

By: Hochberg

H.B. No. 3647

A BILL TO BE ENTITLED

AN ACT

relating to eligibility of certain children for public school
prekindergarten classes.

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

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

(a) In this section:

(1) "Child" includes a stepchild.

(2) "Parent" includes a stepparent.

(a-1) A district shall offer prekindergarten classes if the
district identifies 15 or more children who are eligible under
Subsection (b) and are at least four years of age. A school
district may offer prekindergarten classes if the district
identifies 15 or more eligible children who are at least three years
of age. A district may not charge tuition for a prekindergarten
class offered under this section.

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

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

(2) is educationally disadvantaged;

(3) is a homeless child, as defined by 42 U.S.C.

1 Section 11434a, regardless of the residence of the child, of either
2 parent of the child, or of the child's guardian or other person
3 having lawful control of the child;

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

8 (5) is the child of a member of the armed forces of the
9 United States, including the state military forces or a reserve
10 component of the armed forces, who was injured or killed while
11 serving on active duty; ~~or~~

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

15 (7) is the child of a classroom teacher who teaches at
16 a school in which at least 99 percent of the students are
17 educationally disadvantaged.

18 (f) A child who is eligible for enrollment in a
19 prekindergarten class under Subsection (b)(4) or (5) remains
20 eligible for enrollment if the child's parent leaves the armed
21 forces, or is no longer on active duty, after the child begins a
22 prekindergarten class. A child who is eligible for enrollment in a
23 prekindergarten class under Subsection (b)(7) remains eligible for
24 enrollment if the child's parent ceases teaching at a school
25 described by Subsection (b)(7) after the child begins a
26 prekindergarten class.

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

1 school year.

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