

By: Zaffirini

S.B. No. 37

A BILL TO BE ENTITLED

1 AN ACT
2 relating to providing free full-day prekindergarten for certain
3 children.

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

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

7 (a-1) A district shall offer prekindergarten classes to any
8 child [~~if the district identifies 15 or more children~~] who is [~~are~~
9 ~~eligible under Subsection (b) and are~~] at least four years of age.
10 A school district may offer prekindergarten classes if the district
11 identifies 15 or more [~~eligible~~] children who are eligible under
12 Subsection (b)(1) [~~at least three years of age~~]. A district may not
13 charge tuition for a prekindergarten class offered under this
14 section.

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

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

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

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

21 (C) [~~(3)~~] is homeless, regardless of the
22 residence of the child, of either parent of the child, or of the
23 child's guardian or other person having lawful control of the
24 child;

1 (D) [~~(4)~~] is the child of an active duty member
2 of the armed forces of the United States, including the state
3 military forces or a reserve component of the armed forces, who is
4 ordered to active duty by proper authority;

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

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

13 (G) [~~(7)~~] is the child of a person eligible for
14 the Star of Texas Award as:

15 (i) [~~(A)~~] a peace officer under Section
16 3106.002, Government Code;

17 (ii) [~~(B)~~] a firefighter under Section
18 3106.003, Government Code; or

19 (iii) [~~(C)~~] an emergency medical first
20 responder under Section 3106.004, Government Code; or

21 (2) at least four years of age.

22 (c) A prekindergarten class under this section [~~may be~~
23 ~~operated on a half-day basis for children under four years of age~~
24 ~~and~~] shall be operated on a full-day basis [~~for children who are at~~
25 ~~least four years of age~~]. A district is not required to provide
26 transportation for a prekindergarten class, but transportation, if
27 provided, is included for funding purposes as part of the regular

1 transportation system.

2 (d) Subject to Subsections (d-1) and (d-2), on application
3 of a district, the commissioner shall exempt a district from the
4 application of all or any part of this section, including all or any
5 part of Subchapter E-1 for a prekindergarten class described by
6 Subsection (c-1), if the commissioner determines that[+]

7 [~~(1)~~] the district would be required to construct
8 classroom facilities in order to provide prekindergarten classes[+
9 ~~or~~

10 [~~(2) implementing any part of this section would~~
11 ~~result in fewer eligible children being enrolled in a~~
12 ~~prekindergarten class under this section].~~

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 29.1531(a), Education Code, is amended
19 to read as follows:

20 (a) A school district may offer on a tuition basis or use
21 district funds to provide[+]

22 [~~(1) an additional half-day of prekindergarten~~
23 ~~classes to children who are eligible for classes under Section~~
24 ~~29.153 and are under four years of age, and~~

25 [~~(2)~~] half-day and full-day prekindergarten classes
26 to children not eligible for classes under Section 29.153.

27 SECTION 3. Section 29.1532(c), Education Code, is amended

1 to read as follows:

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

5 (1) demographic information, as determined by the
6 commissioner, on students enrolled in district and campus
7 prekindergarten classes, including the number of students who are
8 eligible for classes under Section 29.153(b)(1) and (f) [~~29.153~~];

9 (2) the numbers of half-day and full-day
10 prekindergarten classes offered by the district and campus;

11 (3) the number of half-day prekindergarten classes for
12 which the district has received an exemption from full-day
13 operation under Section 29.153(d);

14 (4) the sources of funding for the prekindergarten
15 classes;

16 (5) the class size and ratio of instructional staff to
17 students for each prekindergarten program class offered by the
18 district and campus;

19 (6) if the district elects to administer an assessment
20 instrument under Section 29.169 to students enrolled in district
21 and campus prekindergarten program classes, a description and the
22 results of each type of assessment instrument; and

23 (7) curricula used in the district's prekindergarten
24 program classes.

25 SECTION 4. This Act applies beginning with the 2021-2022
26 school year.

27 SECTION 5. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2021.