

By: Bhojani

H.B. No. 5614

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 are ~~[eligible under Subsection (b) and are]~~ at least three ~~[four]~~ years

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

(c) A prekindergarten class under this section ~~[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]~~. A district is not required to provide transportation for a prekindergarten class, but transportation, if provided, is included for funding purposes as part of the regular transportation system.

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

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

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

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

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~~]  
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.