

AN ACT

relating to the powers and duties of the Texas Workforce Commission and local workforce development boards regarding the provision of child care and the subsidized child care program.

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

SECTION 1. Section 2308.3155, Government Code, is amended by amending Subsection (a) and adding Subsections (b-1) and (b-2) to read as follows:

(a) The Texas Rising Star Program is a ~~[voluntary]~~ quality-based child care rating system of child care providers participating in the commission's subsidized child care program.

(b-1) The rating system adopted under Subsection (b) must include an entry level rating for child care providers and a maximum length of time a provider may participate at the entry level rating. To qualify for the entry level rating a child care provider must meet the minimum quality standards that qualify the provider to receive technical assistance and support under the Texas Rising Star Program. A provider participating at the entry level rating is not eligible for increased reimbursement rates.

(b-2) The commission shall develop a process to allow a child care provider to request a waiver to extend the length of time the provider may participate at the entry level rating described by Subsection (b-1). The waiver authorized by this subsection may not exceed 36 months.

SECTION 2. Sections [302.0042](#)(b) and (c), Labor Code, are amended to read as follows:

(b) The commission's evaluation must assess:

(1) the use of current federal child care funds by each local workforce development board;

(2) the ability of each local workforce development board to meet child care performance measures;

(3) the average cost of child care in each local workforce development area;

(4) the average monthly price charged by child care providers for full-day child care in each local workforce development area as stated in the market rate survey conducted under 45 C.F.R. Section 98.45(c);

(5) the average monthly price charged by quality child care providers for full-day child care in each local workforce development area;

(6) the poverty rate of each local workforce development area compared to the state's poverty rate;

(7) the number of children on waiting lists for child care in each local workforce development area;

(8) the number of places that are reserved by each local workforce development board in contracts authorized under Section [302.0461](#) for participants in the child-care subsidy program out of the total number of children enrolled with a provider on a full-time basis categorized by age of the child for each provider in each local workforce development area that is certified as a 2-star, 3-star, or 4-star provider in the Texas Rising Star Program

1 or that does not participate in the Texas Rising Star Program;

2 (9) the total number of child care providers  
3 participating in the Texas Rising Star Program in each local  
4 workforce development area and the number of 2-star, 3-star, and  
5 4-star rated child care providers in the local workforce  
6 development area;

7 (10) the number of child care providers participating  
8 in the Texas Rising Star Program in each local workforce  
9 development area as a percentage of the total number of both  
10 subsidized child care providers and all child care providers in the  
11 local workforce development area;

12 (11) the number of 2-star, 3-star, and 4-star rated  
13 child care providers in the local workforce development area as a  
14 percentage of the total number of both subsidized child care  
15 providers and all child care providers in the local workforce  
16 development area;

17 (12) the total number of children enrolled in  
18 subsidized child care providers participating in the Texas Rising  
19 Star Program in each local workforce development area and the  
20 number of subsidized children enrolled in 2-star, 3-star, and  
21 4-star rated child care providers in the local workforce  
22 development area; ~~and~~

23 (13) the number of subsidized children enrolled in  
24 child care providers participating in the Texas Rising Star Program  
25 in each local workforce development area as a percentage of the  
26 total number of subsidized children enrolled in child care  
27 providers in the local workforce development area and the number of

1 subsidized children enrolled in 2-star, 3-star, and 4-star rated  
2 child care providers in the local workforce development area as a  
3 percentage of the total number of subsidized children enrolled in  
4 child care providers in the local workforce development area; and

5 (14) the number of 3-star and 4-star rated child care  
6 providers participating in partnerships with public school  
7 districts and public charter schools based on data provided by the  
8 Texas Education Agency, as necessary.

9 (c) For the purposes of evaluation under this section, the  
10 commission shall annually update the information described by  
11 Subsections (b)(7)-(14) [~~(b)(7)-(13)~~].

12 SECTION 3. Subchapter A, Chapter 302, Labor Code, is  
13 amended by adding Section 302.00436 to read as follows:

14 Sec. 302.00436. SUBSIDIZED CHILD CARE PROGRAM: INFORMATION  
15 FOR PUBLIC SCHOOLS. Each local workforce development board shall  
16 inform the local school districts and open-enrollment charter  
17 schools in the workforce development area regarding opportunities  
18 to partner with child-care providers in the board's area to expand  
19 access to and provide facilities for prekindergarten programs.

20 SECTION 4. Section 302.0461(d), Labor Code, is amended to  
21 read as follows:

22 (d) The commission shall determine the information that  
23 must be included in the report required by Subsection (c). A local  
24 workforce development board shall update the report required by  
25 Subsection (c) every 12 [~~six~~] months from the date the board submits  
26 its initial report to the commission.

27 SECTION 5. The Texas Workforce Commission and local

1 workforce development boards are required to implement a provision  
2 of this Act only if federal money is available for that purpose and  
3 using the federal money for that purpose would not result in  
4 supplanting or decreasing existing funding for programs currently  
5 funded by the Texas Workforce Commission using available federal  
6 money under the Child Care Development Block Grant. If the state  
7 does not receive sufficient additional federal money under the  
8 Child Care Development Block Grant or other federal money to  
9 implement a provision of this Act, the commission and the boards  
10 may, but are not required to, implement a provision of this Act  
11 using other appropriations available for that purpose.

12 SECTION 6. This Act takes effect September 1, 2021.

H.B. No. 2607

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President of the Senate

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Speaker of the House

I certify that H.B. No. 2607 was passed by the House on April 15, 2021, by the following vote: Yeas 88, Nays 58, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2607 on May 28, 2021, by the following vote: Yeas 88, Nays 58, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 2607 was passed by the Senate, with amendments, on May 25, 2021, by the following vote: Yeas 27, Nays 4.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor