

By: Zaffirini

S.B. No. 42

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;

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            (c) A prekindergarten class under this section [~~may be~~  
25 ~~operated on a half-day basis for children under four years of age~~  
26 ~~and~~] shall be operated on a full-day basis [~~for children who are at~~  
27 ~~least four years of age~~]. A district is not required to provide

1 transportation for a prekindergarten class, but transportation, if  
2 provided, is included for funding purposes as part of the regular  
3 transportation system.

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

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

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

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

20 SECTION 2. Section [29.1531](#)(a), Education Code, is amended  
21 to read as follows:

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

24 [~~(1) an additional half-day of prekindergarten~~  
25 ~~classes to children who are eligible for classes under Section~~  
26 ~~[29.153](#) and are under four years of age, and~~

27 [~~(2)~~] half-day and full-day prekindergarten classes

1 to children not eligible for classes under Section 29.153.

2 SECTION 3. 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 Sections 29.153(b)(1) and (f) [~~Section~~  
11 ~~29.153~~];

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

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

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

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

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

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

1           SECTION 4. This Act applies beginning with the 2025-2026  
2 school year.

3           SECTION 5. This Act takes effect immediately if it receives  
4 a vote of two-thirds of all the members elected to each house, as  
5 provided by Section 39, Article III, Texas Constitution. If this  
6 Act does not receive the vote necessary for immediate effect, this  
7 Act takes effect September 1, 2025.