

## Support HB 1996 by Rep. Ana Hernandez

**HB 1996 – and a provision in HB 2 by Rep. Brad Buckley – would make children with disabilities eligible for Texas pre-k, ensuring access to effective early intervention and instruction.**

### Pre-K Can Support Short- and Long-term Outcomes for Students and the State

Pre-k is beneficial for children, especially those with disabilities, as it helps them develop essential school routines, practice language and social skills, and build foundational literacy and numeracy. These skills set the foundation for greater success in the later grades.<sup>1</sup> A University of Texas study estimated that pre-k saves the state \$142 million annually by reducing special education expenditures and preventing grade retention alone — without accounting for savings generated through other pre-k benefits.<sup>2</sup>

### Children with Disabilities Benefit from Learning with their Non-Disabled Peers

For three- and four-year-old students with disabilities, an admissions, review, and dismissal (ARD) committee – including parents, teachers, and school representatives – determines the necessary special education supports and identifies the least restrictive environment (LRE) to best support that student. LRE refers to placing students in settings that allow them to interact with their non-disabled peers to the greatest extent possible. In many cases, children with disabilities benefit from being in a general education classroom where they can engage with their peers. **For example, a student with a language delay benefits from one-on-one interventions with a speech-language pathologist and from being in the language-rich environment of a high-quality pre-k classroom, practicing appropriate language use with their non-disabled peers.**<sup>3</sup>



### However, Current Texas Pre-K Eligibility Criteria Exclude Kids with Disabilities

Texas offers full-day pre-k for 4-year-olds (and some 3-year-olds) in the following populations:

- Low income (Below 185% of the federal poverty guidelines)
- Homeless
- Emergent Bilingual
- Currently or previously in foster care
- Child of active duty military
- Child of a member of the armed forces killed in action or injured
- Child of a person eligible for the Star of Texas Award

## Excluding Children with Disabilities from Pre-K Eligibility Creates Challenges for Children and Schools

Currently, if a student's ARD committee determines the public pre-k classroom is the most effective placement:

- Schools may be unable to include students with disabilities in the public pre-k classroom due to limited space, as districts must prioritize students who meet the eligibility criteria.
- Schools that do include the student in pre-k may not receive Average Daily Attendance (ADA) funding for the student.
- Schools that include the student in pre-k may also not receive special education funding for the student because they did not place them in an Early Childhood Special Education classroom.

These challenges can cost children access to valuable early learning experiences and cost schools, who may have to divert funds from other sources to cover the expenses of educating students.

**The Governor's Committee on People with Disabilities also recommended including children with disabilities in pre-k eligibility, saying:**<sup>4</sup>

Prekindergarten entry guidelines need to include a path for admission based on disability. Early Childhood Special Education services are great for more complex students, however for students with speech needs or higher-level autism, the local education agency often must choose between receiving funding for the prekindergarten slot or placement in the least restrictive environment.

**In addition, because children with disabilities are not eligible for Texas public pre-k, many would not be eligible for the education savings accounts (ESA) program if adopted.**

### HB 1996 Improves Access to Pre-K for Students with Disabilities

To address these challenges and better support children with disabilities, other states, such as Virginia, Kentucky, and Michigan, ensure a child with a disability is automatically eligible for state pre-k, regardless of income or other factors.<sup>5</sup>

This bill amends Texas public pre-k eligibility to include students with disabilities, ensuring:

- Parents of children with disabilities can access the most effective early intervention and instruction options for their children's learning and development.
- Three- and four-year-old children with disabilities are eligible for ESAs if adopted.

## Endnotes

1. Investing in Our Future: The Evidence Base for Preschool. (2013). Retrieved at: [https://www.srcd.org/sites/default/files/file-attachments/mb\\_2013\\_10\\_16\\_investing\\_in\\_children.pdf](https://www.srcd.org/sites/default/files/file-attachments/mb_2013_10_16_investing_in_children.pdf)
2. Pre-K is good for kids and for Texas: Short-term savings from pre-k estimated at nearly \$142 million annually (2015). Child & Family Research Partnership, University of Texas at Austin. Retrieved at: <https://progov21.org/Download/Document/SX3283>
3. Justice, L. M., Logan, J. A. R., Lin, T., and Kaderavek, J. N. (2014). Peer Effects in Early Childhood Education: Testing the Assumptions of Special-Education Inclusion. Retrieved at: <https://journals.sagepub.com/doi/10.1177/0956797614538978>
4. Texas Governor's Committee on People with Disabilities (2024). 2026-2027 policy recommendations. Retrieved at: [https://gov.texas.gov/uploads/files/organization/disabilities/2026-2027\\_GCPD\\_Biennial\\_Policy\\_Recommendations\\_for\\_the\\_89th\\_Legislature.pdf](https://gov.texas.gov/uploads/files/organization/disabilities/2026-2027_GCPD_Biennial_Policy_Recommendations_for_the_89th_Legislature.pdf)
5. Virginia: <https://www.doe.virginia.gov/programs-services/special-education/evaluation-and-eligibility>