
Appropriations Committee

ESB 5872

Brief Description: Establishing the preK promise account.

Sponsors: Senators Wilson, C., Bateman, Conway, Dhingra, Lias, Nobles, Pedersen, Riccelli, Robinson, Shewmake and Wellman; by request of Governor Ferguson.

<p style="text-align: center;">Brief Summary of Engrossed Bill</p> <ul style="list-style-type: none">• Establishes the PreK Promise Account to be used for the Early Childhood Education and Assistance Program.

Hearing Date: 2/18/26

Staff: Jordan Clarke (786-7123).

Background:

Accounts.

In addition to the State General Fund, which may be expended for any lawful purpose, the state maintains several hundred accounts that are dedicated to particular statutory purposes. These accounts generally fall into one of 3 categories: (1) accounts located in the State Treasury, which always require appropriation by the Legislature; (2) accounts held in the custody of the State Treasurer, which may or may not require legislative appropriation; and (3) accounts located in state agencies and institutions of higher education, known as local accounts.

The Early Childhood Education and Assistance Program.

The Early Childhood Education and Assistance Program (ECEAP) is a no-cost preschool and family support program administered by the Department of Children, Youth, and Families

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

(DCYF).

Standard Eligibility Criteria for the Early Childhood Education and Assistance Program.

A child is eligible for the ECEAP when they are between the ages of 3 and 5 and:

- have a family with financial need;
- are experiencing homelessness;
- have participated in Early Head Start or a successor federal program, the Early Support for Infants and Toddlers program or received class C developmental services, the Birth to 3 ECEAP, or the Early Childhood Intervention and Prevention Services program;
- are eligible for special education due to disability; or
- are Indian as defined in DCYF rule and have a household income at or below 100 percent of the state median income (SMI).

"Family with financial need" means families with incomes at or below 36 percent of the SMI until the 2030-31 school year. Beginning in the 2030-31 school year, it includes families with incomes at or below 50 percent of the SMI.

Starting in the 2030-31 school year, the ECEAP will become an entitlement for eligible children meeting the standard eligibility criteria.

Additional Allowed Enrollment in the Early Childhood Education and Assistance Program.

The DCYF is authorized to enroll additional children in the ECEAP who do not meet standard eligibility criteria, as space is available, if their family income level is above 36 percent of the SMI, but at or below 50 percent of the SMI, and the child meets at least one specified risk factor.

The DCYF may also allow 3-year-olds who do not meet standard eligibility criteria to enroll in the ECEAP, as space is available, when they are only ineligible because they did not turn age 3 before the start of the school year, or when they:

- have a family income at or below 50 percent of the SMI or meet one or more risk factors as identified by the DCYF; and
- have participated in the Early Support for Infants and Toddlers program, the Early Head Start program or the Birth to 3 ECEAP, or the Early Childhood Intervention Prevention Services program.

Children enrolled in the ECEAP under allowed enrollment criteria are not included in the upcoming entitlement.

Summary of Bill:

The PreK Promise Account (Account) is created in the custody of the State Treasurer to be used solely and exclusively for the ECEAP. All receipts from any gifts, grants, or donations received by the Secretary of the DCYF (Secretary) for the Account must be deposited into the Account, and only the Secretary may authorize expenditures from the Account.

The Account is nonappropriated but is subject to allotment procedures. Any residue in the Account at the end of each biennium may not revert to the State General Fund.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Sections 1 and 2 of the bill contains an emergency clause and takes effect immediately. The remainder of the bill contains multiple effective dates. Please see the bill.