

By: Menéndez

S.B. No. 175

A BILL TO BE ENTITLED

AN ACT

relating to providing free 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. Section 29.153(a-1), Education Code, is 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 four years of age.

A school district may offer prekindergarten classes to any child

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

4 SECTION 3. Section 29.1543, Education Code, is amended to
5 read as follows:

6 Sec. 29.1543. EARLY EDUCATION REPORTS. The agency shall
7 produce and make available to the public on the agency's Internet
8 website annual district and campus-level reports containing
9 information from the previous school year on early education in
10 school districts and open-enrollment charter schools. A report
11 under this section must contain:

12 (1) the information required by Section 29.1532(c) to
13 be reported through the Public Education Information Management
14 System (PEIMS);

15 (2) a description of the diagnostic reading
16 instruments administered in accordance with Section 28.006(c) or
17 (c-2);

18 (3) the number of students who were administered a
19 diagnostic reading instrument administered in accordance with
20 Section 28.006(c) or (c-2);

21 (4) the number of students whose scores from a
22 diagnostic reading instrument administered in accordance with
23 Section 28.006(c) or (c-2) indicate reading proficiency;

24 (5) the number of kindergarten students who were
25 enrolled in a prekindergarten program in the previous school year
26 in the same district or school as the district or school in which
27 the student attends kindergarten;

1 (6) the number and percentage of students who perform
2 satisfactorily on the third grade reading or mathematics assessment
3 instrument administered under Section 39.023~~[, disaggregated by~~
4 ~~whether the student was eligible for free prekindergarten under~~
5 ~~Section 29.153]~~;

6 (7) the number of students described by Subdivision
7 (6) who attended kindergarten in the district, disaggregated by:

8 (A) whether the student met the kindergarten
9 readiness standard on the reading instrument adopted under Section
10 28.006;

11 (B) whether the student attended prekindergarten
12 in the district; and

13 (C) the type of prekindergarten the student
14 attended, if applicable; and

15 (8) the information described by Subdivisions (6) and
16 (7) disaggregated by whether the student is educationally
17 disadvantaged.

18 SECTION 4. Sections 48.005(a) and (i), Education Code, are
19 amended to read as follows:

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

21 (1) the quotient of the sum of attendance for each day
22 of the minimum number of days of instruction as described under
23 Section 25.081(a) divided by the minimum number of days of
24 instruction;

25 (2) for a district that operates under a flexible year
26 program under Section 29.0821, the quotient of the sum of
27 attendance for each actual day of instruction as permitted by

1 Section 29.0821(b)(1) divided by the number of actual days of
2 instruction as permitted by Section 29.0821(b)(1);

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

7 (4) for a district that operates a prekindergarten
8 [~~half-day program or a full-day~~] program under Section 29.153(c):

9 (A) for a half-day program, one-half of the
10 average daily attendance calculated under Subdivision (1); or

11 (B) for a full-day program, the average daily
12 attendance calculated under Subdivision (1).

13 (i) A district or a charter school operating under Chapter
14 12 that operates a half-day prekindergarten program is eligible to
15 receive one-half of average daily attendance under Subsection (a)
16 if the district's or charter school's prekindergarten program
17 provides at least 32,400 minutes of instructional time to students.

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

20 SECTION 6. This Act applies beginning with the 2025-2026
21 school year.

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