

By: Raymond

H.B. No. 316

A BILL TO BE ENTITLED

AN ACT

relating to mandatory kindergarten attendance in public schools.

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

SECTION 1. Section 25.085(b), Education Code, is amended to read as follows:

(b) Unless specifically exempted by Section 25.086, a child who is at least five [~~six~~] years of age on September 1 of the school year, or who is younger than five [~~six~~] years of age on September 1 of the school year and has previously been enrolled in prekindergarten or kindergarten [~~first grade~~], and who has not yet reached the child's 18th birthday shall attend school.

SECTION 2. Section 29.009, Education Code, is amended to read as follows:

Sec. 29.009. PUBLIC NOTICE CONCERNING PRESCHOOL PROGRAMS FOR STUDENTS WITH DISABILITIES. Each school district shall develop a system to notify the population in the district with children who are at least three years of age but younger than five [~~six~~] years of age and who are eligible for enrollment in a special education program of the availability of the program.

SECTION 3. Sections 42.003(a) and (d), Education Code, are amended to read as follows:

(a) A student is entitled to the benefits of the Foundation School Program if, on September 1 of the school year, the student:

(1) is enrolled in kindergarten or is 5 years of age or

1 older and under 21 years of age and has not graduated from high  
2 school;~~[r]~~ or

3 (2) is at least 21 years of age and under 26 years of  
4 age and has been admitted by a school district to complete the  
5 requirements for a high school diploma.

6 (d) Notwithstanding Subsection (a), a student younger than  
7 five years of age on September 1 of the school year who is not  
8 otherwise [~~is~~] entitled to the benefits of the Foundation School  
9 Program is entitled to the benefits of the program if:

10 (1) the student performs satisfactorily on the  
11 assessment instrument administered under Section 39.023(a) to  
12 students in the third grade; and

13 (2) the district has adopted a policy for admitting  
14 students younger than five years of age.

15 SECTION 4. Sections 25.085(c) and 42.003(c), Education  
16 Code, are repealed.

17 SECTION 5. This Act applies beginning with the 2009-2010  
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, 2009.