

Board of Trustees

Meeting Date: August 25, 2026

Executive Summary of Board Agenda Item

Subject/Title for Agenda Posting: Recommendation to approve administration's submission and application for waiver to Texas Education Agency (TEA) for school systems actively working with Pre-K partners to meet the 85% pass-through rate.

Justification Statement:

The Texas Education Agency encourages school systems to comply with the 85% pass-through requirement for the current school year.

Purpose of Agenda Item:

☐ Information ☐ Discussion ☒ Action

Item Type:

☒ Curriculum & Instruction ☐ Human Resources ☐ Business Services

Staff Responsible:

Dr. Jesica Arellano

Signature of Requester(s)

Signature of Presenter(s)

CP

Business Services Approval (Initials)

Date

Agenda Summary:

School Systems may apply for a waiver if they are not in compliance, given there may have been inadequate time for negotiation between school systems and their partners to allow for implementation.

For School Year 2026-2027, waivers will also be available for school systems working in good faith with their Pre-K partners to ensure their agreements meet the 85% pass-through rate. The Texas Education Agency will provide targeted support to facilitate partnerships through Pre-K Intermediaries established established under HB 2. The application process for Pre-K Intermediaries will be conducted in summer 2026 and intermediaries will be named in fall 2026.

Waiver applications must be submitted by August 31, 2026. Waivers may be approved for School Year 2025-2026, School Year 2026-2027, or both.

RECOMMENDATION:

Recommendation to approve the waiver application as presented in order to meet the August 31, 2026 deadline

PRIOR BOARD ACTION:

AWARDED:

AWARDED AMOUNT:

AMOUNT(S):

ACCOUNT NO(S):

PROCUREMENT METHOD TYPE: (3 Quotes, Cooperative Contract Quotes, Sole Source, Formal Bid)

REQUESTING DEPARTMENT:

Curriculum and Instruction

CONSEQUENCES OF NON-APPROVAL:

IMPLEMENTATION TIMELINE:

ATTACHMENT(S): ✓

TEA notification Documentation



Pre-K Partnership Pass-Through Waiver

Fields marked with an asterisk (*) are required.

Pre-K Partnership Pass-Through Funding Requirement Reminder

[Texas Education Code \(TEC\), §29.153\(i\)](#)

TEC, §29.153(i) as established by HB 2 in the 89th Legislative Session states:

(i) A partnership entered into between a school district or open-enrollment charter school and a private provider for a prekindergarten class under this section must provide for the provider to receive funding for each district or school student enrolled in the class in an amount that is not less than 85 percent of the amount of funding that the district or school receives for the student. Notwithstanding Section 7.056(e)(3)(I), the commissioner may waive the requirement under this subsection on request by a school district or open-enrollment charter school in accordance with Section 7.056.

This provision §29.153(i), as enacted by HB 2, began to apply to school districts with the 2025-26 school year.

Section I: Application Information

To be granted a waiver, you will need to demonstrate the following:

1. Be engaged in partnerships
2. The pass-through percentage is under the 85/15 split being shared from the school system to the partnering entity
3. Complete Attestation (at the bottom of waiver application) to be in compliance by August 2027

Waivers can be granted for school year 25-26, school year 26-27, or both.

School System Name *

Requested Years for this Waiver Application *

Name and Position of Person Submitting Waiver Application *

Are you currently engaged in partnerships? *

How many partnerships does the school system currently have?

*

Section 2: Details of the financial pass-through funding

REMINDER: TEC, §29.153(i), requires that a provider receive not less than 85% of the funding the district or school receives for the student. The funding a district or school receives for the student should be a good faith estimate of the total amount of funding a district receives for the student. This includes funds from regular program funding, the early education allotment, state compensatory education funding, special education funding, bilingual funding, tier two funding, other direct (e.g. small and mid-sized allotment, allotment for basic costs, school safety, etc.), and other indirect (e.g. proportionate share of transportation teacher retention allotment) funding. School systems should use local state aid templates to estimate the total funding per student.

List the partnering entities that receive at least 85% of the amount of funding that the district or school receives for each student. *

If none, put N/A



List the partnering entities that do not receive 85% of the amount of funding that the district or school receives for each student. *

What is included in the pass-through percentage being shared to the partnering entity? *

Waiver Attestation *

By including the contact email below, the submittal of this request by the named party reflects the following assurances and attestation that:

1. The campus- or district-level committee established under TEC §11.251 has reviewed and concurs with this waiver request is has provided additional comments in an attachment; and
2. the Board of Trustees has officially approved the waiver request.



Data of School System Board of Trustees Approval for waiver request *

Attach a copy of the board agenda or minutes from the meeting at which the specific waiver request was approved using the Upload section below.

Please Upload the following documents for the waiver application: *

1. Board of Trustees Approval for waiver request

Reminder: upload can be a copy of the board agenda or minutes from the meeting where the Board of Trustees approved the waiver request.



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Early Learning Public-Private Partnerships

What are Public-Private Prekindergarten Partnerships?

Public-private prekindergarten partnerships are collaborations between local education agencies (LEAs) such as school districts or open-enrollment charter schools, and private child care or [Head Start](#)  programs. LEAs, and private child care or Head Start programs, may establish formal or informal partnerships based on enrollment and development activities. The partnerships are developed to reflect the needs of children and families, local resources available, and community trends.

Public-private prekindergarten partnerships are encouraged because of the collaborative opportunities and benefits they foster, and are required by [Texas Education Code 29.1533](#)  in some situations. Providers must also meet solicitation, eligibility, and enrollment requirements required by [TEC §29.171](#) .

House Bill 2 Updates and Pre-K Partnership Intermediaries

Pre-K Pass-through Funding

HB 2 requires that a partnership between a school district or charter school and a private prekindergarten provider must provide that at least 85% of funds are passed to the private prekindergarten provider as updated in [TEC, §29.153\(i\)](#)  from the 89th Legislative Session.

The [Pre-K Pass-through Funding Requirements from HB 2](#)  document linked here includes this statutory information as well as what constitutes 85% of funding, TEA's approach to supporting **TOP** monitoring this requirement and waiver information, which is included below.

Waiver Information:

- School systems may apply for a waiver using this link: [Pre-K Partnership Pass-Through Waiver](#) . Waiver applications must be submitted by September 30, 2026. Waivers may be approved for School Year 2025-2026, School Year 2026-2027, or both.
- TEA will engage in rulemaking to clarify expectations for pass-through rates and Pre-K Partnership agreement expectations. The Agency expects these rules to be in effect in summer 2027.
- Additional details on rules, intermediaries, and available supports will be released in a To The Administrator Addressed (TAA) letter in early fall 2026.

Pre-K Partnership Intermediaries

The Texas Education Agency (TEA) seeks to designate at least 4 Pre-K Partnership Intermediaries to expand prekindergarten partnerships between School Systems and Pre-K Providers across Texas. The Texas Legislature created House Bill 2, and the bill was signed into law in 2025. House Bill 2 made amendments to [TEC §29.153](#) , where the Commissioner is to name at least 4 Pre-K Intermediaries to support prekindergarten partnerships, and these Intermediaries will also make determinations for school systems to expand their prekindergarten or offer tuition-based programming.

The named Intermediaries will be listed on an approved vendor list and will be responsible for the following core functions:

- Recruit High-Quality Pre-K Providers and Match with school systems
- Support Contracts, Financial Modeling, and Agreement Negotiations
- Ensure Pre-K Quality
- Provide Operational Support
- Make Determinations

Resources for prospective Intermediary Applicants:

- [Pre-K Partnership Intermediary Application](#) 
- [Pre-K Partnership Intermediary Overview Webinar](#) 
- [Intermediary Application Office Hours FAQ](#) 

Support and Services



Partnership Resources

Partnership Process provides resources on how school systems, child care programs, and Head Start programs establish a partnership.

Charter School Considerations

An open enrollment charter school that would like to develop a prekindergarten partnership with a high-quality child care program or Head Start program must follow the same provisions as school districts, with the following additional requirements:

- The charter school must be in good standing with TEA.
- The charter school must be authorized to serve the age levels served in the prekindergarten program.
- The charter school must be authorized to serve children on the site of the prekindergarten partnership program.
- The charter school must be authorized to serve children from the residential areas of the children enrolled at the prekindergarten partnership program.
- Enrollment of children in the partnership program combined with the charter school's student enrollment may not exceed the charter school's maximum enrollment.

Meeting these requirements may involve the application for one or more expansion amendments with the [Charter Schools Division of TEA](#), as prescribed in [Texas Administrative Code §100.1035](#) .

Charter schools must receive approval for expansion amendments before receiving funding for prekindergarten partnership programs. The expansion amendment application and approval process may require several months, which may extend the implementation timeline for starting a prekindergarten partnership program. Please contact

CharterSchools@tea.texas.gov for questions about the charter school expansion amendment process.

Child Care Partnership Support

TEA partners with the Texas Workforce Commission (TWC) Pre-K Partnerships Department to support prekindergarten partnerships. Eligible child care programs working with the TWC Pre-K Partnerships Department can apply for a one-time award of up to \$25,000 for each new partnership classroom. The award will help child care programs with some of the costs of the new pre-k partnership classroom.

The money is not intended to replace the contributions from the school. The child care program and local education agency must be working with the TWC Pre-K Partnership Team during the partnership.



process. To learn more about this work and available support, visit [TWC Pre-K Partnerships](#)  or email prekpartnerships@twc.texas.gov.

Head Start Partnership Resources

The National Center on Early Childhood Development, Teaching, and Learning has developed many great resources for partnerships between Head Start and child care programs, with some that can be modified for use in partnerships with LEAs.

- [Partnership Relationship Resources](#) 
- [Planning Guide and Organizational Readiness Chart](#)  
- [Program Planning](#) 
- [Systems Building Resources](#) 

Related Content

Resources

- [About Public-Private Prekindergarten Partnerships](#) (PDF)
- [Financial Modeling Resources for Prekindergarten Partnerships](#) 
- [Developing a Prekindergarten Partnership Agreement/MOU](#) (PDF)
- [Partnership Models Overview](#) (PDF)
- [Tips for Soliciting Partnership Proposals](#) (PDF)
- *Frequently Asked Questions (FAQs) Coming Soon*
- [PK Partnership Classroom Teacher Coding Guidance](#)  (PDF)

Texas Education Agency

1701 N. Congress Avenue
Austin, TX, 78701

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Frequently Asked Questions

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Contact Us

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