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General Prekindergarten FAQ

updated 9/4/19

1. Are districts required to have a prekindergarten program?

Yes, if a district identifies 15 or more eligible children who are four years of age on or before September 1 of the current school year. A school district may offer prekindergarten classes if the district identifies 15 or more eligible children who are at least three years of age.

TEC §29.153(a-1) (<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.29.htm#29.153>)

2. Who is eligible for free public school prekindergarten?

To be eligible for enrollment in a free prekindergarten class, a child must be at least three years of age on or before September 1 of the current school year (if a 3-year-old program is available) or four years of age on or before September 1 of the current school year (if only a 4-year-old program is available) **and meet at least one of the following eligibility requirements:**

- is unable to speak and comprehend the English language; **or**
- is educationally disadvantaged (which means a student eligible to participate in the national free or reduced-price lunch program... guidelines can be found here (<https://www.fns.usda.gov/school-meals/income-eligibility-guidelines>)); **or**
- is homeless, as defined by 42 U.S.C. Section 1143a, 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; **or**
- 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; **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; **or**
- is or ever has been in the conservatorship of the Department of Family and Protective Services (*foster care*) following an adversary hearing held as provided by Section 262.201, Family Code; **or**
- is the child of a person eligible for the Star of Texas Award as: a peace officer under Section 3106.002, Government Code; a firefighter under Section 3106.003, Government Code; or an emergency medical first responder under Section 3106.004, Government Code.

TEC §29.153(b) (<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.29.htm#29.153>), SAAH, Section 7.2 (/node/104252), TEC 5.001 (4) (<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.5.htm#5.001>)

3. Does a school have to notify families about the availability of prekindergarten programs?

Yes. Each district offering a prekindergarten program must develop a system to notify families with eligible children of the availability of the program. Notice must be made in English and Spanish.

TEC §29.153(e) (<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.29.htm#29.153>)

4. Does the agency have any outreach materials to help schools notify communities?

Yes. The Early Childhood Education Division developed the Enrollment Toolkit (<https://www.texasgateway.org/resource/prekindergarten-enrollment-toolkit>) that includes materials to support program availability outreach to communities.

The Texas Early Learning Council (TELC) has developed guidelines to for development of infants up through children 48 months of age. www.littletexans.org (<http://www.littletexans.org>).

TEC §29.1534(e) (<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.29.htm#29.1534>)

5. What are some ways school districts can notify the availability of the prekindergarten program?

The following sources can be used for prekindergarten notification:

- Letter of notification sent home with students
- Identification systems in place at times of registration of older siblings
- Newspaper articles
- Notices in public places
- Radio announcements
- Display on school marquee
- Community newsletters

TEC §29.153(e) (<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.29.htm#29.153>)

6. May eligible students be excluded from eligibility if they are not potty trained or have frequent bathroom accidents?

No, they may not be excluded from eligibility. Eligible students are not required to be potty trained. TEA does not regulate procedures for assisting a child with bathroom capabilities. Local district policy governs hygiene assistance, and it is recommended that the school and the parent or person standing in parental relation to the child establish written guidelines for managing these situations.

TEC §29.153(b) (<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.29.htm#29.153>)

7. Why isn't my child eligible for prekindergarten?

The Texas Legislature determines eligibility requirements for free, public prekindergarten in Texas. When the Texas legislature established the prekindergarten program the intent was, and still is, to provide early learning experiences to students who are most at risk for school failure. Therefore, the eligibility is limited. The legislature believed that a high quality prekindergarten program could mitigate the impact of the at-risk characteristics, thereby assisting these students to become school ready when they enter kindergarten.

TEC §29.153(b) (<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.29.htm#29.153>), SAAH, Section 7.2 (/node/104252)

8. My child won't be five-years old until right after September 1 but is very smart and mature. Can he/she go to kindergarten instead of prekindergarten so they don't have to wait another year?

TEA and Texas public schools are governed by the Texas Education Code (TEC). A child must be at least five years of age on September 1 of the school year. A student younger than five years of age is entitled to the benefits of the Foundation School Program (i.e. kindergarten) if: (1) the student performs satisfactorily on the assessment instrument administered under Section 39.023(a) to students in the third grade; and (2) the district has adopted a policy for admitting students younger than five years of age.

If a student is eligible for prekindergarten by the definition set forth in section 7.2, the student is eligible for PK funding even if the district serves the student in a kindergarten classroom.

TEC §29.151 (<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.29.htm#29.151>), TEC §42.003(d), (<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.42.htm#42.003>) SAAH, Section 3.11.4 (/node/104252)

9. What is the room size requirement (minimum square feet) for a prekindergarten classroom?

Classrooms for prekindergarten, kindergarten and first grade shall have a minimum of 36 square feet per pupil or 800 square feet per room.

TAC §61.1033(d)(2)(A)(i) (<http://ritter.tea.state.tx.us/rules/tac/chapter061/ch61cc.html>), TAC §61.1036(d)(5)(B) (i) (<http://ritter.tea.state.tx.us/rules/tac/chapter061/ch61cc.html>)

10. How do I prove my child's age and identification?

The documents considered acceptable for proof of identification and age are:

- Birth Certificate;
- Statement of the child's date of birth issued by the division of the Texas Department of State Health Services responsible for vital statistics for school admission purposes
- Passport;
- School ID card, records, or report card;
- Military ID;
- Hospital birth record;
- Adoption records;
- Church baptismal record; or
- Any other legal document that establishes identity and age.

SAAH, Section 7.3 (/node/104252), Texas Health and Safety Code, §191.0046 (<http://www.statutes.legis.state.tx.us/Docs/HS/htm/HS.191.htm#191.0046>)

11. How do we know if our child is the right age?

Age is always calculated as of September 1 of the current school year (for the purposes of establishing eligibility). If school starts before the student's birth date, the attendance is eligible for the entire school year

as long as the student will be the required age on or before September 1 of the current school year.

SAAH, Section 14, Glossary (/node/104252)

12. Does my child have to go to prekindergarten if he or she is eligible?

No. Prekindergarten is not mandatory. However, on enrollment in prekindergarten, a child must attend school. All students are subject to compulsory school attendance rules while they are enrolled in school. If a child has not reached 6 years of age as of September 1 of the current school year, the child may be withdrawn from school without violating compulsory attendance rules.

TEC §25.085(b) and (c) (<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.25.htm#25.085>), SAAH, Section 3.5

13. If a student is eligible based on limited English proficiency (LEP) and is receiving required services through the bilingual/ESL program and then moves out of the district, does the student have to re-qualify for the prekindergarten program in the new district?

No. The student remains qualified to attend prekindergarten in the new district provided documentation of the home language survey and testing are made available to the new district. This requirement also applies to prekindergarten LEP three-year-olds who are promoted to the prekindergarten LEP four-year-old program.

SAAH, Section 7.2.2 (/node/104252), TAC §89.1225(i)
(<http://ritter.tea.state.tx.us/rules/tac/chapter089/ch089bb.html>)

14. If a student is eligible based on being limited English proficient (LEP) and is not receiving required services through the bilingual/ ESL program because of a parental denial, and then moves out of the district, does the student have to re-qualify for the prekindergarten program in the new district?

No. The student remains eligible for prekindergarten if the student enrolls in the new district provided the documentation of the home language survey and testing are made available to the new district.

SAAH, Section 7.2.2 (/node/104252)

15. For students who do not speak and comprehend the English language, what documentation is needed to determine eligibility?

If the student is eligible for prekindergarten because the student does not speak and comprehend the English language, the following documentation must be on file:

1. Home language survey. The home language survey shall be administered in English and Spanish; for students of other language groups, the home language survey shall be translated into the home language whenever possible. The home language survey shall contain the following questions [19 TAC §89.1215 (b)]: (<http://ritter.tea.state.tx.us/rules/tac/chapter089/ch089bb.html>)

- "What language is spoken in your home most of the time?"
- "What language does your child (do you) speak most of the time?"

2. Proof of a qualifying score on an approved oral language proficiency test. The official scores must be documented in the student's records.

3. Documentation of the LPAC's identification of the student as an English language learner.

SAAH, Section 7.2.2.1 (/node/104252)

16. What is the definition of educationally disadvantaged?

The term *educationally disadvantaged* means that a student is eligible to participate in the national free or reduced-price lunch program established under 42 United States Code, Section 1751 et seq.

TEC §5.001(4) (<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.5.htm#5.001>)

17. What is the income level for a household to qualify as educationally disadvantaged?

The income level is based on the National School Lunch Program (NSLP) income eligibility guidelines established annually by the U.S. Department of Agriculture. Those guidelines may be found at

<http://www.squaremeals.org/Publications/IncomeEligibilityGuidelines.aspx#CACFP>

(<http://www.squaremeals.org/Publications/IncomeEligibilityGuidelines.aspx#CACFP>).

TEC §5.001(4) (<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.5.htm#5.001>)

18. What if the qualifying status of a student's family changes during the school year?

The student remains eligible. For example, a student who qualifies for prekindergarten because the student is eligible to participate in the National School Lunch Program (educationally disadvantaged) remains eligible for the entire school year even if the family's annual income increases above the qualifying level during the school year.

SAAH, Section 7.2.3 (/node/104252), TEC §5.001(4)

(<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.5.htm#5.001>)

19. Do I have to provide current income level documentation to the school for my child who qualifies as educationally disadvantaged?

Yes. In order for a student to qualify for the National School Lunch Program (NSLP), the student's family is required to provide the school district with current income level documentation. Many districts preregister prekindergarten students to determine and plan for the size of the next school year's prekindergarten program. Since income level documentation must be current for a student to qualify for prekindergarten based on eligibility for the NSLP, your district must verify income level documentation no earlier than the April 1 before the next school year. Qualifying a student for prekindergarten on the basis of the student's meeting the NSLP income eligibility requirements does not automatically qualify the student for the NSLP. To qualify a student for the NSLP, your district must provide documentation to the TDA in accordance with the TDA's requirements.

Income documentation is not necessary for children who are automatically eligible for NSLP under criteria in federal law 42 United States Code (USC):

- a child who is a member of a household receiving benefits from the Supplemental Nutrition Assistance Program, Temporary Assistance for Needy Families program, or Food Distribution Program on Indian Reservations
- a child who is enrolled as a participant in Head Start or Even Start
- a child who is considered a migrant child
- a child who is considered homeless
- a child who is considered a runaway
- a child who is a foster child

SAAH, Section 7.2.3 (/node/104252)

20. Can I use my SNAP or TANF documents for prekindergarten eligibility?

Yes. All children in a Supplemental Nutrition Assistance Program (SNAP) or Temporary Assistance for Needy Families (TANF) household are categorically eligible to receive NSLP assistance. When a household submits a complete application that contains the name of the child, a current SNAP or TANF group number and an adult signature, the determining official must approve the child for free meals. No further application information is required. Please note that *Lone Star Card account numbers are not acceptable SNAP case numbers on the application. If this occurs, contact the applicant to obtain the valid SNAP or TANF eligibility number.*

ARM (Administrator's Reference Manual) for Texas Child Nutrition Programs, Section 4.11-4.12
(<http://www.squaremeals.org/Publications/Handbooks.aspx>)

21. What do I need to show my child is eligible for free and reduced lunch?

When providing written evidence of proof of income, parents or those standing in parental relation to the student must submit documents that show income received by the household during the month prior to verification. The document should contain the name of the person standing in parental relation, and amount and the date the income was received. A pay stub with no date would be insufficient. Gross income to be reported is any money received on a recurring basis including gross earned income. Specifically, gross income means all money earned before any deductions, such as income taxes, employee's social security taxes, insurance premiums, bonds, and charitable contributions. Acceptable documentation for earnings (wages and salary) include:

- Current paycheck stub
- Current pay envelope
- Letter from employer stating gross wages paid and how often they are paid
- Unemployment, Worker's Compensation or Disability payment stub
- Acceptable documentation for self-employment income include:
 - Business or farming documents, such as ledger books and/or self-issued paycheck stub
 - Last year's tax return
- Acceptable documentation for cash income include:
 - A letter from the employer stating wages paid and frequency

Please refer to the ARM (Administrator's Reference Manual)

(<http://www.squaremeals.org/publications/handbooks.aspx>) for *Texas Child Nutrition Programs* for additional sources and examples of income documentation.

ARM (*Administrator's Reference Manual*) for *Texas Child Nutrition Programs*, Section 4.21

(<http://www.squaremeals.org/Publications/Handbooks.aspx>)

22. If a child who is eligible for prekindergarten based on free or reduced-price lunch, enrolls and then withdraws from school and later returns to school within the same school year, is that child still eligible for prekindergarten?

Yes. Because NSLP applications are valid for the duration of the school year, the student remains.

ARM (*Administrator's Reference Manual*) for *Texas Child Nutrition Programs*, Section 4.26

(<http://www.squaremeals.org/Publications/Handbooks.aspx>)

23. If a student who is eligible based on being educationally disadvantaged (eligible to participate in the National School Lunch Program) moves to another district, does the student have to re-qualify for the prekindergarten program in the new district?

No. If a student qualifies for prekindergarten on the basis of being educationally disadvantaged (eligible to participate in the NSLP) and then moves out of the district, the student would not have to re-qualify for the prekindergarten program in the new district. The student is eligible based on the original application. Even if the parents are above poverty line at the time that they moved to the second school district, the student will qualify for a free/reduced lunch based on the original application. The student would still be reported in PEIMS as educationally disadvantaged.

When a student transfers to another district, the new district may accept the eligibility determination from a copy of the transferred student's meal application from the former district, however the accepting district will not incur liability for the accuracy of the initial determination made by the previous district. The accepting district should review the application for arithmetic errors and ensure the correct eligibility was determined. If an error was made, the accepting district must notify the household to submit a new application. The accepting district must make changes that occur as a result of verification activities or coordinated review findings conducted.

SAAH, Section 7.2.3 (/node/104252), ARM (*Administrator's Reference Manual*) for *Texas Child Nutrition Programs*, Section 4.47 (<http://www.squaremeals.org/Publications/Handbooks.aspx>)

24. Does my child have to participate in the National School Lunch Program (NSLP) in order to qualify for prekindergarten?

No. To qualify for prekindergarten on the basis of being educationally disadvantaged means that a student is *eligible* to participate in the NSLP.

TEC §29.153 (<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.29.htm#29.153>)

25. What is the definition of "homeless?"

The term "homeless child," as used in the prekindergarten statute, TEC, §29.153

([\(http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.29.htm#29.153\)](http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.29.htm#29.153))(b)(3), is defined by 42 USC, §11434a.

The definition of "homeless," "homeless individual," and "homeless person" in 42 USC, §11302, is similar, but not identical, to the definition of "homeless children and youths" in 42 USC, §11434a. As the general admission provision in the TEC, §25.001

([\(http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.25.htm#25.001\)](http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.25.htm#25.001))(b) (5), references the homeless definition in 42 USC, §11302, the TEA advises school districts to apply 42 USC, §11434a, and 42 USC, §11302, when determining whether a prekindergarten student is eligible for enrollment. For both definitions, see the entry for "Homeless Students" in the Student Attendance Accounting (http://tea.texas.gov/Finance_and_Grants/Financial_Compliance/Student_Attendance_Accounting_Handbook)

42 U.S.C. Section 11302(a) (<http://uscode.house.gov/download/pls/42C119.txt>), SAAH, Section 7.2.4

(/node/104252), As defined by NCLB, Title X, Part C, Section 725(2)

(<http://www2.ed.gov/policy/elsec/leg/esea02/pg116.html>), SAAH, Section 14, Glossary (/node/104252)

26. How do I show my child is eligible based on being homeless?

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

(<http://uscode.house.gov/download/pls/42C119.txt>) or 42 U.S.C. Section 11434(a)

(<http://uscode.house.gov/download/pls/42C119.txt>).

The Texas Homeless Education Office (THEO) offers a variety of services to the state.

THEO: <http://www.utdanacenter.org/theo> (<http://www.utdanacenter.org/theo>)

Contact: 1-800-446-3142

SAAH, Section 7.2.4 (/node/104252)

27. What is the definition of member of the armed forces?

The term *member of the armed forces* includes:

- active duty uniformed members (parents or official guardians) of the Army, Navy, Marine Corps, Air Force, or Coast Guard who have eligible children residing in Texas;
- activated/mobilized uniformed members of the Texas National Guard (Army or Air Guard), or activated/mobilized members of the reserve components of the Army, Navy, Marine Corps, Air Force, or Coast Guard who are Texas residents regardless of the location of the reserve unit; and who have eligible children residing in Texas;
- uniformed service members who are Missing in Action (MIA).

Also, for purposes of eligibility for enrollment in a prekindergarten program, a child is considered to be the child of a member of the armed forces if: (a) the child is the biological or adopted child of the member of the armed forces, regardless of whether the child lives with that parent; or (b) the child is a step-child of the

member of the armed forces and lives in the household of the member of the armed forces.

SAAH, Section 7.2.5 (/node/104252)

28. What do I need to show to demonstrate my child is eligible for prekindergarten based on the military criteria?

If a student is eligible for prekindergarten because the student is the child of an active duty, injured or killed member of the armed forces of the United States, including the state military forces or a reserved component of the armed forces, one of the following documents must be on file at the district:

Documentation that a district employee verified the student's US Department of Defense (DoD) photo identification for children of active duty service members. The documentation must include the printed name and signature of the person who verified the identification and the date that it was verified.

If the student has not been issued such an ID, then documentation must be on file that a district employee verified the military member's DoD photo identification (or other DoD-issued documentation indicating that the person is an active-duty member of the military) and verified documentation showing that the student is a child of the military member. The documentation to be kept on file must include the printed name and signature of the person who verified the DoD and the date that it was verified, as well as a photocopy of the documentation showing that the student is a child of the military member.

Important: Your district should **not** make a copy of DoD identification.

A statement of service from the installation adjutant general director of human resources for children of active members, mobilized reservists, or members of the Texas National Guard.

This office would use the military personnel systems and documentation to verify that the service member is in fact on active duty in Texas or a Texas mobilized reservist. For Texas National Guard members (army or air guard), the Texas National Guard's Office of the Adjutant General may provide documentation or an official letter from a commander (at or above the lieutenant colonel or, for the navy, at the commander level) confirming active or mobilized status, which is acceptable documentation.

A copy of the death certificate using the service-appropriate DoD form, or a DoD form that indicates death as the reason for the separation from service, for children of service members who died or were killed.

If the DoD form is not available, the family would ask the casualty assistance office of the closest casualty area command (in Texas) to provide a memorandum signed by the casualty office stating that the service member was killed in action or died while serving.

A copy of Purple Heart orders or citation for children of service members or mobilized reservists or guardsmen who were wounded or injured in combat.

A copy of the line of duty determination documentation for children of service members or mobilized reservists or guardsmen who were injured while serving active duty but were *not* wounded or injured in combat.

If this documentation is not available, a copy of an official letter from a commander (at or above the lieutenant colonel or, for the navy, at the commander level) that states that the service member was wounded or injured while on active duty is acceptable.

A copy of a letter from the US Department of Veterans Affairs indicating that the service member is eligible for disability compensation is also acceptable.

Documentation that a service member is MIA for children of service members who are MIA.

SAAH, Section 7.2.5.1 (/node/104252)

29. What if the parent leaves military services during the school year?

The student remains eligible for enrollment in prekindergarten if the child's parent leaves the armed forces, or is no longer on active duty, after the student has begun a prekindergarten class.

TEC §29.153(f) (<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.29.htm#29.153>), SAAH, Section 7.2.5 (/node/104252)

30. Does a foster care student have to be currently in foster care to be eligible for prekindergarten?

No. Students who are in or who have ever been in the conservatorship of the Texas Department of Family and Protective Services (DFPS) (i.e., in foster care) following an adversary hearing are eligible for free prekindergarten. These students include not only students who are in or who have ever been in DFPS conservatorship but also students who have been adopted or returned to their parents after having been in DFPS conservatorship. If a student qualifies for prekindergarten on the basis of having ever been in foster care, the student remains eligible for enrollment after the student begins a prekindergarten class even if that student is no longer in foster care.

SAAH, Section 7.2.6 (/node/104252)

31. What do I need to show to demonstrate my child is eligible for prekindergarten based on the foster care criteria?

If a student is eligible for prekindergarten because the student is or has ever 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, the parent or caregiver of the child will be mailed a verification letter of prekindergarten eligibility. Districts are asked to accept the DFPS letter as proof of eligibility to enroll these children in free prekindergarten. For assistance in obtaining a letter, please contact the DFPS Education Specialist (<http://www.tea.state.tx.us/FosterCareStudentSuccess/CPS>) in your area for assistance or for a description of other forms of proof of eligibility.

SAAH, Section 7.2.6

(http://tea.texas.gov/Finance_and_Grants/Financial_Compliance/Student_Attendance_Accounting_Handbook)

32. May a child who is five-years-old on September 1 be enrolled in prekindergarten?

A child who is five years of age on or before September 1 of the current school year is not eligible for enrollment in a prekindergarten class. It is the agency's position that children who reach age five on or before September 1 are most appropriately served in kindergarten, and that the law specifically established the prekindergarten program to serve students who have not reached age five. Given the intent of the law, if a district enrolls a five-year-old student in the prekindergarten program, the student must be reported as ineligible for Average Daily Attendance (ADA).

SAAH, Section 7.2.1

(http://tea.texas.gov/Finance_and_Grants/Financial_Compliance/Student_Attendance_Accounting_Handbook)

33. May three- and four-year-old children be served in the same class?

Yes. Three- and four-year-old students may be served in the same class.

SAAH, Section 7.2.1

(http://tea.texas.gov/Finance_and_Grants/Financial_Compliance/Student_Attendance_Accounting_Handbook)

34. May a district serve prekindergarten and kindergarten students in the same classroom?

Yes. Students of both grade levels may be served in the same classroom.

35. Are school districts required to serve three-year-old students who are eligible?

No. A district may offer prekindergarten classes if the district identifies 15 or more eligible children who are at least three years of age. A child who is three years old is eligible for prekindergarten only if the district operates a three-year-old prekindergarten program.

TEC §29.153(a) (<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.29.htm#29.153>), SAAH, Section 7.2

36. May a child younger than five years of age enter kindergarten?

A student younger than five years of age is entitled to the benefits of the Foundation School Program if: (1) the student performs satisfactorily on the assessment instrument administered under TEC Section 39.023(a), to students in the third grade; and (2) the district has adopted a policy for admitting students younger than five years of age.

TEC §42.003(d) (<https://statutes.capitol.texas.gov/Docs/ED/htm/ED.42.htm#42.003>)

37. May a child be retained in prekindergarten?

Districts are responsible for local policies on promotion and retention. However, prekindergarten is intended for three- and four-year-old students and not considered a proper placement for five-year-olds or older on September 1 and state prekindergarten funding is not provided for these children.

SAAH, Section 7.2.1 (/node/104252)

38. May districts keep "waiting lists" of eligible children who are not being served?

No, not for eligible four-year-olds. By law, a school district must offer prekindergarten classes if it identifies 15 or more children who are eligible and are four years of age by September 1 of the current school year. If a district offers a program for eligible three-year-old students, a waiting list or lottery for three-year-olds only may be established under district policy. In this case, the district may not be serving ineligible four-year-old students until all eligible 4-year-olds have been served. See **Guidelines for Offering Tuition-Based Prekindergarten** in Category IV.

TEC §29.153(a) (<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.29.htm#29.153>)

39. May TEA waive the requirement to begin a prekindergarten program?

Yes. On application of a district, the commissioner may exempt a district if the district would be required to construct classroom facilities in order to begin offering prekindergarten classes. A district waiver request must be accompanied by a plan from the district on how they will begin implementation of the program by the beginning of the school year following the request if the district continues to have 15 or more eligible students. Ongoing and continuous waivers and waivers requesting to not add students to an existing program will not be approved.

TEC §29.153(d) (<https://statutes.capitol.texas.gov/Docs/ED/htm/ED.29.htm#29.153>)

40. What do I need to show to demonstrate that my child is eligible based on the Star of Texas Award?

The office of the Governor, Criminal Justice Division honors recipients annually in September. The resolution (certificate) awarded to an individual serves as proof of eligibility to enroll these children in free prekindergarten if they are age-eligible. A list of past honorees may be viewed on the Criminal Justice Division-Past Honorees webpage (<https://gov.texas.gov/uploads/files/organization/criminal-justice/PastStarOfTexasAwards.pdf>). If an individual has a prekindergarten-aged child and has been nominated, but not notified as an honoree prior to the current school year, an individual may make a request to the Office of Early Childhood Education to make an eligibility determination based on the nomination submitted for review to the Criminal Justice Division.

Folder Access

Early Childhood Education (/taxonomy/term/1161)