

ECE Waivers: Frequently Asked Questions

Updated September 2020

1. 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)

2. May a district request a waiver to either partially, or fully exempt them from providing a full-day prekindergarten to eligible four-year-olds?

Yes. A district may request an exemption for up to three years, which may only be renewed once. All districts that are unable to meet the full-day requirement for all eligible 4-year-old students by September 1, 2019 must submit an exemption request.

3. If a district elects to request a full-day prekindergarten waiver, when and through what process will that be available?

An exemption may be requested through the State Waivers Unit. The exemption for full-day prekindergarten will be available each year for first time applicants or renewals.

4. Is the use of an existing elementary classroom for prekindergarten an instance of repurposing under HB3?

No, if the prekindergarten classroom was an existing elementary classroom prior to the current elementary school year, this would not be considered repurposing as it will still be a classroom. If the space was not an elementary classroom and required modifications to become a classroom, this would then be considered repurposing.

5. When I apply for a full-day prekindergarten waiver, what information will be requested of my LEA?

The following information will be required:

- LEA contact name, phone and email
- Date of LEA board meeting
- Exemption condition
- Date of public meeting
- Did your LEA solicit partnership opportunities? Yes/No
- Did your LEA receive proposals for partnerships? Yes/No
- Did your LEA consider the proposals for the partnership it received? Yes/No
 - If yes, type of partnership and number of solicitations received

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Type	Number of Solicitations
Texas Rising Star – 3+ star certification	
Nationally Accredited	
Head Start	
Texas School Reading	
Met the Requirements of TEC §29.1532	
Other	

- Requested years
 - Select requested years (up to 3 years)

6. Why should my district request a waiver for full-day prekindergarten?

House Bill 3, 86th Texas Legislature, requires that full-day prekindergarten be provided for all eligible four-year-old students beginning on September 1, 2019. LEAs that are unable to meet the full-day requirement for all eligible four-year-old students must submit an exemption request. Exemptions may be granted if it is determined that:

1. the LEA would be required to construct classroom facilities in order to provide prekindergarten classes; or
2. implementation would result in fewer eligible children being enrolled in prekindergarten.

7. How do LEAs determine the number of years for which a full-day waiver is needed?

It is important for LEAs to determine how many years will be required to acquire classroom space, construct new buildings or establish partnerships with child care providers to begin offering full-day prekindergarten to all eligible four-year-old students. Once a plan is in place and a timeline is established, the LEA can make an informed decision about the number of years needed for the exemption. An exemption can be requested for up to three years and can be renewed only once.

8. What is the process for renewing a full-day prekindergarten exemption?

LEAs with an approved exemption, may apply for a one-time renewal of the full-day prekindergarten exemption towards the end of the expiring school year. When applying for renewal, the LEA must attach documentation to the waiver application to show they have adhered to the [Full-Day Prekindergarten Exemption Process](#).

9. When and how will an LEA be notified about the approval of a waiver submitted for full-day prekindergarten?

LEAs will be notified within thirty days from the date of submission regarding the status of their exemption request. The State Waivers Unit will notify the contact person indicated on the exemption application by email or US mail regarding the approval of the requested exemption.

10. My district was able to offer full-day prekindergarten to all eligible four-year-old students in the 2019-2020 school year, but we are now in a situation where providing full-day prekindergarten to all eligible students will not be feasible. Can we apply for a waiver now?

Yes, an LEA may apply for the full-day prekindergarten exemption in school year 2020-2021. The LEA will be able to request an exemption for up to three years and may renew the exemption once.

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11. What is the purpose for soliciting and considering partnerships with public or private child care providers before requesting a full-day prekindergarten waiver?

It is important to consider all options for providing full-day prekindergarten for all eligible four-year-old students before requesting an exemption. For example, child care providers may have additional space available immediately for serving more eligible students. There may also be cases where child care providers are already serving four-year-old students who may also qualify for prekindergarten. Entering into a partnership will allow the LEA and the child care provider to leverage funding, resources, and services to provide a high-quality prekindergarten program. Even if a partnership may not be a right fit at the moment, the solicitation process will allow for the LEA and child care providers to build relationships for possible future partnership opportunities.

12. How do LEAs determine the need to solicit partnership proposals for years two and three of the waiver term?

If an LEA has a two- or three-year exemption, the LEA is required to show progress each year. In order to show progress, the LEA should increase the number of children who are receiving full-day prekindergarten each year that an exemption is in place. If an LEA is not able to show progress, the LEA should hold an additional public meeting to solicit and consider proposals for partnerships with public or private child care providers.

13. Is there a certain process LEAs should follow when soliciting and considering partnership proposals?

LEAs should make the proposal process known to the community, especially private or public child care providers (e.g., through the LEA's website, social media, and the local workforce board). Sufficient time should be given to child care providers to submit their proposals for consideration. LEAs must review and consider proposals from interested eligible child care providers at a public meeting.

An LEA must solicit and consider proposals for partnerships with public or private child care providers who meet one of the following status requirements:

- Texas Rising Star program providers with a three-star certification or higher
- Nationally accredited
- Head Start program providers
- Texas School Ready! participants
- Meet the requirements under *Texas Education Code, §29.1532*:

If an LEA contracts with a private entity for the operation of the LEAs prekindergarten program, the program must at a minimum comply with the applicable child care licensing standards adopted by the Department of Protective and Regulatory Services under *Human Resources Code §42.042*.

14. Does the full-day prekindergarten waiver exempt an LEA from the high-quality prekindergarten components?

An LEA that requests an exemption from full-day prekindergarten will have the option to request an exemption from one or more of the high-quality prekindergarten components.

15. How does an LEA request an exemption from the high-quality prekindergarten components?

An exemption from the high-quality prekindergarten components can only be requested by LEAs that are requesting an exemption from full-day prekindergarten or already have an approved exemption from full-day prekindergarten.

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1. After requesting an exemption from full-day prekindergarten, complete the “High-Quality Prekindergarten Component Exemption” form to request an exemption from one or more of the high-quality prekindergarten components.
2. Board approval is needed for exemption of one or more of the high-quality prekindergarten components.
 - For LEAs requesting exemption from full-day prekindergarten for the first time, the request for exemption from full-day prekindergarten and the high-quality components can be taken to the board at the same time.
 - For LEAs with an existing approved full-day prekindergarten exemption, an additional board approval will be needed for exemption of one or more of the high-quality prekindergarten components.

The following information must be included in the exemption request:

- LEA contact name, phone, and email
- Status of LEA’s full-day prekindergarten exemption
- Indication of high-quality prekindergarten components for which the LEA is requesting exemption
- Date of LEA board meeting

The TEA Early Childhood Division will notify the contact person listed on the “High-Quality Prekindergarten Component Exemption” form by email regarding the approval of the requested exemption of the high-quality prekindergarten components within 30 days of submission.

16. Is there a deadline to request exemption from the high-quality prekindergarten components?

LEAs applying for the full-day prekindergarten exemption for the current school year have through the end of the school year to request an exemption from the high-quality prekindergarten components.

17. Can a district continue to partner with a Head Start or licensed child care to provide a full-day program and receive the early education allotment?

Yes. If a district has a partnership with a Head Start or licensed child care program, they may continue to braid their half-day average daily attendance with Head Start and/or child care funds. The early education allotment may be used to supplement quality improvement efforts to meet the high-quality prekindergarten components.

18. What is the definition of a public meeting?

To be considered a public meeting, the local education agency (LEA) must issue a public notice of the time, place, and subject matter of the meeting. Many LEAs address the solicitation and review of prekindergarten partnership proposals from local child care providers during a scheduled school board meeting. However, holding the public meeting during a school board meeting is not a requirement.