

By: Rose

H.B. No. 2446

A BILL TO BE ENTITLED

1 AN ACT
2 relating to eligibility for public school prekindergarten classes
3 of children residing with a grandparent.

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

5 SECTION 1. Section 29.153, Education Code, is amended by
6 amending Subsection (b) and adding Subsection (b-1) to read as
7 follows:

8 (b) A child is eligible for enrollment in a prekindergarten
9 class under this section if the child is at least three years of age
10 and:

11 (1) is unable to speak and comprehend the English
12 language;

13 (2) is educationally disadvantaged;

14 (3) is a homeless child, as defined by 42 U.S.C.
15 Section 11434a, regardless of the residence of the child, of either
16 parent of the child, or of the child's guardian or other person
17 having lawful control of the child;

18 (4) is the child of an active duty member of the armed
19 forces of the United States, including the state military forces or
20 a reserve component of the armed forces, who is ordered to active
21 duty by proper authority;

22 (5) is the child of a member of the armed forces of the
23 United States, including the state military forces or a reserve
24 component of the armed forces, who was injured or killed while

1 serving on active duty; ~~or~~]

2 (6) is or ever has been in the conservatorship of the
3 Department of Family and Protective Services following an adversary
4 hearing held as provided by Section 262.201, Family Code; or

5 (7) a grandparent of the child has primary
6 responsibility for the care of the child, and the grandparent is at
7 least 45 years of age.

8 (b-1) For purposes of Subsection (b)(7), a grandparent is
9 considered to have primary responsibility for the care of a child
10 if:

11 (1) the child resides with the grandparent in a
12 household that does not include a parent of the child; and

13 (2) the grandparent with whom the child resides:

14 (A) is the child's guardian or permanent managing
15 conservator;

16 (B) is named in a power of attorney as a person
17 authorized to make decisions regarding the child;

18 (C) is identified in a letter from the Department
19 of Family and Protective Services as the person in whose care the
20 child has been placed, provided the letter is printed on department
21 letterhead;

22 (D) has possession of the child's birth
23 certificate; or

24 (E) claimed the child as a dependent on the
25 grandparent's most recent federal income tax return.

26 SECTION 2. This Act applies beginning with the 2009-2010
27 school year.

1 SECTION 3. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2009.