the Legislature containing the preliminary results no later than December 1, 2012. The LBB would have delivered the final report to the Legislature no later than December 1, 2016.

Duties of the commissioner of education. The commissioner would have required regional service centers to assist school districts in informing parents of pre-kindergarten options, identifying eligible community providers, and maintaining an updated list of eligible community providers. The commissioner would have required regional service centers to assist community providers in establishing contracts with school districts and to provide eligibility information to community providers not currently eligible. The commissioner would have encouraged regional education service centers and school districts to use locally available child care resources and referral services. The commissioner could not have required a district or recipient of a grant to participate in the school readiness certification system.

GOVERNOR’S
REASON FOR
VETO:

“House Bill No. 130 would create a grant program to enable eligible school districts to implement or continue full-day pre-kindergarten programs. Eligibility would be limited to districts whose third grade students have scored above the state average

on the reading portion of the Texas Assessment of Knowledge and Skills (TAKS) for the past three years. Of those eligible districts, any previous recipients of pre-kindergarten grant funding from the Texas Education Agency (TEA) would receive funding priority.

“With limited state resources dedicated to pre-kindergarten, grant money should be directed to districts with the greatest academic need. State funding should also be directed to programs demonstrating the most efficiency, thereby benefiting the largest number of Texas students.

“Pursuant to my veto of House Bill No. 130 and approval of the state budget, the \$25 million appropriated for House Bill No. 130 should be used to expand the number of students served by the existing grant program. As a result, TEA will be equipped to provide assistance to half-day pre-kindergarten programs in districts whose third graders have scored below the state average on the reading portion of TAKS for the past three years.

“Under the funding formula for the existing grant program, \$25 million would serve more than 27,000 students over the next biennium, which is 21,000 students more than the estimated 6,800 students that would have been served under the bill’s proposed program — or a 305 percent increase. Expanding our current grant program, rather than creating an additional pre-kindergarten program, will serve more students with greater needs.”

RESPONSE:

Rep. Diane Patrick, the bill’s author, said: “The Governor’s last-minute veto of HB 130 strikes a major blow to our state’s efforts to create a better educated workforce. The bill had overwhelming support from both chambers to increase standards and quality of full-day prekindergarten programs for our most at-risk currently-eligible young learners of our state: economically disadvantaged, homeless, limited-English proficient, foster children, and children of military families. The bill was also supported by school groups, private childcare providers, business leaders, local law enforcement officials, and many other individuals and organizations across the state.

“The Governor’s new plan redirects the \$25 million allocated for HB 130 to the existing Texas Education Agency Prekindergarten Early Start Grant, stating this would serve more students. The problem with this approach is that grants awarded through this program do not cover actual costs, leaving local school districts with the option of cutting programs or raising property taxes to have high quality programs in place.

“Unlike the governor’s plan, HB 130 allocated money to cover the actual expenses of a high-quality pre-kindergarten program, placing the emphasis on quality rather than only quantity.

“Studies such as the one by the Texas A&M Bush School of Government and Public Service show that every \$1 invested in high-quality prekindergarten programs yields a \$3.50 return, making this program a significant economic driver for the future Texas economy.

“We worked closely with the governor’s staff and the Commissioner of Education on this bill throughout the session, and with over two-thirds votes in favor of the legislation, clearly, the Governor’s veto shows he is taking his position over the will of the overwhelming majority of the Legislators and the business community.

“Given the current economy, we can all agree that money should be spent in the most efficient manner and not wasted, so it is shocking that our governor vetoed a bill to ensure higher-quality, research-based prekindergarten programs for at-risk, especially our military children, around the state. It’s disappointing and our children and taxpayers deserve better.”

Sen. Judith Zaffirini, the Senate sponsor, said: “I am shocked and dismayed that Governor Rick Perry vetoed HB 130 by Representative Diane Patrick, which I sponsored in the Texas Senate and was the companion to my SB 21. This is a disappointment not only for the early childhood education community, but also for our entire public education system. As documented by national and statewide studies, providing our youngest learners with high-quality early childhood education gives them the very best opportunity to succeed academically, from kindergarten through graduation and beyond.

“While I am pleased that the \$25 million appropriated for HB 130 will be allocated for the Early Start Grant program for pre-kindergarten administered by the Texas Education Agency, it is disheartening that the funds will not be used as the legislature intended for effective strategies supported by research. HB 130 would have provided funding directly to school districts for specific high-quality enhancements for pre-kindergarten programs, including class size limits, teacher-to-student ratios, highly qualified teachers, enhanced curriculum, and collaborative community partnerships.

“The governor was ill-advised to veto HB 130 on the basis that ‘state funding should also be directed to programs demonstrating the most efficiency.’ HB 130 addressed this precisely, as it would have prioritized funding for high-performing school districts that educate our at-risk four-year-olds effectively, including foster children,

children in poverty, homeless children, those with limited English skills, and children of military families.

“Our bill offered incentives for districts that prioritized high-quality pre-kindergarten and rewarded districts that invested locally to provide academic excellence, ideals that the governor previously supported.

“Most important, HB 130 emphasized full-day, high-quality programs. Although, as the governor claims, the \$25 million will serve more students via the Early Start Grant, participating students will not be guaranteed a full-day program or the high-quality enhancements that were the hallmark of HB 130.”

NOTES:

The HRO analysis of HB 130 appeared in Part Three of the May 4 *Daily Floor Report*.