

---

**Note:** Only districts that identify 15 or more eligible students are required to provide prekindergarten programs.

---

**Tuition-Free  
Prekindergarten  
Program**

A district shall offer prekindergarten classes if it identifies 15 or more eligible students who are at least four years of age. A district may offer prekindergarten if it identifies 15 or more eligible children who are at least three years of age.

A district may not charge tuition for a prekindergarten program offered under these provisions.

Definitions

In this section:

1. "Child" includes a stepchild.
2. "Parent" includes a stepparent.

Eligibility

A child is eligible for enrollment in free prekindergarten 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 [see FD] 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;
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 under Family Code 262.201 or foster care in another state or territory, if the child resides in Texas; or
7. Is the child of a person eligible for the Star of Texas Award as:
  - a. A peace officer under Government Code 3106.002;
  - b. A firefighter under Government Code 3106.003; or

- c. An emergency medical first responder under Government Code 3106.004.

A child who is eligible for enrollment for free prekindergarten at the age of three and enrolls in prekindergarten class at the age of three remains eligible for enrollment in a prekindergarten class for the following school year.

A child who is eligible for enrollment under item 4 or 5 above remains eligible if the child's parent leaves the armed forces, or is no longer on active duty, after the child begins the prekindergarten class.

*Education Code 29.153(a)-(b), (e-1), (f)*

|                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|---------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Parent Election                       | Subject to a district's decision to convene a retention committee [see EIE], a parent or guardian may elect for a student to enroll in prekindergarten, if the student would have been eligible to enroll in prekindergarten during the previous school year under the eligibility described above and the student has not yet enrolled in kindergarten, or to repeat prekindergarten. <i>Education Code 28.02124(a)(1)-(2)</i>         |
| Notice                                | A district shall develop a system to notify the population in the district with children who are eligible for enrollment in a free prekindergarten program of the availability of the program. The system must include public notices issued in English and Spanish. <i>Education Code 29.153(e)</i>                                                                                                                                    |
| Half-Day or Full-Day                  | A prekindergarten class 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.                                                                                                                                                                                                                                             |
| Transportation                        | A district is not required to provide transportation for a prekindergarten class. If transportation is provided, it is included for funding purposes as part of the regular transportation system.<br><br><i>Education Code 29.153(c)</i>                                                                                                                                                                                               |
| High-Quality Prekindergarten Required | A prekindergarten class for children who are least four years of age must comply with the program standards required for high-quality prekindergarten programs under Education Code Chapter 29, Subchapter E-1. [See High-Quality Prekindergarten Program, below]                                                                                                                                                                       |
| Exemption                             | The commissioner of education shall exempt a district from the application of all or any part of Education Code Chapter 29, Subchapter E-1 for a prekindergarten class for children who are at least four years of age, if the commissioner determines that:<br><br><ol style="list-style-type: none"><li>1. The district would be required to construct classroom facilities in order to provide prekindergarten classes; or</li></ol> |

2. Implementing any part of this section would result in fewer eligible children being enrolled in a prekindergarten class under this section.

A district may not receive an exemption unless the district has solicited proposals for partnerships with public or private entities regarding prekindergarten classes required under this section in accordance with guidance provided by the Texas Education Agency (TEA) and considered submitted proposals at a public meeting. A decision of the board regarding a partnership described by this provision is final.

An exemption may not be granted for a period longer than three school years and may be renewed only once.

*Education Code 29.153(c-1)-(d-2)*

Constructing,  
Repurposing, or  
Leasing a Facility

Before a district 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 Education Code 29.153, the district 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 Education Code 29.1532.

*Education Code 29.153(g)*

**Tuition-Supported or  
District-Financed**

A district may offer on a tuition basis or use district funds to provide:

1. An additional half-day of prekindergarten classes to children eligible for free prekindergarten who are under four years of age; and
2. Half-day and full-day prekindergarten classes to children not eligible for free prekindergarten.

A district may not adopt a tuition rate that is higher than necessary to cover the added costs of the program, including any costs associated with collecting, reporting, and analyzing data under Education Code 29.1532(c) (PEIMS data for prekindergarten programs).

A district must submit its proposed tuition rate to the commissioner for approval.

*Education Code 29.1531*

**Program Design**

A district's prekindergarten program shall be designed to develop skills necessary for success in the regular public school curriculum, including language, mathematics, and social skills. *Education Code 29.1532(a)*

**Shared Site**

Before establishing a new prekindergarten program, a district shall consider the possibility of sharing use of an existing Head Start or other child-care program site as a prekindergarten site. *Education Code 29.1533*

**Prekindergarten  
Licensing Standards**

If a district contracts with a private entity to operate a prekindergarten program, the program shall comply at a minimum with the applicable child-care licensing standards adopted by the Texas Department of Family and Protective Services under Human Resources Code 42.042 and the class size requirements for prekindergarten classes imposed under Education Code 25.112(a) [see EEB]. *Education Code 29.1532(b)*

**Daily Physical  
Activity**

A district shall require students in full-day prekindergarten to participate in moderate or vigorous daily physical activity for at least 30 minutes throughout the school year, as part of the district's physical education program or through structured activity during a campus's daily recess.

To the extent practicable, a district shall require a student enrolled in prekindergarten on less than a full-day basis to participate in the same type and amount of physical activity as a student enrolled in full-day prekindergarten.

If a district determines, for any particular grade level, that requiring moderate or vigorous daily physical activity is impractical due to scheduling concerns or other factors, the district may as an alternative require a student in that grade level to participate in moderate or vigorous physical activity for at least 135 minutes during each school week.

A district must provide an exemption for a student who is unable to participate in the required physical activity because of illness or disability.

*Education Code 28.002(l)*

SPECIAL PROGRAMS  
PREKINDERGARTEN

EHBG  
(LEGAL)

**High-Quality  
Prekindergarten  
Program**

"Program" means a high quality prekindergarten program for eligible children who are at least four years of age required to be provided free of tuition or fees.

Curriculum  
Requirements

A district shall select and implement a curriculum for a prekindergarten program that:

1. Includes the prekindergarten guidelines established by TEA;
2. Measures the progress of students in meeting the recommended learning outcomes; and
3. Does not use national curriculum standards developed by the Common Core State Standards Initiative.

*Education Code 29.164, .167(a)*

A school district shall implement a curriculum for a high-quality prekindergarten program that addresses the 2015 Texas Prekindergarten Guidelines in the domains listed in 19 Administrative Code 102.1003(b). The district shall measure student progress and kindergarten preparation in accordance with 19 Administrative Code 102.1003(c). *19 TAC 102.1003*

Teacher  
Requirements

Each teacher for a prekindergarten program class must be certified under Education Code Chapter 21, Subchapter B and have one of the following additional qualifications:

1. An associate or baccalaureate degree in early childhood education or a related field;
2. A Child Development Associate (CDA) credential or another early childhood education credential approved by TEA;
3. Certification offered through a training center accredited by Association Montessori Internationale or through the Montessori Accreditation Council for Teacher Education;
4. At least eight years' experience of teaching in a nationally accredited child-care program or a Texas Rising Star Program;
5. A graduate or undergraduate degree in early childhood education or early childhood special education or a non-early childhood education degree with a documented minimum of 15 units of coursework in early childhood education;
6. Documented completion of the Texas School Ready Training Program (TSR Comprehensive);
7. Be employed as a prekindergarten teacher in a district that has met the requirements of 19 Administrative Code 102.1003(d)(6); or

8. An equivalent qualification.

A district may allow a teacher employed by the district to receive the training required to be awarded a CDA credential from a regional education service center. Training may not include national curriculum standards developed by the Common Core State Standards Initiative.

A district or an entity with which the district contracts to provide a prekindergarten program must attempt to maintain an average ratio in any prekindergarten program class of not less than one qualified teacher or teacher's aide for each 11 students.

*19 TAC 102.1003(d), (h); Education Code 29.167(b)-(d)*

Supervisor  
Requirements

Each teacher for a prekindergarten class provided by an entity with which a school district contracts to provide a prekindergarten program must be supervised by a person who meets the teacher requirements above and have one of the following qualifications:

1. At least two years' experience of teaching in a nationally accredited child-care program or a Texas Rising Star Program and:
  - a. A Child Development Associate (CDA) credential or another early childhood education credential approved by TEA; or
  - b. Certification offered through a training center accredited by Association Montessori Internationale or through the Montessori Accreditation Council for Teacher Education; or
2. A qualification described by provisions 1, 4, 7, or 8 above.

A person who supervises a prekindergarten program provided by an entity with which a district contracts for that purpose may supervise multiple prekindergarten classrooms to:

1. Ensure programmatic compliance; and
2. Support:
  - a. Classroom instruction;
  - b. The developmental needs of students; and
  - c. Continuous quality improvement, including professional development.

*Education Code 29.167(b-1)-(b-2)*

SPECIAL PROGRAMS  
PREKINDERGARTEN

EHBG  
(LEGAL)

Family Engagement  
Plan

A district shall develop, implement, and make available on the district or campus website by November 1 of each school year, a family engagement plan to assist the district in achieving and maintaining high levels of family involvement and positive family attitudes toward education. An effective family engagement plan creates a foundation for the collaboration of mutual partners, embraces the individuality and uniqueness of families, and promotes a culture of learning that is child centered, age appropriate, and family driven.

The family engagement plan shall meet the requirements of 19 Administrative Code 102.1003(e)(2).

*19 TAC 102.1003(e); Education Code 29.168(a)*

Report and  
Evaluation

In a format prescribed by TEA, a district shall report information in compliance with 19 Administrative Code 102.1003(f).

A district shall:

1. Select and implement appropriate methods for evaluating the district's high-quality prekindergarten program by measuring student progress; and
2. Make data from the results of program evaluations available to parents.

A district may administer diagnostic assessments to students in a program class to evaluate student progress but may not administer a state standardized assessment instrument.

An assessment instrument administered to a prekindergarten program class must be selected from a list of appropriate prekindergarten assessment instruments identified by the commissioner.

*19 TAC 102.1003(f)-(g); Education Code 29.169*

Eligible Private  
Providers

A district that offers a high-quality prekindergarten program may enter into a contract with an eligible private provider to provide services or equipment for the program.

To be eligible to contract with a district to provide a program or part of a program, a private provider must be licensed by and in good standing with the Department of Family and Protective Services. A private provider is in good standing with the Department of Family and Protective Services if the department has not taken an action against the provider's license during the 24-month period preceding the date of a contract with a district. The private provider must also:

SPECIAL PROGRAMS  
PREKINDERGARTEN

EHBG  
(LEGAL)

1. Be accredited by a research-based, nationally recognized, and universally accessible accreditation system approved by the commissioner;
2. Be a Texas Rising Star Program provider with a three-star certification or higher;
3. Be a Texas School Ready! participant;
4. Have an existing partnership with a district to provide a prekindergarten program not provided under Subchapter E-1; or
5. Be accredited by an organization that is recognized by the Texas Private School Accreditation Commission.

A prekindergarten program provided by a private provider under Education Code 29.171 is subject to the requirements of Education Code Chapter 29, Subchapter E-1 and the class size requirement for prekindergarten classes imposed by Education Code 25.112(a) [see EEB].

*Education Code 29.171*

**Prekindergarten  
Expansion Grant**

A district may use funds from grants administered by the commissioner to expand an existing half-day prekindergarten program to a full-day basis or to implement a prekindergarten program on a campus that does not have a prekindergarten program.

A district may use funds received under this program to employ teachers and other personnel for a prekindergarten program or to acquire curriculum materials or equipment, including computers, for use in prekindergarten programs.

A district may use funds granted under this program in contracting with another entity, including a private entity.

*Education Code 29.155(a), (b), (i)*

**Ready to Read Grant**

A district that operates a prekindergarten program is eligible to apply for a Ready to Read grant if at least 75 percent of the children enrolled in the program are low-income students, as determined by commissioner rule.

Grants shall be used to provide scientific, research-based pre-reading instruction for the purpose of directly improving pre-reading skills and for identifying cost-effective models for pre-reading intervention. Grants funds shall be used for:

1. Professional staff development in pre-reading instruction;
2. Pre-reading curriculum and materials;

3. Pre-reading skills assessment materials; and
4. Employment of pre-reading instructors.

*Education Code 29.157(b), (c)*

**Statewide  
Information Referral  
Network**

A district shall provide the Texas Information and Referral Network with information regarding eligibility for and availability of child-care and education services for inclusion in the statewide information referral network. A district shall provide the information in a form determined by the executive commissioner of the Texas Health and Human Services Commission. *Gov't Code 531.0312*

"Child-care and education services" includes child-care and education services provided by a district through a prekindergarten or after-school program. *Gov't Code 531.03131(a)*

Staff of the Texas Information and Referral Network shall send an electronic mail message to each appropriate entity containing the name of and contact information for each applicant and a description of the services for which the applicant is applying.

On receipt of such an electronic mail message, a district shall contact the applicant to verify information regarding the applicant's eligibility for available child-care and education services. On certifying eligibility, a district shall match the applicant with entities providing those services in the applicant's community, including local workforce development boards, local child-care providers, or a Head Start or Early Head Start program provider.

A district shall cooperate with the Texas Information and Referral Network as necessary in the administration of this project.

*Gov't Code 531.0312(c)-(e)*