

**SUBJECT:** Expanding eligibility for prekindergarten to certain foster children

**COMMITTEE:** Public Education — committee substitute recommended

**VOTE:** 7 ayes — Eissler, Zedler, Branch, Delisi, Hochberg, Olivo, Patrick  
0 nays  
2 absent — Dutton, Mowery

**SENATE VOTE:** On final passage, March 6 — 30-0

**WITNESSES:** For — Jason Sabo, United Ways of Texas (*Registered, but did not testify*: Connie Barker, De Pelchin Children's Center, One Voice; Jennifer Carr, Texas Catholic Conference, The Roman Catholic Bishops of Texas; Melody Chatelle, United Way Capital Area; Krista DelGallo, Texas Council on Family Violence; David Duty, Texas Association of School Boards; Holly Eaton, Texas Classroom Teachers Association; Harley Eckhart, Texas Elementary Principals and Supervisors Association; John Gasko, Texas Early Childhood Education Coalition; Elena Lincoln, Association of Texas Professional Educators; Madeline McClure, Tex Protects, The Texas Association for the Protection of Children; Ruby Ramos, Josette Saxton, Texans Care for Children; Shanna Weisfeld, Texas State Teachers Association; Ellen Williams, Houston Independent School District)  
  
Against — None  
  
On — Jamie Story, Texas Public Policy Foundation (*Registered, but did not testify*: Liz Kromrei, Department of Family and Protective Services)

**BACKGROUND:** Education Code, sec. 29.153 requires school districts to offer free half-day prekindergarten classes for 4-year-olds if 15 or more children in the district meet certain eligibility criteria. The district may offer free prekindergarten to 3-year-olds if 15 or more children meet the criteria. Children qualify for free prekindergarten if they are unable to speak and comprehend English, educationally disadvantaged, homeless, or the child

of an active-duty member of the armed forces or a member of the state military or army reserve who was injured or killed while on active duty.

To qualify as homeless, a child must meet the federal definition in 42 U.S.C., section 11302, which defines a homeless individual as one who lacks a fixed, regular, and adequate nighttime residence and who has a primary nighttime residence that is a publicly or privately operated shelter, an institution that provides a temporary residence for individuals, or a public or private place not ordinarily used as a regular sleeping accommodation. The federal No Child Left Behind (NCLB) Act uses a similar definition, U.S.C., sec. 11434a, to define a homeless child.

**DIGEST:**

CSSB 113 would change eligibility requirements for free prekindergarten for homeless children to conform to the NCLB definition of a homeless child. It would specify that a child who was or ever had been in the conservatorship of the Department of Family and Protective services following an adversary hearing would be eligible for free prekindergarten.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2007, and would apply beginning with the 2007-08 school year.

**SUPPORTERS  
SAY:**

CSSB 113 would clarify eligibility requirements for free prekindergarten for homeless children and those who had been placed in foster care. Under the Texas Education Agency's current interpretation of eligibility, foster children who are adopted and move to a different school no longer may qualify for prekindergarten, unless the child meets eligibility requirements.

CSSB 113 would make it clear that a child who was or ever had been in foster care following an adversary hearing would be eligible for free prekindergarten, even if the child were adopted or moved during the year. This would limit eligibility so that the definition did not apply to children who were removed briefly from their homes but did not reach the point of an adversary hearing. A foster child who had reached that point in the system would benefit from the continuity of care provided by prekindergarten programs, even if the child were adopted or moved to a different neighborhood.

Allowing a foster child to continue to qualify for free prekindergarten also could provide an incentive for adoption by eliminating or reducing the cost of child care.

OPPONENTS  
SAY:

Foster children who have been adopted by a family that can afford to pay for child care should not continue to be eligible for free prekindergarten. State-supported child care should not be further expanded to provide free child care for children who no longer meet the definition of a foster child.

NOTES:

The House committee substitute changed the eligibility requirements for foster children in the Senate-passed version of the bill to specify that a child would have had to have been in the conservatorship of DFPS following an adversary hearing.