

By: Talarico

H.B. No. 4105

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the eligibility of the children of certain essential
3 employees for free prekindergarten programs in public schools.

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

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

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

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

12 (2) is educationally disadvantaged;

13 (3) is homeless, regardless of the residence of the
14 child, of either parent of the child, or of the child's guardian or
15 other person having lawful control of the child;

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

20 (5) is the child of a member of the armed forces of the
21 United States, including the state military forces or a reserve
22 component of the armed forces, who was injured or killed while
23 serving on active duty;

24 (6) is or ever has been in the conservatorship of the

1 Department of Family and Protective Services following an adversary
2 hearing held as provided by Section 262.201, Family Code; ~~[or]~~

3 (7) is the child of a person eligible for the Star of
4 Texas Award as:

5 (A) a peace officer under Section 3106.002,
6 Government Code;

7 (B) a firefighter under Section 3106.003,
8 Government Code; or

9 (C) an emergency medical first responder under
10 Section 3106.004, Government Code; or

11 (8) is the child of a person who is employed by a state
12 or local governmental entity or a private business entity in a
13 position determined by the agency to be essential to the response to
14 or recovery from an event declared to be a disaster by the president
15 of the United States under the Robert T. Stafford Disaster Relief
16 and Emergency Assistance Act (42 U.S.C. Section 5121 et seq.) or the
17 governor under Chapter 418, Government Code.

18 (f) A child who is eligible for enrollment in a
19 prekindergarten class under Subsection (b)(4), ~~[or]~~ (5), or (8)
20 remains eligible for enrollment after the child begins a
21 prekindergarten class if, as applicable:

22 (1) the child's parent:

23 (A) leaves the armed forces; or

24 (B) ~~[or]~~ is no longer on active duty; or

25 (2) the declaration of disaster under Subsection
26 (b)(8) expires or the state or local governmental entity or private
27 business entity in which the child's parent is employed is

1 determined to no longer be essential to the response to or recovery
2 from the disaster [~~after the child begins a prekindergarten~~
3 ~~class~~].

4 SECTION 2. This Act applies beginning with the 2021-2022
5 school year.

6 SECTION 3. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2021.