

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 shall consider 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:

14                (1) to the extent that the law or rule is more  
15 restrictive than required by federal law; or

16                (2) to the extent necessary to comply with federal  
17 law.

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

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

26        Sec. 29.158. COORDINATION OF SERVICES. (a) In a manner  
27 consistent with federal law and regulations, each prekindergarten

1 program provider, Head Start and Early Head Start program provider,  
2 and provider of an after-school child-care program provided at a  
3 school shall coordinate with the agency, the Texas Workforce  
4 Commission, and local workforce development boards regarding  
5 subsidized child-care services.

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

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

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

11 (B) information and referral providers serving  
12 the applicant's community; or

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

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

20 (c) The coordination required by this section may also  
21 include:

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

24 (2) collecting data necessary to determine a child's  
25 eligibility for subsidized child-care services or a  
26 prekindergarten, Head Start or Early Head Start, or after-school  
27 child-care program, to the extent that the collection of data does

1 not violate the Family Educational Rights and Privacy Act of 1974  
2 (20 U.S.C. Section 1232g);

3 (3) cooperating to provide for staff training and  
4 professional development activities;

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

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

13 (B) sharing facilities or staff; and

14 (C) increasing the enrollment capacity of those  
15 programs;

16 (5) identifying child-care facilities located in  
17 close proximity to prekindergarten, Head Start or Early Head Start,  
18 or after-school child-care programs;

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

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

1        (d) In coordinating child-care services under this section  
2 and in making any related decision to contract with another  
3 provider for child-care services, the agency, Texas Workforce  
4 Commission, local workforce development boards, and each  
5 prekindergarten program provider, Head Start and Early Head Start  
6 program provider, and provider of an after-school child-care  
7 program provided at a school shall consider the quality of the  
8 services involved in the proposed coordination or contracting  
9 decision and shall give preference to services of the highest  
10 quality. Any appropriate indicator of quality services may be  
11 considered under this subsection, including whether the provider of  
12 the services:

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

15                (2) is accredited by a nationally recognized  
16 accrediting organization approved by the Texas Workforce  
17 Commission and the Department of Protective and Regulatory  
18 Services;

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

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

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

25        Sec. 29.159. PROVISION OF CERTAIN INFORMATION. (a) Except  
26 as otherwise provided by this section, each provider of  
27 government-funded child-care services shall, at the time that a

1 child is enrolled with the provider, furnish to the child's parent  
2 information regarding:

3 (1) effective early education settings; and  
4 (2) any indicators that a child is ready for  
5 kindergarten that have been developed at the time the child is  
6 enrolled.

7 (b) If a provider does not have sufficient resources to  
8 provide the information specified by Subsection (a), the provider  
9 shall:

10 (1) furnish the parent with the appropriate telephone  
11 numbers or Internet sites through which the parent may obtain the  
12 information; or

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

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

24 (b) In developing the quality rating system demonstration  
25 project, the State Center for Early Childhood Development is  
26 entitled to:

27 (1) reasonable access to the sites at which the

1 programs to be rated are operated, which may include sites under the  
2 authority of school districts or the Department of Protective and  
3 Regulatory Services; and

4 (2) technical assistance and support from the agency,  
5 the Texas Workforce Commission, and the Department of Protective  
6 and Regulatory Services to the extent that those agencies have the  
7 ability to provide assistance and support using existing agency  
8 resources.

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

18 (d) An entity that obtains approval of a  
19 coordination-of-resources demonstration project is entitled to a  
20 waiver or modification of any existing rule, policy, or procedure  
21 of the agency, the Texas Workforce Commission, or the Department of  
22 Protective and Regulatory Services that impairs the coordinated  
23 provision of government-funded child-care services, provided that  
24 the waiver or modification does not adversely affect the health,  
25 safety, or welfare of the children receiving services under the  
26 project. In addition, if applicable, the appropriate state agency  
27 must 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. Not later than the 30th day after the date on which a state agency becomes aware of an applicable federal waiver under this subsection, the state agency shall notify the appropriate entity of the date by which the state agency intends to seek the waiver.

(e) The State Center for Early Childhood Development and any other entity that implements a demonstration project under this section must 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 report must include:

(1) an evaluation of the effectiveness of the project;  
and

(2) recommendations on statewide implementation of the project.

(f) The report required by Subsection (e) must 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.

SECTION 5. (a) The director of the State Center for Early Childhood Development shall establish a 15 member 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 advisory committee must include a representative of:



1           (1) the Office of Early Childhood Coordination  
2 established under Subchapter H, Chapter 531, Government Code;

3           (2) the Texas Workforce Commission;

4           (3) the Texas Education Agency;

5           (4) the Department of Protective and Regulatory  
6 Services;

7           (5) independent school districts;

8           (6) local workforce development boards;

9           (7) child-care development fund contractors;

10          (8) Head Start program providers;

11          (9) the Head Start Association;

12          (10) the Head Start Collaboration Office;

13          (11) nonprofit child-care providers;

14          (12) for-profit child-care providers;

15          (13) administrators of government-funded child-care  
16 programs;

17          (14) parents of children receiving government-funded  
18 child-care services; and

19          (15) the Texas Licensed Child Care Association.

20          (b) The advisory committee is not subject to Chapter 2110,  
21 Government Code.

22          (c) A member of the advisory committee may not receive  
23 compensation for serving on the committee.

24          (d) The director of the State Center for Early Childhood  
25 Development shall designate a member of the advisory committee to  
26 serve as presiding officer of the committee.

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

1 presiding officer of the committee.

2 (f) A member of the advisory committee serves at the will of  
3 the director of the State Center for Early Childhood Development.

4 (g) The advisory committee may coordinate its activities  
5 with the activities of the Office of Early Childhood Coordination  
6 advisory committee established under Section 531.286, Government  
7 Code.

8 (h) Not later than September 1, 2004, the advisory  
9 committee shall prepare and deliver a report to the governor,  
10 lieutenant governor, speaker of the house of representatives, and  
11 clerks of the standing committees of the senate and house of  
12 representatives with primary jurisdiction over state-subsidized  
13 child-care services. The report must identify the types of data  
14 collected and maintained by government-funded child-care  
15 providers, including Head Start program providers and providers  
16 under contract with local workforce development boards. The report  
17 must also include recommendations for:

- 18 (1) effective models of child-care coordination;  
19 (2) effective administrative structure at the state  
20 and local level to facilitate coordination of child-care resources;  
21 (3) revision of statutes and policies to facilitate  
22 child-care coordination;  
23 (4) one or more methods of including the collected and  
24 maintained data identified in this subsection in the public school  
25 information maintained by the agency through the Public Education  
26 Information Management System (PEIMS); and  
27 (5) promotion of school readiness through early

1 child-care and education programs.

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

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

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President of the Senate

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Speaker of the House

I hereby certify that S.B. No. 76 passed the Senate on April 30, 2003, by a viva-voce vote; May 30, 2003, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 31, 2003, House granted request of the Senate; June 1, 2003, Senate adopted Conference Committee Report by a viva-voce vote.

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Secretary of the Senate

I hereby certify that S.B. No. 76 passed the House, with amendments, on May 28, 2003, by a non-record vote; May 31, 2003, House granted request of the Senate for appointment of Conference Committee; June 1, 2003, House adopted Conference Committee Report by a non-record vote.

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Chief Clerk of the House

Approved:

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Date

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Governor