

By: Zaffirini S.B. No. 76
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COMMITTEE SUBSTITUTE FOR S.B. No. 76 By: Zaffirini

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), (h), and (i) to read as follows:

(g) From amounts appropriated for the purposes of this section, 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.

(i) Notwithstanding any other provision of this section, eligibility for funds appropriated for purposes of this section may not be restricted to a school district or an open-enrollment charter school.

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

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

(b) Notwithstanding any restriction imposed by this title, the commissioner may 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.

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

Sec. 29.158. COORDINATION OF SERVICES. (a) In a manner consistent with federal law and regulations, 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 shall coordinate with the agency, the Texas Workforce Commission, and local workforce development boards regarding subsidized child-care services.

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

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

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

(B) information and referral providers serving

the applicant's community; or

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

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

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

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

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

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

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

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

(B) sharing facilities or staff; and

(C) increasing the enrollment capacity of those programs;

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

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

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

(d) In coordinating child-care services under this section and in making any related decision to contract with another provider for child-care services, the agency, Texas Workforce Commission, 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 shall consider the quality of the services involved in the proposed coordination or contracting decision and shall give preference to services of the highest quality. Any appropriate indicator of quality services may be considered under this subsection, including whether the provider of the services:

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

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

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

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

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

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

information regarding:

- (1) ideal early education settings; and
- (2) indicators that a child is ready for kindergarten.

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

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

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

Sec. 29.160. DEMONSTRATION PROJECTS. (a) The State Center for Early Childhood Development, in conjunction with a school district, regional education service center, institution of higher education, local government, local workforce development board, or community organization, may 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.

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

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

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

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

(d) An entity that obtains approval of a coordination-of-resources demonstration project is entitled to a waiver or modification of any existing rule, policy, or procedure of the agency, the Texas Workforce Commission, 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. In addition, if applicable, the appropriate state agency 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.

(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 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 advisory committee must include representatives of:

- (1) the Office of Early Childhood Coordination established under Subchapter H, Chapter 531, Government Code;
- (2) the Texas Workforce Commission;
- (3) the Texas Education Agency;
- (4) the Department of Protective and Regulatory Services;
- (5) independent school districts;
- (6) local workforce development boards;
- (7) child-care development fund contractors;
- (8) Head Start program providers;
- (9) the Head Start Association;
- (10) the Head Start Collaboration Office;
- (11) nonprofit child-care providers;
- (12) for-profit child-care providers;
- (13) administrators of government-funded child-care programs; and
- (14) any other appropriate group, as determined by the director of the State Center for Early Childhood Development.

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

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

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

(e) The advisory committee shall meet at the call of the presiding officer of the committee.

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

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

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

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

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

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

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