

By: Strama

H.B. No. 2269

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the regulation of child-care facilities by the Texas  
3 Workforce Commission and the Department of Family and Protective  
4 Services, including the Texas Rising Star Program.

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

6 SECTION 1. Section 2155.202, Government Code, is amended to  
7 read as follows:

8 Sec. 2155.202. MENTAL HEALTH AND MENTAL RETARDATION  
9 COMMUNITY CENTERS; ASSISTANCE ORGANIZATIONS; CHILD CARE PROVIDERS.

10 The following entities may purchase goods and services through the  
11 comptroller:

12 (1) a [A] community center for mental health and  
13 mental retardation services that receives state grants-in-aid  
14 under Subchapter B, Chapter 534, Health and Safety Code;

15 (2) [~~and~~] an assistance organization as defined by  
16 Section 2175.001 that receives state funds; and

17 (3) a child care provider that meets the Texas Rising  
18 Star Program provider criteria described by Texas Workforce  
19 Commission rules [~~may purchase goods and services through the~~  
20 commission].

21 SECTION 2. Section 2308.315, Government Code, is amended to  
22 read as follows:

23 Sec. 2308.315. REIMBURSEMENT RATES FOR CHILD CARE. (a)

24 Each board shall establish graduated reimbursement rates for child

1 care based on the commission's Texas Rising Star Program [~~Texas~~  
2 ~~Workforce Commission's designated vendor program~~].

3 (b) The minimum reimbursement rate for a Texas Rising Star  
4 Program provider [~~designated vendors~~] must be [~~at least five~~  
5 ~~percent~~] greater than the maximum rate established for a provider  
6 who is not a Texas Rising Star Program provider [~~nondesignated~~  
7 ~~vendors~~] for the same category of care. The reimbursement rate must  
8 be:

9 (1) at least five percent higher for a provider with a  
10 two-star rating;

11 (2) at least seven percent higher for a provider with a  
12 three-star rating; and

13 (3) at least nine percent higher for a provider with a  
14 four-star rating.

15 (c) The Texas Rising Star Program [~~designated vendor~~] rate  
16 differential established in this section shall be funded with  
17 federal child care development funds [~~dedicated to quality~~  
18 ~~improvement activities~~].

19 SECTION 3. Subchapter G, Chapter 2308, Government Code, is  
20 amended by adding Section 2308.3155 to read as follows:

21 Sec. 2308.3155. TEXAS RISING STAR PROGRAM. (a) The Texas  
22 Rising Star Program is a voluntary, quality-based child care rating  
23 system of child care providers participating in the commission's  
24 subsidized child care program.

25 (b) The commission shall adopt rules to administer the Texas  
26 Rising Star Program, including guidelines for certifying a child  
27 care provider who provides child care to a child younger than 13

1 years of age enrolled in the subsidized program.

2 (c) The commission shall make money available to each board  
3 to hire necessary employees for the Texas Rising Star Program from  
4 the child care and development block grant. In addition, a board  
5 may use money available from other public or private sources to hire  
6 necessary employees for the program.

7 SECTION 4. Section 2308.316, Government Code, is amended to  
8 read as follows:

9 Sec. 2308.316. FUNDING OF COMPETITIVE PROCUREMENT PROCESS  
10 FOR INFANT AND EARLY CHILDHOOD CHILD CARE. Each board shall  
11 allocate a portion of the board's federal child care development  
12 funds dedicated to quality improvement activities to a competitive  
13 procurement process for a system for quality child care for  
14 children under 13 [~~four~~] years of age that encourages child care  
15 providers to voluntarily meet the criteria of the commission's  
16 Texas Rising Star Program [~~Texas Workforce Commission's designated~~  
17 ~~vendor program or national accreditation~~]. In allocating funds  
18 under this section, special consideration shall be given to funding  
19 child care for children under 13 [~~four~~] years of age in low-income  
20 communities. This section may not be interpreted to limit parental  
21 choice.

22 SECTION 5. Section 2308.317, Government Code, is amended to  
23 read as follows:

24 Sec. 2308.317. EXPENDITURES FOR CERTAIN CHILD CARE QUALITY  
25 IMPROVEMENT ACTIVITIES. (a) Notwithstanding any other law, the  
26 commission [~~Texas Workforce Commission~~] shall ensure that, to the  
27 extent federal child care development funds dedicated to quality

1 improvement activities are used to improve quality and availability  
2 of child care, those funds are used only for quality child care  
3 programs, including programs:

- 4           (1) whose director receives mentoring; or  
5           (2) that are in the process of obtaining a  
6 certification or accreditation.

7           (b) For purposes of this section, a quality child care  
8 program is a program that:

9           (1) promotes:

10                   (A) the physical, social, emotional, and  
11 intellectual development of young children;

12                   (B) frequent, positive, warm interactions  
13 appropriate to a child's age and development; ~~and~~

14                   (C) regular communication with parents who are  
15 welcomed by the program at all times to participate in activities  
16 and to observe, discuss, and recommend policies;

17                   (D) regular educational opportunities for  
18 parents by providing parenting classes and other educational  
19 information important for the development of a child under five  
20 years of age; and

21                   (E) professional development for child care  
22 providers, directors, and employees; and

23           (2) provides:

24                   (A) a healthy, safe, and nurturing environment  
25 for young children;

26                   (B) planned learning activities appropriate to a  
27 child's age and development;

- 1 (C) specially trained child care providers;
- 2 (D) a sufficient number of adults to respond to  
3 the needs of each child;
- 4 (E) a variety of age-appropriate materials;
- 5 (F) nutritious meals and snacks;
- 6 (G) an effective program administration; and
- 7 (H) an ongoing, systematic evaluation process  
8 for the program.

9 (c) Each board shall use at least two percent of the board's  
10 yearly allocation from the commission for quality child care  
11 initiatives. In addition, a board may use money available from  
12 other public or private sources for quality child care initiatives.

13 SECTION 6. Subchapter G, Chapter 2308, Government Code, is  
14 amended by adding Section 2308.3175 to read as follows:

15 Sec. 2308.3175. QUALITY CHILD CARE INFORMATION. (a) In  
16 this section, "quality child care indicator" means an appropriate  
17 certification, license, accreditation, or other indicator that a  
18 provider is a quality child care provider, including that the  
19 provider:

20 (1) meets the Texas Rising Star Program provider  
21 certification criteria;

22 (2) is accredited as a child care provider by a  
23 nationally recognized organization approved by the commission and  
24 the Department of Family and Protective Services;

25 (3) is certified under the school readiness  
26 certification system under Section 29.161, Education Code; or

27 (4) meets standards for model early childhood care and

1 education coordination developed under Section 29.155(g),  
2 Education Code.

3 (b) Each board shall provide information on quality child  
4 care indicators to each child care provider in the area served by  
5 the board that:

6 (1) provides child care services funded by the board;  
7 or

8 (2) receives reimbursement for child care services  
9 from the board.

10 (c) Each board shall post on the board's Internet website  
11 and at any physical location where the board provides services a  
12 list of child care providers with a quality child care indicator.

13 (d) A child care provider who receives funding or  
14 reimbursement for child care services from a board shall post a  
15 license, certification, or assessment described by Subsection (a)  
16 at the entrance of the provider's facility and on the provider's  
17 Internet website.

18 (e) Each board shall post on the board's Internet website  
19 quality child care training opportunities for providers, including  
20 online training.

21 SECTION 7. Subchapter G, Chapter 2308, Government Code, is  
22 amended by adding Section 2308.320 to read as follows:

23 Sec. 2308.320. TECHNICAL ASSISTANCE FOR PROVIDERS. Each  
24 board shall provide technical assistance to Texas Rising Star  
25 Program providers and to providers seeking certification under the  
26 Texas Rising Star Program, including providing:

27 (1) a child development specialist to serve as an

1 evaluator of the provider during the certification process;

2 (2) a mentor or coach to a Texas Rising Star Program  
3 provider to meet regularly with the provider and provide child care  
4 resources to the provider, including developmentally appropriate  
5 books, materials, and equipment;

6 (3) consumer information regarding the selection of  
7 quality child care for parents of children enrolled in the program;  
8 and

9 (4) parenting education information for parents of  
10 children enrolled in the program, including information about  
11 parenting classes that are available in the area or on the Internet.

12 SECTION 8. Subchapter G, Chapter 2308, Government Code, is  
13 amended by adding Section 2308.321 to read as follows:

14 Sec. 2308.321. TEXAS RISING STAR PROGRAM REVIEW WORK GROUP.

15 (a) The Texas Rising Star Program review work group is established  
16 to propose revisions to the commission's rules on the Texas Rising  
17 Star Program.

18 (b) The work group consists of the following members  
19 appointed by the executive director of the commission:

20 (1) at least one member from a board;

21 (2) at least one member from the Department of Family  
22 and Protective Services;

23 (3) at least one member from the Texas Education  
24 Agency;

25 (4) at least one member from the governor's Texas Early  
26 Learning Council;

27 (5) at least one member that is a Texas Rising Star

1 Program provider; and

2 (6) at least one member with experience in the field of  
3 subsidized child care systems and programs.

4 (c) The work group shall hold the group's initial meeting  
5 not later than October 1, 2011, and shall meet at other times as  
6 determined by the presiding officer.

7 (d) The work group shall elect a presiding officer by a vote  
8 of the membership of the work group.

9 (e) Not later than January 1, 2012, the work group shall  
10 submit to the executive director of the commission proposed  
11 revisions to the commission's rules relating to the Texas Rising  
12 Star Program. In making its recommendations, the work group shall  
13 consider:

14 (1) professional development standards for child care  
15 directors and employees, including training and annual  
16 professional development requirements;

17 (2) education and experience requirements for mentors  
18 and evaluators;

19 (3) early learning and school readiness standards;

20 (4) requirements regarding staff-to-child ratios and  
21 group sizes;

22 (5) playground standards; and

23 (6) best practices guidelines based on standards  
24 adopted by nationally recognized organizations, including Head  
25 Start Program Performance Standards, National Health and Safety  
26 Performance Standards, National Association of the Education of  
27 Young Children program standards and accreditation criteria,



1 National Association of Family Child Care standards, United States  
2 Department of Defense standards, national accreditation standards,  
3 and School Ready certification standards.

4 (f) Not later than July 1, 2012, the commission shall  
5 propose rules that incorporate the proposed revisions submitted by  
6 the work group under Subsection (e).

7 (g) The executive director of the commission shall make the  
8 appointments under this section on September 1, 2011.

9 (h) This section expires July 1, 2013.

10 SECTION 9. Section 42.0421, Human Resources Code, is  
11 amended by amending Subsection (a) and adding Subsections (f) and  
12 (g) to read as follows:

13 (a) The minimum training standards prescribed by the  
14 department under Section 42.042(p) for an employee of a day-care  
15 center or group day-care home must include:

16 (1) 16 [~~eight~~] hours of initial training for an  
17 employee of a day-care center who has no previous training or less  
18 than two years employment experience in a regulated child-care  
19 facility, to be completed before the employee is given  
20 responsibility for a group of children;

21 (2) 24 [~~15~~] hours of annual training for each employee  
22 of a day-care center or group day-care home, excluding the  
23 director, which must include at least six hours of training in one  
24 or more of the following areas:

- 25 (A) child growth and development;
- 26 (B) guidance and discipline;
- 27 (C) age-appropriate curriculum; and

1 (D) teacher-child interaction; and

2 (3) 30 [~~20~~] hours of annual training for each director  
3 of a day-care center or group day-care home, which must include at  
4 least six hours of training in one or more of the following areas:

5 (A) child growth and development;

6 (B) guidance and discipline;

7 (C) age-appropriate curriculum; and

8 (D) teacher-child interaction.

9 (f) The training required by this section must be  
10 appropriately targeted and relevant to the age of the children who  
11 will receive care from the individual receiving training and must  
12 be provided by a person who:

13 (1) is a training provider registered with the Texas  
14 Early Care and Education Career Development System's Texas Trainer  
15 Registry that is maintained by the Texas Head Start State  
16 Collaboration Office;

17 (2) is an instructor at a public or private secondary  
18 school or at a public or private institution of higher education, as  
19 defined by Section 61.801, Education Code, who teaches early  
20 childhood development or another relevant course, as determined by  
21 rules adopted by the commissioner of education and the commissioner  
22 of higher education;

23 (3) is an employee of a state agency with relevant  
24 expertise;

25 (4) is a physician, psychologist, licensed  
26 professional counselor, social worker, or registered nurse; or

27 (5) holds a generally recognized credential or

1 possesses documented knowledge relevant to the training the person  
2 will provide.

3 (g) The director, owner, or operator of a day-care center or  
4 group day-care home shall provide to a new employee an orientation  
5 to the facility not later than the seventh day after the date the  
6 employee begins employment.

7 SECTION 10. (a) Section 42.0421(a)(1), Human Resources  
8 Code, as amended by this Act, and Section 42.0421(g), Human  
9 Resources Code, as added by this Act, apply only to an employee who  
10 is initially employed by a day-care center or group day-care home on  
11 or after the effective date of this Act. An employee who is  
12 initially employed by a facility before that date is subject to the  
13 law in effect immediately before the effective date of this Act, and  
14 the former law is continued in effect for that purpose.

15 (b) Sections 42.0421(a)(2) and (3), Human Resources Code,  
16 as amended by this Act, apply to an employee or director of a  
17 day-care center or group day-care home regardless of the date the  
18 person began employment with or service as director of the  
19 facility.

20 SECTION 11. This Act takes effect September 1, 2011.