

BILL ANALYSIS

Senate Research Center
80R2052 BDH-D

S.B. 113
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Education
2/5/2007
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current Texas law, a child is eligible for enrollment in a prekindergarten class if the child is at least three years of age and is unable to speak and comprehend the English language; educationally disadvantaged; homeless, as defined by 42 U.S.C. Section 11302; the child of an active duty member of the armed forces of the United States; or the child of a member of the armed forces of the United States who was injured or killed while serving on active duty. The Education Code also authorizes school districts to provide tuition-supported or district financed prekindergarten programs for children not covered under Section 29.153.

According to the Texas Education Agency (TEA), if the student is eligible for prekindergarten because the student is homeless, the student must fit the definition of homeless as defined by 42 U.S.C. Section 11302 and also fall within the definition of homeless pursuant to the federal No Child Left Behind Act (NCLB) (42 U.S.C. Section 11434(a)). As defined therein, the term "homeless children and youths" means individuals who lack a fixed, regular, and adequate nighttime residence. This includes, among others, children and youths who are living in emergency or transitional shelters; abandoned in hospitals; or awaiting foster care placement.

Under TEA's interpretation, a foster child is eligible for a prekindergarten program under the NCLB definition of a "homeless" child. However, according to TEA, a foster child who is adopted before enrolling in prekindergarten or who is adopted during the school year and has to move to a different school may no longer qualify for prekindergarten, unless the child meets one of the other eligibility provisions.

As proposed, S.B. 113 modifies the current state law regarding a child's eligibility for enrollment in a prekindergarten class by including the definition used in 42 U.S.C. Section 11434(a). The bill also adds a provision to allow a child in foster care or other residential care under state conservatorship to remain eligible for enrollment regardless of a change in that child's status.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 29.153, Education Code, by amending Subsection (b) and adding Subsection (g), as follows:

(b) Makes a nonsubstantive change. Updates reference to definition of a homeless child as defined by 42 U.S.C. Section 11434a, rather than Section 11302, in the criteria for eligibility for enrollment in a pre-kindergarten class.

(g) Provides that a child who is eligible for enrollment in a prekindergarten class under Subsection (b)(3) because of the child's placement in foster care or other residential care under the conservatorship of the Department of Family and Protective Services remains eligible for enrollment regardless of whether the child's status under Subsection (b)(3) changes before or after enrolling in the class.

SECTION 2. Makes application of this Act prospective to the 2007-2008 school year.

SECTION 3. Effective date: upon passage or September 1, 2007.