

By: Madden

H.B. No. 262

A BILL TO BE ENTITLED

AN ACT

1
2 relating to permitting early entry into public school kindergartens
3 for certain children.

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

5 SECTION 1. Sections 25.001(a) and (b), Education Code, are
6 amended to read as follows:

7 (a) A person who is at least five years of age and under 21
8 years of age on the first day of September of any school year is
9 entitled to the benefits of the available school fund for that year.
10 Any other person enrolled in a kindergarten class under Section
11 29.151(a)(2) or a prekindergarten class under Section 29.153 is
12 entitled to the benefits of the available school fund.

13 (b) The board of trustees of a school district or its
14 designee shall admit into the public schools of the district free of
15 tuition a person who is over five and younger than 21 years of age on
16 the first day of September of the school year in which admission is
17 sought or any other person who is eligible for enrollment in a
18 kindergarten class under Section 29.151(a)(2) if:

19 (1) the person and either parent of the person reside
20 in the school district;

21 (2) the person does not reside in the school district
22 but a parent of the person resides in the school district and that
23 parent is a joint managing conservator or the sole managing
24 conservator or possessory conservator of the person;

1 (3) the person and the person's guardian or other
2 person having lawful control of the person under a court order
3 reside within the school district;

4 (4) the person has established a separate residence
5 under Subsection (d);

6 (5) the person is homeless, as defined by 42 U.S.C.
7 Section 11302, regardless of the residence of the person, of either
8 parent of the person, or of the person's guardian or other person
9 having lawful control of the person;

10 (6) the person is a foreign exchange student placed
11 with a host family that resides in the school district by a
12 nationally recognized foreign exchange program, unless the school
13 district has applied for and been granted a waiver by the
14 commissioner under Subsection (e);

15 (7) the person resides at a residential facility
16 located in the district; or

17 (8) the person resides in the school district and is 18
18 years of age or older or the person's disabilities of minority have
19 been removed.

20 SECTION 2. Section 29.151, Education Code, is amended to
21 read as follows:

22 Sec. 29.151. FREE KINDERGARTEN. (a) The board of trustees
23 of each school district shall establish and maintain one or more
24 kindergartens for the training of children residing in the district
25 who are:

26 (1) at least five years of age on September 1 of the
27 school year; and

1 (2) younger than five years of age on September 1 of
2 the school year and have performed satisfactorily on the third
3 grade reading assessment instrument under Section 39.023.

4 (b) On the request of the parent of a child who will be
5 younger than five years of age on September 1 of the school year, a
6 school district shall administer the third grade reading assessment
7 instrument under Section 39.023 to determine whether the child is
8 eligible to attend kindergarten under this section. The State
9 Board of Education shall adopt rules to administer testing under
10 this subsection.

11 SECTION 3. Section 42.003(b), Education Code, is amended to
12 read as follows:

13 (b) A student to whom Subsection (a) does not apply is
14 entitled to the benefits of the Foundation School Program if the
15 student is enrolled in a kindergarten class under Section
16 29.151(a)(2) or a prekindergarten class under Section 29.153.

17 SECTION 4. Section 42.003(d), Education Code, is repealed.

18 SECTION 5. This Act applies beginning with the 2006-2007
19 school year.

20 SECTION 6. Not later than January 1, 2006, the State Board
21 of Education shall adopt rules to administer testing as provided by
22 Section 29.151, Education Code, as amended by this Act.

23 SECTION 7. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2005.