

By: Bhojani

H.B. No. 1048

A BILL TO BE ENTITLED

AN ACT

relating to providing free full-day prekindergarten for certain children.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 28.02124(a), Education Code, is amended to read as follows:

(a) Subject to Subsection (c), a parent or guardian may elect for a student to:

(1) repeat prekindergarten;

(2) enroll in prekindergarten, if the student would have been eligible to enroll in prekindergarten during the previous school year under Section 29.153 [29.153(b)] and the student has not yet enrolled in kindergarten;

(3) repeat kindergarten;

(4) enroll in kindergarten, if the student would have been eligible to enroll in kindergarten in the previous school year and has not yet enrolled in first grade; or

(5) for grades one through eight, repeat the grade in which the student was enrolled during the previous school year.

SECTION 2. Sections 29.153(a-1), (c), (c-1), and (d), Education Code, are amended to read as follows:

(a-1) A district shall offer prekindergarten classes to any child [~~if the district identifies 15 or more children~~] who is [~~are~~] eligible under Subsection (b) and are] at least three [~~four~~] years

1 of age. [~~A school district may offer prekindergarten classes if the~~
2 ~~district identifies 15 or more eligible children who are at least~~
3 ~~three years of age.~~] A district may not charge tuition for a
4 prekindergarten class offered under this section.

5 (c) A prekindergarten class under this section [~~may be~~
6 ~~operated on a half-day basis for children under four years of age~~
7 ~~and~~] shall be operated on a full-day basis [~~for children who are at~~
8 ~~least four years of age~~]. A district is not required to provide
9 transportation for a prekindergarten class, but transportation, if
10 provided, is included for funding purposes as part of the regular
11 transportation system.

12 (c-1) A prekindergarten class under this section [~~for~~
13 ~~children who are least four years of age~~] must comply with the
14 program standards required for high quality prekindergarten
15 programs under Subchapter E-1.

16 (d) Subject to Subsections (d-1) and (d-2), on application
17 of a district, the commissioner shall exempt a district from the
18 application of all or any part of this section, including all or any
19 part of Subchapter E-1 for a prekindergarten class described by
20 Subsection (c-1), if the commissioner determines that[+]

21 [~~(1)~~] the district would be required to construct
22 classroom facilities in order to provide prekindergarten classes[+]
23 ~~or~~

24 [~~(2) implementing any part of this section would result~~
25 ~~in fewer eligible children being enrolled in a prekindergarten~~
26 ~~class under this section~~].

27 SECTION 3. Section [29.1531](#)(a), Education Code, is amended

1 to read as follows:

2 (a) A school district may offer on a tuition basis or use
3 district funds to provide~~+~~

4 ~~[(1) an additional half-day of prekindergarten~~
5 ~~classes to children who are eligible for classes under Section~~
6 ~~29.153 and are under four years of age; and~~

7 ~~[-2)]~~ half-day and full-day prekindergarten classes
8 to children not eligible for classes under Section 29.153.

9 SECTION 4. Section 48.005(a), Education Code, is amended to
10 read as follows:

11 (a) In this chapter, average daily attendance is:

12 (1) the quotient of the sum of attendance for each day
13 of the minimum number of days of instruction as described under
14 Section 25.081(a) divided by the minimum number of days of
15 instruction;

16 (2) for a district that operates under a flexible year
17 program under Section 29.0821, the quotient of the sum of
18 attendance for each actual day of instruction as permitted by
19 Section 29.0821(b)(1) divided by the number of actual days of
20 instruction as permitted by Section 29.0821(b)(1);

21 (3) for a district that operates under a flexible
22 school day program under Section 29.0822, the average daily
23 attendance as calculated by the commissioner in accordance with
24 Sections 29.0822(d) and (d-1); or

25 (4) for a district that operates ~~[a half-day program~~
26 ~~or]~~ a full-day program under Section 29.153(c), ~~[one-half of]~~ the
27 average daily attendance calculated under Subdivision (1).

1 SECTION 5. Sections 29.153(b), (e-1), and (f), Education
2 Code, are repealed.

3 SECTION 6. This Act applies beginning with the 2025-2026
4 school year.

5 SECTION 7. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2025.