

By: Eissler

H.B. No. 1487

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the age of children for whom public school kindergarten  
3 must be provided.

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 on the first  
8 day of June preceding the first day of instruction for a school year  
9 and under 21 years of age on the first day of September of any school  
10 year is entitled to enroll in the public schools of this state [~~the~~  
11 ~~benefits of the available school fund~~] for that year. [~~Any other~~  
12 ~~person enrolled in a prekindergarten class under Section 29.153 is~~  
13 ~~entitled to the benefits of the available school fund.~~]

14 (b) The board of trustees of a school district or its  
15 designee shall admit into the public schools of the district free of  
16 tuition a person who is eligible to enroll in public school under  
17 Subsection (a) [~~over five and younger than 21 years of age on the~~  
18 ~~first day of September of the school year in which admission is~~  
19 ~~sought~~] if:

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

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

1 conservator or possessory conservator of the person;

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

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

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

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

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

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

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

23 Sec. 29.151. FREE KINDERGARTEN. The board of trustees of  
24 each school district shall establish and maintain one or more  
25 kindergartens for the training of children residing in the district  
26 who are at least five years of age and eligible to enroll in public  
27 school under Section 25.001 [~~on September 1 of the school year~~].

1 SECTION 3. Section 42.003(a), Education Code, is amended to  
2 read as follows:

3 (a) A student is entitled to the benefits of the Foundation  
4 School Program if the student is entitled to enroll in public school  
5 under Section 25.001 [~~5 years of age or older and under 21 years of~~  
6 ~~age on September 1 of the school year~~] and has not graduated from  
7 high school.

8 SECTION 4. Section 43.016, Education Code, is amended to  
9 read as follows:

10 Sec. 43.016. USE OF AVAILABLE SCHOOL FUND. (a) All  
11 available school funds shall be appropriated in each county for the  
12 education of its children.

13 (b) A person is entitled to the benefits of the available  
14 school fund if the person is entitled to enroll in public school  
15 under Section 25.001 or is enrolled in prekindergarten under  
16 Section 29.153.

17 SECTION 5. This Act applies beginning with the 2005-2006  
18 school year.

19 SECTION 6. This Act takes effect immediately if it receives  
20 a vote of two-thirds of all the members elected to each house, as  
21 provided by Section 39, Article III, Texas Constitution. If this  
22 Act does not receive the vote necessary for immediate effect, this  
23 Act takes effect September 1, 2005.