

By: Martinez Fischer

H.B. No. 4112

A BILL TO BE ENTITLED

AN ACT

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

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

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

(a-1) A district shall offer prekindergarten classes if the district identifies 15 or more children who 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;

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:

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

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

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

17           (i) [~~(A)~~] a peace officer under Section  
18 3106.002, Government Code;

19           (ii) [~~(B)~~] a firefighter under Section  
20 3106.003, Government Code; or

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

23           (2) at least four years of age.

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

1 begins a prekindergarten class.

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

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

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

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

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

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

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

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

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

27 SECTION 3. Section 29.153(e-1), Education Code, is

1 repealed.

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

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