88R594 CAE-D

By:  Zaffirini S.B. No. 38

A BILL TO BE ENTITLED

AN ACT

relating to providing free full-day prekindergarten for certain children.

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

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

(a-1)  A district shall offer prekindergarten classes to any child [~~if the district identifies 15 or more children~~] who is [~~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 eligible under Subsection (b)(1) [~~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:

(1)  at least three years of age and:

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

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

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

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

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

(F) [~~(6)~~]  is or ever has been in:

(i) [~~(A)~~]  the conservatorship of the Department of Family and Protective Services following an adversary hearing held as provided by Section 262.201, Family Code; or

(ii) [~~(B)~~]  foster care in another state or territory, if the child resides in this state; or

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

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

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

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

(2)  at least four years of age.

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

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

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

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

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

SECTION 2.  Section 29.1531(a), Education Code, is amended to read as follows:

(a)  A school district may offer on a tuition basis or use district funds to provide[~~:~~

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

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

SECTION 3.  Section 29.1532(c), Education Code, is amended to read as follows:

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

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

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

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

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

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

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

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

SECTION 4.  This Act applies beginning with the 2023-2024 school year.

SECTION 5.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.