Sec. 1. TUITION-FREE PROGRAM

If authorized by the Midland Academy Charter contract or subject to waiver by the Commissioner of Education, Midland Academy Charter shall offer tuition-free prekindergarten classes if it identifies 15 or more eligible children who are at least four years of age. Midland Academy Charter may offer tuition-free prekindergarten classes if it identifies 15 or more eligible children who are at least three years of age.

Education Code 29.153(a-1).

For purposes of this policy, "child" includes a stepchild and "parent" includes a stepparent.

a) *Program Eligibility*

A child is eligible for enrollment in free prekindergarten if the child is at least three years of age and:

1. Is unable to speak and comprehend the English language;
2. Is educationally disadvantaged;
3. Is homeless, 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;
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:
    a. the conservatorship of the Department of Family and Protective Services ("DFPS") following an adversary hearing under Family Code 262.201; or
    b. foster care in another state or territory, if the child resides in this state; or
7. Is the child of a person eligible for the Star of Texas Award as:
    a. A peace officer under Section 3106.002, Government Code;
    b. A firefighter under Section 3106.003, Government Code; or
    c. An emergency medical first responder under Section 3106.004, Government Code.

A child who is eligible for enrollment under item 4 or 5 above remains eligible if the child's parent leaves the armed forces, or is no longer on active duty, after the child begins the prekindergarten class.

A child who is eligible for enrollment for free prekindergarten at the age of three and enrolls in prekindergarten class at the age of three remains eligible for enrollment in a prekindergarten class for the following school year.

Education Code 29.153(a)-(b), (f)-(g).

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b) ***Notice***

The Superintendent shall develop a system to notify the population in the community with children eligible or enrollment of the availability of the program. The system must include public notices issued in English and Spanish.

c) ***Half-Day or Full-Day***

A free prekindergarten class may be operated on a half-day basis for children under four years of age and shall be operated on a full-day basis for children who are at least four years of age.

d) ***Transportation***

Midland Academy Charter is not required to provide transportation for a prekindergarten class. If transportation is provided, it is included for funding purposes as part of the regular transportation system.

Education Code 29.153, 29.1534.

e) ***High-Quality Prekindergarten Required***

A free prekindergarten class for children who are at least four years of age must comply with the program standards required for high-quality prekindergarten programs under Education Code Chapter 29, Subchapter E-1.

f) ***Exemption***

Midland Academy Charter may apply to the Commissioner for an exemption from the requirement that it provide a free prekindergarten program if Midland Academy Charter would be required to construct classroom facilities in order to provide the program or if implementing the program would result in fewer eligible children being enrolled in a prekindergarten class under Education Code 29.153.

Education Code 29.153(c-1)–(d-2).

g) ***Constructing, Repurposing, or Leasing a Facility***

Before Midland Academy Charter may construct, repurpose, or lease a classroom facility, or issue bonds for the construction or repurposing of a classroom facility to provide prekindergarten classes, Midland Academy Charter must solicit and consider proposals for partnerships to provide those classes with community-based child-care providers who:

1. Are a Texas Rising Star Program provider with a three-star certification or higher;
2. Are nationally accredited;
3. Are a Head Start program provider;
4. Are a Texas School Ready! participant; or

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5. Meet the requirements under Education Code 29.1532.

Education Code 29.153(g).

Sec. 2. TUITION-SUPPORTED AND SCHOOL-FINANCED PREKINDERGARTEN

Midland Academy Charter may offer on a tuition basis or use school funds to provide:

1. An additional half-day of prekindergarten classes to children eligible for free prekindergarten who are under four years of age; and
2. Half-day and full-day prekindergarten classes to children not eligible for free prekindergarten.

Midland Academy Charter may not adopt a tuition rate for the program that is higher than necessary to cover the added costs of providing the program, including any costs associated with collecting, reporting, and analyzing data under Education Code 29.1532(c). Midland Academy Charter must submit its proposed tuition rate to the Commissioner for approval.

Education Code 29.1531.

Sec. 3. PROGRAM REQUIREMENTS

Midland Academy Charter's prekindergarten program shall be designed to develop skills necessary for success in the regular public school curriculum, including language, mathematics, and social skills.

Education Code 29.1532(a).

i. *Curriculum Requirements*

Midland Academy Charter shall select and implement a high quality prekindergarten program for eligible children who are at least four years of age required to be provided free of tuition or fees. Midland Academy Charter shall select and implement a curriculum for a prekindergarten program that:

1. Includes the prekindergarten guidelines established by the Texas Education Agency ("TEA");
2. Measures the progress of students in meeting the recommended learning outcomes; and
3. Does not use national curriculum standards developed by the Common Core State Standards Initiative.

Education Code 29.164.

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ii. *Teacher Requirements*

Each teacher for a prekindergarten program class must be certified under Education Code Chapter 21, Subchapter B and have one of the following additional qualification:

1. A Child Development Associate (CDA) credential or another early childhood education credential approved by the TEA;
2. 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. Be employed as a prekindergarten teacher in a school that has received approval from the Commissioner for a prekindergarten-specific instructional training plan that the teacher uses in the teacher's prekindergarten classroom; or
5. An equivalent qualification.

Midland Academy Charter may allow a prekindergarten teacher to receive the training required to be awarded a CDA credential from a regional education service center. Training may not include national curriculum standards developed by the Common Core State Standards Initiative.

Midland Academy Charter must attempt to maintain an average ratio in any prekindergarten class of not less than one certified teacher or teacher's aide for each 11 students.

Education Code 29.167.

iii. *Family Engagement Plan*

Midland Academy Charter shall develop and implement a family engagement plan to assist Midland Academy Charter in achieving and maintaining high levels of family involvement and positive family attitudes toward education. The family engagement plan must be based on family engagement strategies established by the TEA.

Education Code 29.168(a).

iv. *Program Evaluation*

Midland Academy Charter shall:

1. Select and implement appropriate methods for evaluating its prekindergarten classes by measuring student progress; and
2. Make data from the results of program evaluations available to parents.

Midland Academy Charter may administer diagnostic assessments to prekindergarten students to evaluate student progress, but may not administer a state standardized assessment instrument.
An assessment instrument administered to prekindergarten students must be selected from a list of appropriate prekindergarten assessment instruments identified by the Commissioner.

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Education Code 29.169.

v. *Contracting with Private Entity*

Midland Academy Charter may enter into a contract with an eligible private provider to provide services or equipment for its prekindergarten program. To be eligible to contract with Midland Academy Charter, a private provider must be licensed by and in good standing with the DFPS. A private provider is in good standing if the DFPS has not taken an action against the provider's license during the 24-month period preceding the date of a contract with Midland Academy Charter. The private provider must also:

1. Be accredited by a research-based, nationally recognized, and universally accessible accreditation system approved by the Commissioner;
2. Be a Texas Rising Star Program provider with a three-star certification or higher;
3. Be a Texas School Ready! participant;
4. Have an existing partnership with a district to provide a prekindergarten program not provided under Education Code Chapter 29, Subchapter E-1; or
5. Be accredited by an organization that is recognized by the Texas Private School Accreditation Commission.

A prekindergarten program provided by a private provider is subject to the requirements of Education Code Chapter 29, Subchapter E-1.

Education Code 29.171.

vi. *Shared Site*

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

Education Code 29.1533.

vii. *Partner Licensing Standards*

If Midland Academy Charter contracts with a private entity to operate a prekindergarten program, the partner program shall comply at a minimum with the applicable child-care licensing standards adopted by the DFPS under Human Resources Code 42.042. *Education Code 29.1532(b)*.

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viii. *Daily Physical Activity*

Students in full-day prekindergarten shall participate in moderate or vigorous daily physical activity for at least 30 minutes throughout the school year, as part of Midland Academy Charter's physical education curriculum or through structured activity during a campus's daily recess.

To the extent practicable, students enrolled in prekindergarten on less than a full-day basis shall participate in the same type and amount of physical activity as a student enrolled in full-day prekindergarten.

If Midland Academy Charter determines that requiring moderate or vigorous daily physical activity is impractical due to scheduling concerns or other factors, Midland Academy Charter may require that students participate in moderate or vigorous physical activity for at least 135 minutes during each school week.

Midland Academy Charter must provide an exemption for a student who is unable to participate in the required physical activity because of illness or disability.

Education Code 28.002(l).

Sec. 4. PREKINDERGARTEN EXPANSION GRANT

Midland Academy Charter may use funds from grants administered by the Commissioner to expand an existing half-day prekindergarten program to a full-day basis or to implement a prekindergarten program on a campus that does not have a prekindergarten program. Midland Academy Charter may use funds received under this program to employ teachers and other personnel for a prekindergarten program or to acquire curriculum materials or equipment, including computers, for use in prekindergarten programs. Midland Academy Charter may use funds granted under this program in contracting with another entity, including a private entity. *Education Code 29.155*.

Sec. 5. READY TO READ GRANT

Midland Academy Charter may apply for a Ready to Read grant if at least 75% of the children enrolled in the prekindergarten program are low-income students, as determined by Commissioner rule.

Grant funds shall be used for:

1. Professional staff development in prereading instruction;
2. Prereading curriculum and materials;
3. Prereading skills assessment materials; and
4. Employment of prereading instructors.

Education Code 29.157.

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Sec. 6. COORDINATION OF SERVICES

In a manner consistent with federal law and regulations, Midland Academy Charter shall coordinate with the TEA, the Texas Workforce Commission, and local workforce development boards regarding subsidized child-care services.

Education Code 29.158(a).

Sec. 7. STATEWIDE INFORMATION AND REFERRAL NETWORK

Midland Academy Charter shall provide the Texas Information and Referral Network ("TIRN") with information regarding eligibility for and availability of child-care and education services (including services provided through a prekindergarten or after-school program) for inclusion in the statewide information referral network. Midland Academy Charter shall provide the information in a form determined by the executive commissioner of the Texas Health and Human Services Commission.

Gov't Code 531.0312.

"Child care and education services" includes any government-funded child-care and education services, other than education and services provided by a school district as part of the general program of public and secondary education, designed to educate or provide care for children under the age of 13 in middle-income or low-income families.

Gov't Code 531.03131(a)(4).

When necessary, staff of the TIRN shall send an electronic mail message to Midland Academy Charter containing the name of and contact information for an applicant for child-care and education services and a description of the services the applicant is seeking.

On receipt of such an electronic mail message, Midland Academy Charter shall contact the applicant to verify information regarding the applicant's eligibility for available child-care and education services and, on certifying eligibility, shall match the applicant with entities providing those services in the applicant's community, including local workforce development boards, local child-care providers, or a Head Start or Early Head Start program provider.

Gov't Code 531.03131(d).

Midland Academy Charter shall cooperate with the TIRN as necessary in the administration of this project.

Gov't Code 531.0312, 531.03131.

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