

Texas Education Code TEC, §29.153 provides eligibility for free public school prekindergarten for a child of an active duty member of the armed forces, national guard, or reserve component of the armed forces, who is ordered to active duty by proper authority OR 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.

Sec. 29.153. **FREE PREKINDERGARTEN FOR CERTAIN CHILDREN.** (a)

In this section:

- (1) "Child" includes a stepchild.
- (2) "Parent" includes a stepparent.

(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 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 at least three years of age and:

- (1) is unable to speak and comprehend the English language;
- (2) is educationally disadvantaged;
- (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;

(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;

(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;

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

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

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

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

(C) an emergency medical first responder under Section [3106.004](#), Government Code.

(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.

(c-1) A prekindergarten class under this section for children who are least four years of age must comply with the program standards required for high quality prekindergarten programs under Subchapter E-1.

(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.

(d-1) A district may not receive an exemption under Subsection (d) unless the district has solicited and considered

at a public meeting proposals for partnerships with public or private entities regarding prekindergarten classes required under this section. A decision of the board of trustees regarding a partnership described by this subsection is final.

(d-2) An exemption under Subsection (d) may not be granted for a period longer than three school years and may be renewed only once.

(e) Each school district shall develop a system to notify the population in the district with children who are eligible for enrollment in a prekindergarten class under this section of the availability of the class. The system must include public notices issued in English and Spanish.

(f) A child who is eligible for enrollment in a prekindergarten class under Subsection (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.

Text of subsection as added by Acts 2019, 86th Leg., R.S., Ch. 943 (H.B. [3](#)), Sec. 2.019

(g) Before a school district or open-enrollment charter school may construct, repurpose, or lease a classroom facility, or issue bonds for the construction or repurposing of a classroom facility, to provide the prekindergarten classes required under this section, the district or school must solicit and consider proposals for partnerships to provide those classes with community-based child-care providers who:

- (1) are a Texas Rising Star Program provider with a three-star certification or higher;
- (2) are nationally accredited;
- (3) are a Head Start program provider;
- (4) are a Texas School Ready! participant; or
- (5) meet the requirements under Section [29.1532](#).

Text of subsection as added by Acts 2019, 86th Leg., R.S., Ch. 443 (S.B. [1679](#)), Sec. 1

(g) A child who is eligible for enrollment in a prekindergarten class under Subsection (b) at the age of three and enrolls in a prekindergarten class at the age of three remains eligible for enrollment in a prekindergarten class for the following school year.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 1999, 76th Leg., ch. 62, Sec. 4.01, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 596, Sec. 1, eff. June 11, 2001.

Amended by:

Acts 2006, 79th Leg., 3rd C.S., Ch. 5 (H.B. [1](#)), Sec. 6.01, eff. May 31, 2006.

Acts 2007, 80th Leg., R.S., Ch. 850 (H.B. [1137](#)), Sec. 4, eff. June 15, 2007.

Acts 2007, 80th Leg., R.S., Ch. 1406 (S.B. [758](#)), Sec. 1(a), eff. September 1, 2007.

Acts 2009, 81st Leg., R.S., Ch. 975 (H.B. [3643](#)), Sec. 1, eff. June 19, 2009.

Acts 2017, 85th Leg., R.S., Ch. 1141 (H.B. [357](#)), Sec. 1, eff. June 15, 2017.

Acts 2019, 86th Leg., R.S., Ch. 443 (S.B. [1679](#)), Sec. 1, eff. September 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 597 (S.B. [668](#)), Sec. 1.07, eff. June 10, 2019.

Acts 2019, 86th Leg., R.S., Ch. 943 (H.B. [3](#)), Sec. 2.019, eff. June 12, 2019.