

BILL ANALYSIS

C.S.S.B. 76
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Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current Texas law may make it difficult for some parents to determine whether their children are eligible for certain subsidized child care and early childhood development programs due to the structure of such programs. C.S.S.B. 76 allows certain state agencies to coordinate with early childhood development program providers regarding prekindergarten, Head Start, and after-school child-care programs, and to streamline eligibility and registration procedures for such programs. In addition, this bill allows for the coordination of agencies and service providers in a quality rating demonstration project or a coordination of resources demonstration project. C.S.S.B. 76 also requires the establishment of an advisory committee on child-care coordination to evaluate the feasibility of coordinating child-care programs.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, institution, or agency.

ANALYSIS

C.S.S.B. 76 amends the Education Code by authorizing a school district, before establishing a new prekindergarten program, to investigate the possibility of sharing use of an existing Head Start or other child-care program site as a prekindergarten site.

The bill authorizes the commissioner of education (commissioner) to provide for: coordinating early childhood care and education programs; developing and disseminating prekindergarten instructional materials and school-readiness information for parents; and developing standards for model early childhood care and education coordination. The bill requires the model program standards focus on pre-literacy skills, including language acquisition, vocabulary development, and phonological awareness. The bill authorizes a school district or open-enrollment charter school, in carrying out these provisions, to use funds granted to the district or school under this added subsection in contracting with another entity, including a private entity. If a school district or open-enrollment charter school returns to the commissioner funds granted under this section, the commissioner may grant those funds to another entity.

The bill authorizes the commissioner to waive a law or rule relating to early childhood care and education programs to the extent necessary to comply with federal law or to the extent that the law or rule is more restrictive than federal law. The bill authorizes the commissioner, notwithstanding any restriction imposed by this title, to administer grants for early childhood care and education programs under Section 29.155 or 29.156, including Head Start and Early Head Start programs, in a manner that provides the greatest flexibility allowed under federal law.

The bill requires each prekindergarten program provider, Head Start and Early Head Start program provider, and provider of an after-school child-care program provided at a school, in a manner consistent with federal law and regulation, to coordinate with the Texas Education Agency (TEA), the Texas Workforce Commission (TWC), and local workforce development boards regarding subsidized child-care

services. The bill sets forth elements that must be included in the coordination required by this section and elements that may be included. The bill requires TEA, TWC, local workforce development boards, and each prekindergarten program provider, Head Start and Early Head Start program provider, and provider of an after-school child-care program provided at a school, in coordinating child-care services and in making any related decision to contract with another provider for child-care services, to consider the quality of the services involved in the proposed coordination or contracting decision and to give preference to services of the highest quality. The bill authorizes any appropriate indicator of quality services to be considered and sets forth indicators that may be considered. The bill provides that any coordination required by this section that involves a prekindergarten program must be approved by the commissioner.

The bill requires each provider of government-funded child-care services, at the time that a child is enrolled with the provider, to furnish the child's parent certain information. The bill requires a provider that does not have sufficient resources to provide this information to furnish parents with certain other information or referrals.

The bill authorizes the State Center for Early Childhood Development (SCECD), in conjunction with a school district, regional education service center, institution of higher education, local government, local workforce development board, or community organization, to develop a quality rating system demonstration project under which prekindergarten program providers, licensed child-care facilities, or Head Start and Early Head Start program providers are assessed under a quality rating system. The bill entitles SCECD, in developing the quality rating system demonstration project, to certain access, assistance, and support.

The bill authorizes a school district, regional education service center, institution of higher education, local government, local workforce development board, or community organization to develop one or more coordination of resources demonstration projects under which government-funded child-care services are operated in a coordinated manner. The bill requires an entity that develops such a proposed demonstration project to obtain approval of the project from the state agency or agencies with regulatory jurisdiction over the subject matter involved in the project.

The bill entitles an entity that obtains approval of a coordination of resources demonstration project to a waiver or modification of any existing rule, policy, or procedure of TEA, TWC, or the Department of Protective and Regulatory Services that impairs the coordinated provision of government-funded child-care services, provided that the waiver or modification does not adversely affect the health, safety, or welfare of the children receiving services under the project. The bill requires the appropriate state agency, in addition, if applicable, to seek on behalf of the entity any available federal waiver from a federal rule, policy, or procedure imposed in connection with a Head Start program that impairs the coordinated provision of government-funded child-care services.

The bill requires SCECD and any other entity that implements such a demonstration project to provide a report to the legislature and to the state agency or agencies with regulatory jurisdiction over the subject matter involved in the project. The bill sets forth items that the report must include and requires the report to be provided at the time specified jointly by the state agency or agencies with regulatory jurisdiction over the subject matter involved in the demonstration project.

The bill requires the director of SCECD to establish an advisory committee on child-care coordination to evaluate the feasibility of coordinating government-funded child-care programs in a manner that promotes access to child-care programs and results in improved school readiness. The bill sets forth organizations and agencies, a representative of which must be included on the advisory committee. The bill provides that the advisory committee is not subject to Chapter 2110, Government Code. The bill prohibits a member of the advisory committee from receiving compensation for serving on the committee. The bill requires the director of SCECD to designate a member of the committee to serve as presiding officer, and requires the advisory committee to meet at the call of the presiding officer of the committee. The bill provides that a member of the advisory committee serves at the will of the director of SCECD. The bill authorizes the advisory committee to coordinate its activities with the activities of the Office of Early Childhood

Coordination advisory committee established under Section 531.286, Government Code. The bill requires the advisory committee, not later than September 1, 2004, to prepare and deliver a report to certain persons. The bill sets forth requirements regarding the report. The bill abolishes the advisory committee as of December 31, 2004, and provides that this section expires on that date.

EFFECTIVE DATE

September 1, 2003.

COMPARISON OF ENGROSSED TO SUBSTITUTE

C.S.S.B. 76 modifies the engrossed version by authorizing the commissioner to waive a law or rule relating to early childhood care and education programs to the extent necessary to comply with federal law or to the extent that the law or rule is more restrictive than federal law. C.S.S.B. 76 modifies the engrossed version by replacing the National Association for the Education of Young Children with a nationally recognized accrediting organization approved by the TWC and the Department of Protective and Regulatory Services in Section 29.158(d)(2) Education Code. C.S.S.B. 76 modifies the engrossed version by deleting TWC from Section 29.160(b)(1) Education Code.