

By: Zaffirini, Hinojosa

S.B. No. 76

A BILL TO BE ENTITLED

AN ACT

relating to the provision of subsidized child-care services.

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

SECTION 1. Subchapter E, Chapter 29, Education Code, is amended by adding Section 29.1533 to read as follows:

Sec. 29.1533. ESTABLISHMENT OF NEW PREKINDERGARTEN PROGRAM. Before establishing a new prekindergarten program, a school district may investigate the possibility of sharing use of an existing Head Start or other child-care program site as a prekindergarten site.

SECTION 2. Section 29.155, Education Code, is amended by adding Subsections (g) through (j) to read as follows:

(g) From amounts appropriated for the purposes of this subsection, the commissioner may also provide for:

(1) coordinating early childhood care and education programs;

(2) developing and disseminating for programs described by Subdivision (1) prekindergarten instructional materials and school-readiness information for parents; and

(3) developing standards for model early childhood care and education coordination.

(h) The model program standards developed under Subsection (g) must focus on pre-literacy skills, including language acquisition, vocabulary development, and phonological awareness.

1        (i) In carrying out the purposes of Subsection (g), a school  
2 district or open-enrollment charter school may use funds granted to  
3 the district or school under this subsection in contracting with  
4 another entity, including a private entity.

5        (j) If a school district or open-enrollment charter school  
6 returns to the commissioner funds granted under this section, the  
7 commissioner may grant those funds to another entity, including a  
8 private entity, for the purposes of Subsection (g).

9        SECTION 3. Subchapter E, Chapter 29, Education Code, is  
10 amended by adding Section 29.1561 to read as follows:

11        Sec. 29.1561. ADMINISTRATION OF EARLY CHILDHOOD CARE AND  
12 EDUCATION PROGRAMS. (a) The commissioner may waive a law or rule  
13 relating to early childhood care and education programs to the  
14 extent necessary to comply with federal law.

15        (b) Notwithstanding any restriction imposed by this title,  
16 the commissioner may administer grants for early childhood care and  
17 education programs under Section 29.155 or 29.156, including Head  
18 Start and Early Head Start programs, in a manner that provides the  
19 greatest flexibility allowed under federal law.

20        SECTION 4. Subchapter E, Chapter 29, Education Code, is  
21 amended by adding Sections 29.158, 29.159, and 29.160 to read as  
22 follows:

23        Sec. 29.158. COORDINATION OF SERVICES. (a) In a manner  
24 consistent with federal law and regulations, each prekindergarten  
25 program provider, Head Start and Early Head Start program provider,  
26 and provider of an after-school child-care program provided at a  
27 school shall coordinate with the agency, the Texas Workforce

1 Commission, and local workforce development boards regarding  
2 subsidized child-care services.

3 (b) The coordination required by this section must include:

4 (1) providing to an applicant for a child-care service  
5 information regarding:

6 (A) child-care resource and referral agencies  
7 serving the applicant's community;

8 (B) information and referral providers serving  
9 the applicant's community; or

10 (C) the prekindergarten program, local  
11 child-care and development fund contractor, or Head Start program  
12 administrator serving the applicant's community; and

13 (2) coordinating to ensure, to the extent practicable,  
14 that full-day, full-year child-care services are available to meet  
15 the needs of low-income parents who are working or participating in  
16 workforce training or workforce education.

17 (c) The coordination required by this section may also  
18 include:

19 (1) cooperating with each state agency regarding  
20 child-care or child-development studies conducted by that agency;

21 (2) collecting data necessary to determine a child's  
22 eligibility for subsidized child-care services or a  
23 prekindergarten, Head Start or Early Head Start, or after-school  
24 child-care program, to the extent that the collection of data does  
25 not violate the Family Educational Rights and Privacy Act of 1974  
26 (20 U.S.C. Section 1232g);

27 (3) cooperating to provide for staff training and

1 professional development activities;

2 (4) identifying and developing methods for the  
3 collaborative provision of subsidized child-care services and  
4 prekindergarten, Head Start or Early Head Start, or after-school  
5 child-care program services, including:

6 (A) operating a combined system for eligibility  
7 determination or registration processes so that an applicant may  
8 apply for all services available in an applicant's community  
9 through a single point of access;

10 (B) sharing facilities or staff; and

11 (C) increasing the enrollment capacity of those  
12 programs;

13 (5) identifying child-care facilities located in  
14 close proximity to prekindergarten, Head Start or Early Head Start,  
15 or after-school child-care programs;

16 (6) coordinating transportation between child-care  
17 facilities identified under Subdivision (5) and a prekindergarten,  
18 Head Start or Early Head Start, or after-school child-care program;  
19 and

20 (7) coordinating with the State Center for Early  
21 Childhood Development to develop longitudinal studies to measure  
22 the effects of quality early childhood care and education programs  
23 on educational achievement, including high school performance and  
24 completion.

25 (d) In coordinating child-care services under this section  
26 and in making any related decision to contract with another  
27 provider for child-care services, the agency, Texas Workforce

1 Commission, local workforce development boards, and each  
2 prekindergarten program provider, Head Start and Early Head Start  
3 program provider, and provider of an after-school child-care  
4 program provided at a school shall consider the quality of the  
5 services involved in the proposed coordination or contracting  
6 decision and shall give preference to services of the highest  
7 quality. Any appropriate indicator of quality services may be  
8 considered under this subsection, including whether the provider of  
9 the services:

10 (1) meets the Texas Rising Star Provider criteria  
11 described by 40 T.A.C. Section 809.15(b);

12 (2) is accredited by the National Association for the  
13 Education of Young Children;

14 (3) meets standards developed by the State Center for  
15 Early Childhood Development; or

16 (4) has achieved any other measurable target relevant  
17 to improving the quality of child care in this state.

18 (e) Any coordination required by this section that involves  
19 a prekindergarten program must be approved by the commissioner.

20 Sec. 29.159. PROVISION OF CERTAIN INFORMATION. (a) Except  
21 as otherwise provided by this section, each provider of  
22 government-funded child-care services shall, at the time that a  
23 child is enrolled with the provider, furnish to the child's parent  
24 information regarding:

25 (1) effective early education settings; and

26 (2) indicators that a child is ready for kindergarten.

27 (b) If a provider does not have sufficient resources to

1 provide the information specified by Subsection (a), the provider  
2 shall:

3 (1) furnish the parent with the appropriate telephone  
4 numbers or Internet sites through which the parent may obtain the  
5 information; or

6 (2) refer the parent to a local child-care resource  
7 and referral agency.

8 Sec. 29.160. DEMONSTRATION PROJECTS. (a) The State Center  
9 for Early Childhood Development, in conjunction with a school  
10 district, regional education service center, institution of higher  
11 education, local government, local workforce development board, or  
12 community organization, may develop a quality rating system  
13 demonstration project under which prekindergarten program  
14 providers, licensed child-care facilities, or Head Start and Early  
15 Head Start program providers are assessed under a quality rating  
16 system.

17 (b) In developing the quality rating system demonstration  
18 project, the State Center for Early Childhood Development is  
19 entitled to:

20 (1) reasonable access to the sites at which the  
21 programs to be rated are operated, which may include sites under the  
22 authority of school districts, the Texas Workforce Commission, or  
23 the Department of Protective and Regulatory Services; and

24 (2) technical assistance and support from the agency,  
25 the Texas Workforce Commission, and the Department of Protective  
26 and Regulatory Services to the extent that those agencies have the  
27 ability to provide assistance and support using existing agency

1 resources.

2 (c) A school district, regional education service center,  
3 institution of higher education, local government, local workforce  
4 development board, or community organization may develop one or  
5 more coordination-of-resources demonstration projects under which  
6 government-funded child-care services are operated in a  
7 coordinated manner. An entity that develops a proposed  
8 demonstration project under this subsection must obtain approval of  
9 the project from the state agency or agencies with regulatory  
10 jurisdiction over the subject matter involved in the project.

11 (d) An entity that obtains approval of a  
12 coordination-of-resources demonstration project is entitled to a  
13 waiver or modification of any existing rule, policy, or procedure  
14 of the agency, the Texas Workforce Commission, or the Department of  
15 Protective and Regulatory Services that impairs the coordinated  
16 provision of government-funded child-care services, provided that  
17 the waiver or modification does not adversely affect the health,  
18 safety, or welfare of the children receiving services under the  
19 project. In addition, if applicable, the appropriate state agency  
20 must seek on behalf of the entity any available federal waiver from  
21 a federal rule, policy, or procedure imposed in connection with a  
22 Head Start program that impairs the coordinated provision of  
23 government-funded child-care services.

24 (e) The State Center for Early Childhood Development and any  
25 other entity that implements a demonstration project under this  
26 section must provide a report to the legislature and to the state  
27 agency or agencies with regulatory jurisdiction over the subject

1 matter involved in the project. The report must include:

- 2           (1) an evaluation of the effectiveness of the project;  
3 and  
4           (2) recommendations on statewide implementation of  
5 the project.

6           (f) The report required by Subsection (e) must be provided  
7 at the time specified jointly by the state agency or agencies with  
8 regulatory jurisdiction over the subject matter involved in the  
9 demonstration project.

10           SECTION 5. (a) The director of the State Center for Early  
11 Childhood Development shall establish an advisory committee on  
12 child-care coordination to evaluate the feasibility of  
13 coordinating government-funded child-care programs in a manner  
14 that promotes access to child-care programs and results in improved  
15 school readiness. The advisory committee must include  
16 representatives of:

- 17           (1) the Office of Early Childhood Coordination  
18 established under Subchapter H, Chapter 531, Government Code;  
19           (2) the Texas Workforce Commission;  
20           (3) the Texas Education Agency;  
21           (4) the Department of Protective and Regulatory  
22 Services;  
23           (5) independent school districts;  
24           (6) local workforce development boards;  
25           (7) child-care development fund contractors;  
26           (8) Head Start program providers;  
27           (9) the Head Start Association;



- 1           (10) the Head Start Collaboration Office;
- 2           (11) nonprofit child-care providers;
- 3           (12) for-profit child-care providers;
- 4           (13) administrators of government-funded child-care
- 5 programs;
- 6           (14) parents of children receiving government-funded
- 7 child-care services or other consumers of government-funded
- 8 child-care services; and
- 9           (15) any other appropriate group, as determined by the
- 10 director of the State Center for Early Childhood Development.

11           (b) The advisory committee is not subject to Chapter 2110,

12 Government Code.

13           (c) A member of the advisory committee may not receive

14 compensation for serving on the committee.

15           (d) The director of the State Center for Early Childhood

16 Development shall designate a member of the advisory committee to

17 serve as presiding officer of the committee.

18           (e) The advisory committee shall meet at the call of the

19 presiding officer of the committee.

20           (f) A member of the advisory committee serves at the will of

21 the director of the State Center for Early Childhood Development.

22           (g) The advisory committee may coordinate its activities

23 with the activities of the Office of Early Childhood Coordination

24 advisory committee established under Section 531.286, Government

25 Code.

26           (h) Not later than September 1, 2004, the advisory

27 committee shall prepare and deliver a report to the governor,

1 lieutenant governor, speaker of the house of representatives, and  
2 clerks of the standing committees of the senate and house of  
3 representatives with primary jurisdiction over state-subsidized  
4 child-care services. The report must identify the types of data  
5 collected and maintained by government-funded child-care  
6 providers, including Head Start program providers and providers  
7 under contract with local workforce development boards. The report  
8 must also include recommendations for:

- 9           (1) effective models of child-care coordination;  
10           (2) effective administrative structure at the state  
11 and local level to facilitate coordination of child-care resources;  
12           (3) revision of statutes and policies to facilitate  
13 child-care coordination;  
14           (4) one or more methods of including the collected and  
15 maintained data identified in this subsection in the public school  
16 information maintained by the agency through the Public Education  
17 Information Management System (PEIMS); and  
18           (5) promotion of school readiness through early  
19 child-care and education programs.

20           (i) On December 31, 2004, the advisory committee is  
21 abolished and this section expires.

22           SECTION 6. This Act takes effect September 1, 2003.