

By: Ellis

S.B. No. 122

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the availability of free prekindergarten programs in  
3 public schools.

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

5 SECTION 1. Sections 29.153(a), (b), and (f), Education  
6 Code, are amended to read as follows:

7 (a) A district shall offer prekindergarten classes if the  
8 district identifies 15 or more children who are [~~eligible under~~  
9 ~~Subsection (b) and are~~] at least four years of age. A school  
10 district may offer prekindergarten classes if the district  
11 identifies 15 or more eligible children who are at least three years  
12 of age. A district may not charge tuition for a prekindergarten  
13 class offered under this section.

14 (b) A child is eligible for enrollment in a prekindergarten  
15 class under this section if the child is:

16 (1) at least three years of age and:

17 (A) [~~(1)~~] is unable to speak and comprehend the  
18 English language;

19 (B) [~~(2)~~] is educationally disadvantaged;

20 (C) [~~(3)~~] is a homeless child, as defined by 42  
21 U.S.C. Section 11434a, regardless of the residence of the child, of  
22 either parent of the child, or of the child's guardian or other  
23 person having lawful control of the child;

24 (D) [~~(4)~~] is the child of an active duty member

1 of the armed forces of the United States, including the state  
2 military forces or a reserve component of the armed forces, who is  
3 ordered to active duty by proper authority;

4 (E) [~~(5)~~] is the child of a 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 was injured or killed  
7 while serving on active duty; or

8 (F) [~~(6)~~] is or ever has been in the  
9 conservatorship of the Department of Family and Protective Services  
10 following an adversary hearing held as provided by Section 262.201,  
11 Family Code; or

12 (2) at least four years of age.

13 (f) A child who is eligible for enrollment in a  
14 prekindergarten class under Subsection (b)(1)(D) or (E) [~~(b)(4) or~~  
15 ~~(5)~~] remains eligible for enrollment if the child's parent leaves  
16 the armed forces, or is no longer on active duty, after the child  
17 begins a prekindergarten class.

18 SECTION 2. Section 29.1532(c), Education Code, is amended  
19 to read as follows:

20 (c) A school district that offers prekindergarten classes  
21 shall include the following information in the district's Public  
22 Education Information Management System (PEIMS) report:

23 (1) demographic information, as determined by the  
24 commissioner, on students enrolled in district prekindergarten  
25 classes, including the number of students who are eligible for  
26 classes under Section 29.153(b)(1) [~~29.153~~];

27 (2) the numbers of half-day and full-day

1 prekindergarten classes offered by the district; and

2 (3) the sources of funding for the prekindergarten  
3 classes.

4 SECTION 3. Section 29.153(d), Education Code, is repealed.

5 SECTION 4. This Act applies beginning with the 2009-2010  
6 school year.

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