

Prekindergarten Eligibility

Overview

Statute: [TEC §29.153 \(b\)](#)

Resources: [Student Attendance and Accounting Handbook \(SAAH\)](#), Section 7.2 & 3.5

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 and meet at least one of the following eligibility requirements:

- unable to speak and comprehend the English language
- is educationally disadvantaged (eligible to participate in the national school lunch program... guidelines about NSLP eligibility can be found in sections 4 and 6 of the Texas Department of Agriculture's [Administrators Reference Manual](#))
- is homeless, as defined by [42 USC, §11434a](#), 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
- 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
- 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
- is or has ever been in the conservatorship of the Texas Department of Family and Protective Services (foster care) following an adversary hearing held as provided by [Family Code §262.201](#)
- is the child of a person eligible for the Star of Texas Award as:
 - a peace officer under [Texas Government Code §3106.002](#),
 - a firefighter under [Texas Government Code §3106.003](#)
 - an emergency medical first responder under [Texas Government Code §3106.004](#)

Eligibility applies to three-year-olds when a three-year-old program is available.

Documentation

A district must verify a student's eligibility for pre-k in order to receive funding for the pre-k program. Districts must have the verification document as well as any required documentation on file for their records.

Key Points

- Each district offering a prekindergarten program must develop a system to notify families with eligible children of the availability of the program [TEC §29.153\(e\)](#). Notice must be made in English and Spanish. 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
 - Social media announcements

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- Students may not be denied or excluded from participating in a prekindergarten program for any reason if they are deemed eligible [TEC §29.153 \(b\)](#).
- “Child” includes stepchild. The stepchild is eligible for pre-k enrollment whether or not the child resides in the same household as the stepparent. [Student Attendance and Accounting Handbook, Section 7.2.1](#)
- Once a student is determined to be eligible for pre-k, the student remains eligible for the remainder of the current school year in the district in which he or she resides or is otherwise entitled to attend for Foundation School Program benefits.

Frequently Asked Questions

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.

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\(c\)](#), [SAAH, Section 3.5](#)

Are districts required to serve three-year-olds 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\(a\)](#), [SAAH, Section 7.2](#)

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. [TEC §29.153\(a\)](#)

Is it necessary to verify/qualify a four-year-old student for PK who was eligible and enrolled in PK as a three-year-old student?

LEAs are still required to do their normal qualification process for previously enrolled three-year-old students, even though they would automatically qualify for PK based on their qualification and enrollment as three-year-old PK students. The PEIMS qualification code of automatic eligibility is a code of last resort and is only to be used if a student does not qualify for PK in any other way.