

By: Davis

H.B. No. 1583

A BILL TO BE ENTITLED

AN ACT

relating to local workforce development boards and the regulation of child-care providers by the Texas Workforce Commission.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 2308.256(g), Government Code, is amended to read as follows:

(g) At least one of the members of a board appointed under Subsection (a) must be a licensed child-care provider with, in addition to the qualifications required for the member under that subsection, ~~have~~ expertise in child care or early childhood education.

SECTION 2. Section 2308.260, Government Code, is amended to read as follows:

Sec. 2308.260. ~~[TECHNICAL]~~ ADVISORY GROUPS. (a) A board may create technical advisory groups composed of both council and noncouncil members to provide assistance to the board.

(b) Each board shall create a child-care advisory group consisting of both Texas Rising Star Program providers and child-care providers who do not participate in the Texas Rising Star Program.

SECTION 3. Section 2308.315(b), Government Code, is amended to read as follows:

(b) The ~~minimum~~ reimbursement rate for a Texas Rising Star Program provider must be greater than the maximum rate established

1 for a provider who is not a Texas Rising Star Program provider for
2 the same category of care. [~~The reimbursement rate must be:~~

3 [~~(1) at least five percent higher for a provider with a~~
4 ~~two-star rating,~~

5 [~~(2) at least seven percent higher for a provider with~~
6 ~~a three-star rating; and~~

7 [~~(3) at least nine percent higher for a provider with a~~
8 ~~four-star rating.]~~

9 SECTION 4. Section [2308.3155](#), Government Code, is amended
10 by amending Subsection (b) and adding Subsection (b-1) to read as
11 follows:

12 (b) The commission shall adopt rules to administer the Texas
13 Rising Star Program, including:

14 (1) guidelines for rating a child-care provider who
15 provides child care to a child younger than 13 years of age,
16 including infants and toddlers, enrolled in the subsidized program;
17 [~~and~~

18 (2) a timeline and process for regularly reviewing and
19 updating the quality standards used to determine the rating system
20 that includes the commission's consideration of input from
21 interested parties regarding those standards; and

22 (3) rules requiring each Texas Rising Star Program
23 evaluator and mentor to have knowledge of the Health and Human
24 Services Commission's child-care licensing requirements.

25 (b-1) In adopting rules related to the evaluation of Texas
26 Rising Star Program providers, the commission shall coordinate with
27 the Health and Human Services Commission's child-care licensing

1 division to streamline the process for inspecting a facility and
2 eliminate any conflicting requirements.

3 SECTION 5. Subchapter G, Chapter 2308, Government Code, is
4 amended by adding Sections 2308.3173, 2308.3174, and 2308.3175 to
5 read as follows:

6 Sec. 2308.3173. PROBATIONARY PERIOD FOR CERTAIN LICENSING
7 DEFICIENCIES. (a) If a Texas Rising Star Program provider with a
8 4-star or 3-star rating receives a licensing or critical licensing
9 deficiency, the commission shall place the provider on probation
10 for 60 days. During the 60-day probationary period:

11 (1) the provider shall maintain the provider's rating
12 status and continue to be reimbursed as a Texas Rising Star Program
13 provider;

14 (2) the Health and Human Services Commission shall
15 provide technical assistance to the provider relating to child-care
16 licensing issues to help the provider avoid a future licensing
17 deficiency; and

18 (3) the commission shall provide mentorship
19 assistance on issues relating to the quality of child-care services
20 to ensure the provider improves the quality of the child-care
21 services it provides.

22 (b) A Texas Rising Star Program provider is not eligible for
23 probation if:

24 (1) the provider receives a licensing deficiency
25 related to the abuse, neglect, or exploitation of a child; or

26 (2) the provider receives a critical deficiency during
27 the preceding 12 months.

1 Sec. 2308.3174. SITE VISITS TO TEXAS RISING STAR PROGRAM
2 PROVIDERS. (a) Except as provided by Subsection (b), the
3 commission may not conduct more than one unannounced site visit to a
4 Texas Rising Star Program provider.

5 (b) If a Texas Rising Star Program provider has received a
6 citation for noncompliance or for a critical deficiency during the
7 preceding 12 months, the commission may conduct more than one
8 unannounced site visit.

9 Sec. 2308.3175. BACKGROUND CHECKS FOR CERTAIN TEXAS RISING
10 STAR PROGRAM EMPLOYEES. A person who volunteers with a Texas Rising
11 Star Program provider who undergoes a background and criminal
12 history check required by state or federal law is not required to
13 have an additional background check if the person becomes an
14 employee of the provider.

15 SECTION 6. Section 2308.315(d), Government Code, is
16 repealed.

17 SECTION 7. As soon as practicable after the effective date
18 of this Act, the commissioner of the Texas Workforce Commission
19 shall adopt rules necessary to implement Section 2308.3155(b),
20 Government Code, as amended by this Act, and Sections 2308.3173,
21 2308.3174, and 2308.3175, Government Code, as added by this Act.

22 SECTION 8. This Act takes effect September 1, 2021.