

By: Dutton

H.B. No. 2923

Substitute the following for H.B. No. 2923:

By: Buckley

C.S.H.B. No. 2923

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the operation of free prekindergarten programs by
3 certain school districts and to the early education allotment under
4 the Foundation School Program.

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

6 SECTION 1. Section 29.153, Education Code, is amended by
7 adding Subsections (d-3), (d-4), and (d-5) to read as follows:

8 (d-3) A school district shall contract with a
9 community-based child-care provider described by Subsection (g) to
10 provide a prekindergarten class required under this section if the
11 commissioner determines that:

12 (1) a district election for the purpose of issuing
13 bonds for the construction or repurposing of a classroom facility
14 to provide the prekindergarten class has failed in the 24 months
15 preceding the determination; or

16 (2) the district is unable to adequately staff the
17 prekindergarten class.

18 (d-4) The commissioner may waive the requirement under
19 Subsection (d-3) if the commissioner determines that a
20 community-based child-care provider described by Subsection (g) is
21 not located in the boundaries of the district.

22 (d-5) Notwithstanding any other provision of this chapter,
23 the commissioner shall interpret Subsection (d-3) to the broadest
24 extent possible to encourage partnerships between school districts

1 and community-based child-care providers described by Subsection
2 (g).

3 SECTION 2. Section [48.108](#), Education Code, is amended by
4 adding Subsections (a-1), (a-2), (a-3), and (a-4) to read as
5 follows:

6 (a-1) In addition to the allotment under Subsection (a) and
7 subject to Subsection (a-2), a school district is entitled to an
8 annual allotment equal to the basic allotment multiplied by 0.2 for
9 each student in average daily attendance enrolled in a
10 prekindergarten class provided through a contract with a
11 community-based child-care provider under Section [29.153](#).

12 (a-2) The total number of students in average daily
13 attendance statewide for whom an allotment may be provided under
14 Subsection (a-1) for a school year may not exceed 10,000 students in
15 average daily attendance. If the number of students in average
16 daily attendance for whom a school district is entitled to an
17 allotment under this section exceeds the maximum number provided by
18 this subsection, the commissioner shall allocate the allotments to
19 school districts under this section in accordance with commissioner
20 rule.

21 (a-3) Notwithstanding Subsection (a-2), the maximum number
22 of students in average daily attendance statewide for whom an
23 allotment may be provided under Subsection (a-1) for a school year
24 is:

25 (1) for the 2024-2025 school year, 2,000 students;
26 (2) for the 2025-2026 school year, 4,500 students; and
27 (3) for the 2026-2027 school year, 7,000 students.

1 (a-4) Subsection (a-3) and this subsection expire September
2 1, 2027.

3 SECTION 3. Sections [29.153\(d-3\)](#), (d-4), and (d-5),
4 Education Code, as added by this Act, apply beginning with the
5 2023-2024 school year.

6 SECTION 4. (a) Except as provided by Subsection (b) of this
7 section:

8 (1) this Act takes effect immediately if it receives a
9 vote of two-thirds of all the members elected to each house, as
10 provided by Section [39](#), Article III, Texas Constitution; and
11 (2) if this Act does not receive the vote necessary for
12 immediate effect, this Act takes effect September 1, 2023.

13 (b) Sections [48.108\(a-1\)](#), (a-2), (a-3), and (a-4),
14 Education Code, as added by this Act, take effect September 1, 2024.