

**Sec. 6.4.1. PREKINDERGARTEN PROGRAMS**

**Sec. 6.4.1.1. Tuition-Free Program**

[CHARTER HOLDER] shall offer tuition-free prekindergarten classes if it identified 15 or more eligible children who are at least four years of age. **Advantage Academy** may offer tuition-free prekindergarten classes if it identifies 15 or more eligible children who are at least three years of age.

Sec. 6.4.1.1.1. *Exemption*

**Advantage Academy** may apply to the Commissioner for an exemption from the requirement that it provide a free prekindergarten program if **Advantage Academy** would be required to construct classroom facilities in order to provide the program.

Sec. 6.4.1.1.2. *Half-Day Basis*

A tuition-free prekindergarten class shall be operated on a half-day basis.

Sec. 6.4.1.1.3. *Program Eligibility*

A child is eligible for enrollment in free prekindergarten if the child is at least three years of age and:

1. Is unable to speak and comprehend the English language;
2. Is educationally disadvantaged;
3. Is homeless, as defined by federal law, 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;
4. 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;
5. 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
6. Is or ever has been in the conservatorship of the Department of Family and Protective Services following an adversary hearing under Family Code 262.201.
7. Is the child of a person eligible for the Star of Texas Award as:
  - a. A peace officer under Section 3106.002, Government Code;
  - b. A firefighter under Section 3106.003, Government Code; or
  - c. An emergency medical first responder under Section 3106.004, Government Code.

A child who is eligible for enrollment under item 4 or 5 above remains eligible if the child's parent leaves the armed forces, or is no longer on active duty, after the child begins the prekindergarten class.

Sec. 6.4.1.1.4. Public Notice

The Superintendent shall develop a system to notify the population in the community with children eligible or enrollment of the availability of the program. The system must include public notices issued in English and Spanish.

**Sec. 6.4.2. PRESCHOOL-AGED CHILDREN**

If **Advantage Academy** offers preschool, **Advantage Academy** must provide a free appropriate public education (FAPE) in the least restrictive environment to preschool-aged students even if **Advantage Academy** does not provide free preschool programs to all preschool-aged children. (34 C.F.R. §§300.101(a)-(b) and §300.116)

**Advantage Academy** may provide opportunities for the participation of the preschool students with disabilities in other preschool programs operated by public agencies or by locating classes for preschool students with disabilities in regular elementary schools. However, **Advantage Academy** is not required to initiate preschool programs or to establish extensive contact programs with private schools which serve both students with disabilities and students without disabilities solely to satisfy the requirements regarding placement in the least restrictive environment. (OSEP Policy Memo 89-23; 34 C.F.R. §300.102(a))

**Advantage Academy** shall develop a system to notify residents within the **Advantage Academy** boundaries with children who are at least three and younger than six and who are eligible for enrollment in a special education program of the availability of such programs. (TEC §29.009)