

BILL ANALYSIS

C.S.S.B. 50
By: Zaffirini
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current research demonstrates a relationship between the education, experience, and compensation of early childhood educators and the quality of teaching and care in early childhood learning programs. Early childhood educators lack incentives and face barriers when pursuing professional development and higher education opportunities.

This bill creates training opportunities and partnerships and will result in improved standards and accountability based on recommendations by the Texas Advisory Council on Early Childhood Education Career Development, which is created by this bill. This bill also expands the Texas early education model sites in Texas while increasing reimbursement rates for early childhood education centers that meet certain quality standards.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Commissioner of Education and the Commissioner of Higher Education in SECTION 9 of this bill.

ANALYSIS

Note: Unless otherwise specified, statutory references in this BILL ANALYSIS are to the Education Code.

The bill relates to early childhood education.

The bill amends Section 28.006, Education Code, to provide, in pertinent part, that the superintendent of each school district shall, using the school readiness certification system provided to the school district in accordance with Section 29.161(e), report electronically each student's raw score on the reading instrument to the Texas Education Agency (agency) for use in the school readiness certification system, and to provide that the agency shall contract with the State Center for Early Childhood Development to receive and use scores under Subsection (d)(3) of Section 28.006 on behalf of the agency.

The bill amends Section 29.153, Education Code, to provide, in pertinent part, that on receipt of an application for an exemption under Subsection (d), the Commissioner of Education (commissioner) shall encourage the school district requesting the exemption to make arrangements to provide prekindergarten classes through a school readiness integration project under Section 29.160.

The bill amends the heading to Section 29.160, Education Code, to read as follows:
Sec. 29.160. SCHOOL READINESS INTEGRATION PROJECTS.

The bill amends Section 29.160, Education Code, to provide, in pertinent part, that 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 school readiness integration projects in conjunction with prekindergarten program providers, licensed child-care facilities, or Head Start and Early Head Start program providers.

In developing school readiness integration projects, the State Center for Early Childhood Development is entitled to: reasonable access to the sites at which the programs to be rated are

operated, which may include sites under the authority of school districts or the Department of Family and Protective Services; and technical assistance and support from the agency, the Texas Workforce Commission, and the Department of Family and Protective Services to the extent that those agencies have the ability to provide assistance and support using existing agency resources.

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 school readiness integration projects under which government-funded child-care and early education services, including Head Start and Early Head Start, prekindergarten, and after-school child-care program services, child-care services provided by nonprofit or for-profit entities, and faith-based child-care programs, are operated in a coordinated and integrated manner. An entity that develops a proposed school readiness integration 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. Approval of such a project must be made contingent on development of a memorandum of understanding regarding the child-care and early education coordination and integration that: is entered into by each entity participating in the project; is certified by the State Center for Early Childhood Development as meeting any standards developed under Section 29.155(g); is consistent with the applicable provisions of this section and applicable laws and regulations in a manner that at a minimum maintains existing child-care and early education program requirements and does not waive or reduce any existing health and safety standards; and contains a statement that the State Center for Early Childhood Development has determined there is a need for additional prekindergarten classrooms for three- and four-year-old children in the area served by the project, based on a survey by the center of existing nonprofit and for-profit entities providing child care services in the area served by the project; and provisions ensuring that the project does not result in the reduction of existing services or the redirection of existing expenditures.

Such a project must include a program evaluation component that, in addition to assessing child-care and early education outcomes for young children, demonstrates: the extent to which program quality has been enhanced and the cognitive, physical, social, and emotional development of young children has been promoted; the extent to which the number of children being served by full-day, full-year programs has increased; the extent to which professional development training or activities engaged in by program staff has increased; and that there has been no weakening of standards or diminishment of services.

Such a project that obtains certification through the school readiness certification system established under Section 29.161 is eligible for funds available under Section 29.1561(c) and is entitled to priority consideration in the award of those funds. Funds awarded under that section may be used to: create a prekindergarten program; expand a prekindergarten program to serve children who are three years of age and otherwise eligible under Section 29.153; increase income eligibility levels to not more than 200 percent of the federal poverty level for prekindergarten; or add a teacher's aide to existing prekindergarten classes.

In certifying school readiness integration projects in accordance with applicable provisions of this bill and Section 29.155(g), the State Center for Early Childhood Development shall give priority to projects involving coordinated participation of school districts, Head Start and Early Head Start program providers, and nonprofit or for-profit entities providing child-care services.

An entity that obtains approval of a school readiness integration 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 Family and Protective 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. 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.

The State Center for Early Childhood Development and any other entity that implements such a project 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: an evaluation of the effectiveness of the project; recommendations on statewide implementation of the project; an evaluation of the level of participation in the project by each type of provider; and an estimate of the total amount of federal, state, and local funds spent providing early childhood education services to children participating in the project.

Such report must be provided at the time specified jointly by the state agency or agencies with regulatory jurisdiction over the subject matter involved in the project established under applicable provisions, as amended, of this bill.

The bill amends Subchapter E, Chapter 29, Education Code, by adding Section 29.1601 to provide that the State Center for Early Childhood Development shall maintain a registry of qualified private entities that volunteer to participate in a school readiness integration project under Section 29.160. The State Center for Early Childhood Development shall: develop a process for interested private entities to volunteer to participate in a school readiness integration project; and determine whether a private entity is qualified to participate. The State Center for Early Childhood Development shall make the registry available to a school district, regional education service center, institution of higher education, local government, local workforce development board, or community organization developing a school readiness integration project.

The bill amends Section 29.161, Education Code, to provide, in pertinent part, that the school readiness certification system must: be reflective of research in the field of early childhood care and education; be well-grounded in the cognitive, physical, social, and emotional development of young children; apply a common set of criteria, including multiple measures of program quality in addition to the results of a reading instrument administered under Section 28.006, to evaluate each program provider seeking certification, regardless of the type of program or source of program funding; and be capable of fulfilling the reporting and notice requirements of Sections 28.006(d) and (g).

The agency shall collect each student's raw score results on the reading instrument administered under Section 28.006 from each school district using the school readiness certification system and shall contract with the State Center for Early Childhood Development for purposes of Section 29.161.

The State Center for Early Childhood Development shall, using funds appropriated for the school readiness certification system, provide the system to each school district to report each student's raw score results on the reading instrument administered under Section 28.006.

The agency shall: provide assistance to the State Center for Early Childhood Development in developing and adopting the school readiness certification system, including providing access to data for the purpose of locating the teacher and campus of record for students; and require confidentiality and other security measures for student data provided to the State Center for Early Childhood Development as the agency's agent, consistent with the Family Educational Rights and Privacy Act (20 U.S.C. Section 1232g).

A program provider must, in addition to any other criteria applied by the system, meet the following criteria to be eligible for certification under the system: be in good standing with the Department of Family and Protective Services, if applicable; and use ongoing child assessment tools to guide lesson planning and instructional approaches. A provider is in good standing with the Department of Family and Protective Services if the department has not taken an action against the provider's license, listing, or registration under Section 42.071, 42.072, or 42.078, Human Resources Code, during the two-year period preceding the date of applying for certification.

The bill amends Subchapter G, Chapter 2308, Government Code, by adding Section 2308.3155 to provide that a licensed child-care provider that participates in a school readiness integration project established under Section 29.160, Education Code, or obtains certification under the school readiness certification system established under Section 29.161, Education Code, is

eligible for enhanced reimbursement rates for services provided to children who are younger than six years of age at a level to be determined by each local workforce development board but at least equal to the designated vendor rate provided by Section 2308.315. Notwithstanding the above provision, a licensed child-care provider that meets the Texas Rising Star Provider criteria described by 40 T.A.C. Section 809.15(b) is eligible for enhanced reimbursement rates for services provided to children who are younger than six years of age at a level to be determined by each local workforce development board but at least equal to the designated vendor rate provided by Section 2308.315. A provider that receives such increased reimbursement rates is encouraged to use the funds to obtain certification under the school readiness certification system established under Section 29.161, Education Code. To the extent that federal funds under the Temporary Assistance for Needy Families (TANF) program are available to the state and are appropriated for this purpose, local workforce development boards shall use those funds, in addition to funds from the federal Child Care Development Fund, to provide such enhanced reimbursement rates. The Texas Workforce Commission shall distribute the increased federal funds directly to local workforce development boards.

The bill amends Section 42.0421, Human Resources Code, to provide, in pertinent part, that the Department of Family and Protective Services, in coordination with the State Center for Early Childhood Development and the Texas Advisory Council on Early Childhood Education Career Development established under Subchapter C, Chapter 72, may develop or seek proposals through a competitive process for: the development and maintenance of one or more training modules to be made available through the Internet and in accordance with Section 42.042(p), Human Resources Code, as training modules an employee may use to comply with Subsection (a)(1); the development and maintenance of a statewide bilingual training portal that connects a person who provides child care with training providers or other sources of training; or the development and implementation of a marketing strategy to publicize the availability and importance of training to all providers of early childhood care and education. Such training modules must: be consistent with applicable core knowledge and skills, as identified by experts in the field of early childhood education; and include a common postassessment that indicates an acceptable level of learning by the employee.

Effective January 1, 2009, the bill amends Section 42.0421, Human Resources Code, to provide, in pertinent part, that except as provided by Subsection (e) of such section, the training required by this section must be provided by a person who: is a training provider registered with the Texas Early Care and Education Career Development System's Texas Trainer Registry that is maintained by the Texas Head Start State Collaboration Office; is an instructor at a public or private secondary school or at a public or private institution of higher education, as defined by Section 61.801, Education Code, who teaches early child development or another relevant course, as determined by rules adopted by the commissioner of education and the commissioner of higher education; is an employee of a state agency with relevant expertise; is a physician, psychologist, licensed professional counselor, social worker, or registered nurse; holds a generally recognized credential, such as a certification to provide instruction in cardiopulmonary resuscitation; is a registered family home care provider or director of a day-care center in good standing with the department, if applicable, and is only providing training at the home or center where the provider or director and the person receiving training are employed, provided that the Department of Family and Protective Services has not taken an action against the provider's license or registration under Section 42.071, 42.072, or 42.078, Human Resources Code, during the two-year period preceding the date on which the provider or director provides the training; or is approved by the commissioner of education, based on the recommendation of the Texas Advisory Council on Early Childhood Education Career Development established under Subchapter C, Chapter 72, Human Resources Code.

The bill amends the heading to Chapter 72, Human Resources Code, to read as follows:
CHAPTER 72. EARLY CHILDHOOD EDUCATION SERVICES

The bill amends Chapter 72, Human Resources Code, by designating Section 72.001 as Subchapter A and adding a subchapter heading to read as follows: **SUBCHAPTER A. GENERAL PROVISIONS.**

The bill amends Section 72.001, Human Resources Code, to add a definition of "Advisory council," which means the Texas Advisory Council on Early Childhood Education Career Development.

The bill amends Subchapter A, Chapter 72, Human Resources Code, as designated by this Act, by adding Section 72.0015 to provide that the State Center for Early Childhood Development shall: comply with the contract management requirements prescribed by Chapter 2262, Government Code; not later than December 1 of each even-numbered year, prepare and submit to the presiding officers of the Senate Committee on Finance and the House Appropriations Committee a report detailing the use of all state money provided to the center to fund early childhood education services; and provide center staff to appear before a standing committee of the senate or house of representatives with jurisdiction over public primary and secondary education on request of the presiding officer of the committee. In each even-numbered year, the State Center for Early Childhood Development shall allow an external evaluation, by an organization under contract with the Texas Education Agency for that purpose, regarding the management and implementation of school readiness integration projects authorized by Section 29.160, Education Code. The organization completing the external evaluation must be selected through a competitive process developed by the Texas Education Agency.

The bill amends Chapter 72, Human Resources Code, by designating Sections 72.002 and 72.003 as Subchapter B, renumbering Sections 72.002 and 72.003 as Sections 72.051 and 72.052, respectively, and adding a subchapter heading to read as follows: SUBCHAPTER B. HEAD START PROGRAMS.

The bill amends Chapter 72, Human Resources Code, by adding Subchapters C and D to provide that the Texas Advisory Council on Early Childhood Education Career Development (advisory council) is established to promote the recognition of early childhood educators as professionals and assist in the development of professional standards and educational opportunities for those educators. The advisory council shall coordinate its efforts with the Texas Head Start State Collaboration Office. The advisory council is not subject to Chapter 2110, Government Code.

The advisory council consists of: a representative of the Texas Education Agency, as designated by the commissioner of education; a representative of the Texas Workforce Commission, as designated by the executive director of the commission; a representative of the Office of Early Childhood Coordination established by the Health and Human Services Commission, as designated by the executive commissioner of the commission; a representative of the Texas Higher Education Coordinating Board, as designated by the commissioner of higher education; a representative of the Department of Family and Protective Services with expertise relating to licensing of child-care facilities, as designated by the commissioner of the department; a representative of the State Center for Early Childhood Development, as designated by the director of the center; a representative of the Texas Head Start State Collaboration Office, as designated by the executive commissioner of the Health and Human Services Commission; a representative of the Texas Cooperative Extension, as designated by the director of the Texas Cooperative Extension; and representatives of each of the following entities or stakeholder groups, as designated by the commissioner of education: statewide associations of early childhood education professionals; statewide organizations that certify or provide other credentials to individuals working in the field of early childhood education; child-care resource and referral agencies; two-year and four-year colleges and universities in this state; public school districts and charter schools that offer secondary programs of study in the area of early childhood education; a director of each of the following early childhood program providers: Head Start programs; programs provided by school districts; nonprofit and for-profit licensed day-care centers; and family homes, as defined by Section 42.002, Human Resources Code; parents with children receiving services through early childhood programs; an expert in early childhood intervention and special education services; and community-based organizations.

The advisory council shall: in conjunction with the organization with which the Texas Education Agency contracts under Section 72.155, Human Resources Code, to manage early childhood education partnership projects established under Subchapter D of Chapter 72, Human Resources Code, develop criteria for determining the effectiveness and performance of those partnerships; and perform any other function specified by law or identified as an appropriate function by the commissioner of education.

The commissioner of education shall designate the presiding officer of the advisory council.

A member of the advisory council may not receive compensation for serving on the advisory council but is entitled to reimbursement of travel expenses incurred by the member while conducting the business of the advisory council as provided by the General Appropriations Act.

The Texas Education Agency shall provide staff assistance as necessary to enable the advisory council to perform the advisory council's duties.

A partnership project may be established in any area of this state in accordance with Subchapter D of Chapter 72, Human Resources Code, to facilitate increased participation in professional development by early childhood education professionals and encourage those professionals to seek additional education. A partnership project may include participation by any interested person, including: employers and employees involved in early childhood education services, such as school districts, licensed child-care facilities, registered family homes, Head Start program providers, and resource and referral agencies; and providers of early childhood education training programs, such as public high schools, community colleges, universities, regional education service centers, cooperative extensions, and the P-16 Council established under Section 61.076, Education Code. Participation in a partnership project may not be contingent on participation in a school readiness integration project under Section 29.160, Education Code.

A partnership project must: develop a coordinated plan under which early childhood education professionals or students participating in the project are able to receive appropriate college credit or professional training; and obtain approval of the plan from the managing organization selected under Section 72.155, Human Resources Code, and with the advice of the advisory council. In addition to any other criteria required as a condition of approval, the plan must: develop measurable objectives similar to those of the Achieve Texas program administered by the Texas Education Agency and the Closing the Gaps program administered by the Texas Higher Education Coordinating Board; include training programs and nonduplicative courses for which workforce certification and college credits may be awarded; align training content with standards developed by nationally recognized early childhood education accrediting bodies; implement practices that allow teachers to observe classrooms and centers considered by the advisory council to be excellent; use valid and reliable preassessments and postassessments that indicate an acceptable level of teacher learning, as determined by secondary and higher education requirements; provide an opportunity for a participating student to earn three semester credit hours for the standard curriculum resources course in an associate of applied science child development degree by passing an assessment, submitting sample materials, and providing documentation that the student has completed at least 48 contact hours of approved training by a registered trainer; encourage colleges and universities to grant as much credit as possible for students who completed an early childhood professions or child care and guidance management and services program in high school, if the program meets the minimum standards of the college or university relating to program quality; and encourage universities to grant as much credit as possible for students who have completed an associate of applied science child development degree. The plan must also include a program evaluation component that, in addition to assessing early childhood education training opportunities, demonstrates: the extent to which developmental and learning outcomes of children in the classrooms of participating professionals improve compared to children in a control group, as measured by valid and reliable instruments; the extent to which an entity's early childhood education training program quality has been enhanced; the extent to which the number of child-care professionals receiving training has increased; the extent to which professional development training opportunities have increased; and the extent to which the professionals participating in the partnership project demonstrate applicable core knowledge and skills compared to professionals in a control group.

Except as noted below, an early childhood education professional who participates in a partnership project must complete at least 48 contact hours of training within the 18-month period following the date on which the professional begins participation. The total number of contact hours of training required under Subsection (a) may be equal to three or four semester credit hours in a participating accredited institution. An individual with no previous training or employment experience in a child-care facility may satisfy the training requirement specified above by completing at least 16 contact hours of preservice training and an additional 32 contact

hours within the 18-month period following the date on which the individual begins employment in a child-care facility.

A partnership project shall pay qualified expenses, as determined by the project's managing organization, for each early childhood education professional who: participates in the project; pursues a higher education degree; and remains in the field of early childhood education for two years. Qualified expenses may include: tuition; books; and other instruction-related expenses, as determined by the partnership project's managing organization. A partnership project may provide reimbursement to a child-care facility if an early childhood education professional is required to complete contact hours during the regular business hours of the child-care facility in accordance with procedures created by the partnership project's managing organization.

The Texas Education Agency, based on the recommendation of the advisory council, shall contract with an organization to manage project partnerships. The organization must be selected through a competitive process developed by the Texas Education Agency and the advisory council.

Subchapter D of Chapter 72, Human Resources Code, expires September 1, 2011.

The bill provides that, not later than December 1, 2010, the Texas Advisory Council on Early Childhood Education Career Development, as established by this Act, shall submit a report to the legislature that evaluates the effectiveness of the changes in law made by this Act. The report must specifically address any effect on the recruitment, retention, and quality of early childhood education providers, and any effect on associated student learning outcomes.

EFFECTIVE DATE

Effective January 1, 2009, Section 42.0421, Human Resources Code, is amended by adding Subsection (g).

Except as otherwise provided by the Act, upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

There are certain minor or nonsubstantive changes in wording between the original and the substitute. In addition, certain provisions are reformatted in the substitute. The following have been identified as the major substantive changes between the two bills.

The substitute adds a provision relating to the memorandum of understanding regarding the child-care and early education coordination and integration under Section 29.160, Education Code, to provide that such memorandum contains a statement that the State Center for Early Childhood Development has determined there is a need for additional prekindergarten classrooms for three- and four-year-old children in the area served by the project, based on a survey by the center of existing nonprofit and for-profit entities providing child care services in the area served by the project.

The original provided that a project established under Subsection (c) of Section 29.160, Education Code, that obtains certification through the school readiness certification system established under Section 29.161 is eligible for funds available under Section 29.1561(c) and is entitled to priority consideration in the award of those funds. Funds awarded under that section may be used to create a prekindergarten program; expand a prekindergarten program to serve children who are three years of age; increase income eligibility levels to not more than 300 percent of the federal poverty level for prekindergarten; or add a teacher's aide to existing prekindergarten classes. The substitute provides that a project established under Subsection (c) of Section 29.160 that obtains certification through the school readiness certification system established under Section 29.161 is eligible for funds available under Section 29.1561(c) and is entitled to priority consideration in the award of those funds. Funds awarded under that section may be used to create a prekindergarten program; expand a prekindergarten program to serve children who are three years of age and otherwise eligible under Section 29.153; increase income eligibility levels to not more than 200 percent of the federal poverty level for prekindergarten; or add a teacher's aide to existing prekindergarten classes.

The substitute adds a provision that, in certifying school readiness integration projects in accordance with Subsection (c) and Section 29.155(g), the State Center for Early Childhood Development shall give priority to projects involving coordinated participation of school districts, Head Start and Early Head Start program providers, and nonprofit or for-profit entities providing child-care services.

The substitute adds a provision that the report provided by State Center for Early Childhood Development and any other entity that implements a project established under Subsection (c) of Section 29.160 must include an estimate of the total amount of federal, state, and local funds spent providing early childhood education services to children participating in the project.

The original provided, in Section 2308.3155(b), that the Texas Workforce Commission shall distribute the increased federal funds directly to local workforce development boards in the same proportion that child care development fund quality improvement money is distributed to local workforce development boards. The substitute provides only that the Texas Workforce Commission shall distribute the increased federal funds directly to local workforce development boards.

The substitute changes a provision in Section 42.0421(g), Human Resources Code, of the original bill to provide that training required by Section 42.0421 must be provided by, among others, a person who is a registered family home care provider or director of a day-care center in good standing with the Department of Family and Protective Services, if applicable, and is only providing training at the home or center where the provider or director and the person receiving training are employed, provided that the department has not taken an action against the provider's license or registration under Section 42.071, 42.072, or 42.078, Human Resources Code, during the two-year period preceding the date on which the provider or director provides the training

The original provided that a partnership project shall pay qualified expenses, as determined by the project's managing organization, for each early childhood education professional who: participates in the project; pursues a higher education degree; and remains in the field of early childhood education for two years. Qualified expenses may include: on-campus housing costs; tuition; books; transportation; and other expenses, as determined by the partnership project's managing organization. The substitute provides that a partnership project shall pay qualified expenses, as determined by the project's managing organization, for each early childhood education professional who: participates in the project; pursues a higher education degree; and remains in the field of early childhood education for two years. Qualified expenses may include: tuition; books; and other instruction-related expenses, as determined by the partnership project's managing organization.

The substitute adds a provision to the effect that Subchapter D of Chapter 72, Human Resources Code, as added by the bill, expires September 1, 2011.

The original provided that not later than December 1, 2009, the Texas Advisory Council on Early Childhood Education Career Development, as established by this Act, shall submit a report to the legislature that evaluates the effectiveness of the changes in law made by this Act. The substitute provides that not later than December 1, 2010, the Texas Advisory Council on Early Childhood Education Career Development, as established by this Act, shall submit a report to the legislature that evaluates the effectiveness of the changes in law made by this Act.

The original provided that, except as otherwise provided by this Act, this Act takes effect September 1, 2007. The substitute provides that, except as otherwise provided by this Act, this Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.