

AN ACT

relating to the regulation of child-care providers by the Texas Workforce Commission and local workforce development boards.

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

SECTION 1. Section 29.158(d), Education Code, is amended to read as follows:

(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 Program certification ~~[Provider]~~ criteria ~~[described by 40 T.A.C. Section 809.15(b)]~~;

(2) is accredited by a nationally recognized accrediting organization approved by the Texas Workforce Commission and the Department of Family and Protective ~~[and~~

1 ~~Regulatory]~~ Services;

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

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

6 SECTION 2. 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
10 PROVIDERS. The following entities may purchase goods and services
11 through the comptroller:

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

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

17 (3) a child-care provider that meets ~~[the]~~ Texas
18 Rising Star Program certification ~~[Provider]~~ criteria ~~[described~~
19 ~~by Texas Workforce Commission rules]~~.

20 SECTION 3. Section 2308.315, Government Code, is amended to
21 read as follows:

22 Sec. 2308.315. REIMBURSEMENT RATES FOR CHILD CARE. (a)
23 Each board shall establish graduated reimbursement rates for child
24 care based on the commission's Texas Rising Star Program ~~[Texas~~
25 ~~Workforce Commission's designated vendor program]~~.

26 (b) The minimum reimbursement rate for a Texas Rising Star
27 Program provider ~~[designated vendors]~~ must be ~~[at least five~~

1 ~~percent]~~ greater than the maximum rate established for a provider
2 who is not a Texas Rising Star Program provider [~~nondesignated~~
3 ~~vendors]~~ for the same category of care. The reimbursement rate must
4 be:

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

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

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

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

15 (d) Notwithstanding Subsection (b), a board may not
16 reimburse a provider under the reimbursement rates provided by
17 Subsection (b) before the date any revisions to rules recommended
18 by the Texas Rising Star Program review work group under Section
19 2308.321 are adopted by the commission.

20 SECTION 4. Subchapter G, Chapter 2308, Government Code, is
21 amended by adding Section 2308.3155 to read as follows:

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

26 (b) The commission shall adopt rules to administer the Texas
27 Rising Star Program, including guidelines for rating a child-care

1 provider who provides child care to a child younger than 13 years of
2 age, including infants and toddlers, enrolled in the subsidized
3 program.

4 (c) The commission shall make money available to each board
5 to hire necessary employees to provide technical assistance under
6 Section 2308.320 from the child care and development block grant.
7 In addition, a board may use money available from other public or
8 private sources to hire necessary employees for the program.

9 SECTION 5. Section 2308.316, Government Code, is amended to
10 read as follows:

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

24 SECTION 6. Section 2308.317, Government Code, is amended by
25 amending Subsection (a) and adding Subsections (c) and (d) to read
26 as follows:

27 (a) Notwithstanding any other law, the commission [~~Texas~~

~~Workforce Commission~~] shall ensure that, to the extent federal child care development funds dedicated to quality improvement activities are used to improve quality and availability of child care, those funds are used ~~[only]~~ for:

(1) quality child care programs, including programs:

(A) whose director receives mentoring; or

(B) that are in the process of obtaining a Texas Rising Star Program rating;

(2) technical assistance for providers as described by Section 2308.320;

(3) professional development for child care providers, directors, and employees;

(4) educational materials for children served by child care providers; and

(5) educational information for parents important for the development of a child under five years of age.

(c) Each board shall use at least two percent of the board's yearly allocation from the commission for quality child care initiatives. In addition, a board may use money available from other public or private sources for quality child care initiatives. A board shall give priority to quality child care initiatives that benefit child care facilities that are working toward Texas Rising Star certification or are Texas Rising Star certified providers working toward a higher certification level.

(d) Each board shall annually report to the commission regarding the board's use of the two percent allocation described by Subsection (c).

SECTION 7. Section 2308.3171, Government Code, is amended to read as follows:

Sec. 2308.3171. INFORMATION ON QUALITY CHILD CARE. (a) In this section, "quality child-care indicator" means any appropriate indicator of quality services, including whether the provider of the services:

(1) meets ~~[the]~~ Texas Rising Star Program certification ~~[Provider]~~ criteria ~~[described by commission rules]~~;

(2) is accredited by a nationally recognized accrediting organization approved by the commission;

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

(4) meets standards developed under Section 29.155(g), Education Code; or

(5) has achieved any other measurable target that is relevant to improving the quality of child care in this state and that has been approved by the commission.

(b) Each board shall provide information on quality child-care indicators to ~~[for]~~ each licensed or registered child-care provider in the area. Each board shall determine the manner in which to provide this information.

(c) Each board shall post in a prominent place on the board's Internet website home page and at any physical location where the board provides services:

(1) a list of local designated vendors that are child-care providers and have a quality child-care indicator listed

1 in Subsection (a)(1), (2), (3), or (4); and

2 (2) a list of local parenting classes [~~determine the~~
3 ~~manner in which to provide the information required by this~~
4 ~~section~~].

5 (d) A child-care provider who receives funding or
6 reimbursement for child-care services from a board shall post a
7 certification or accreditation described by Subsection (a) at the
8 entrance of the provider's facility.

9 SECTION 8. Subchapter G, Chapter 2308, Government Code, is
10 amended by adding Section 2308.320 to read as follows:

11 Sec. 2308.320. TECHNICAL ASSISTANCE FOR PROVIDERS. Each
12 board shall provide technical assistance to Texas Rising Star
13 Program providers and to providers seeking certification under the
14 Texas Rising Star Program, including providing:

15 (1) a child development specialist to serve as an
16 evaluator of the provider during the certification process;

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

21 (3) consumer information regarding the selection of
22 quality child care for parents of children enrolled in the program;
23 and

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

27 SECTION 9. Subchapter G, Chapter 2308, Government Code, is

amended by adding Section 2308.321 to read as follows:

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

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

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

(1) at least one member from the commission;

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

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

(4) at least one member from the governor's Texas Early Learning Council who participated on the Quality Rating and Improvement System subcommittee;

(5) at least one member who is appointed to a workforce development board;

(6) at least four members who are Texas Rising Star Program providers with different Texas Rising Star Program ratings:

(A) at least one of whom must be a for-profit private provider;

(B) at least one of whom must be a single-site provider;

(C) at least one of whom must be a multi-site provider; and

(D) at least one of whom must be an individual who provides child care in the provider's own home;

1 (7) at least one provider who has participated in the
2 Texas School Ready! project; and

3 (8) at least three members employed by different
4 boards who work in the employing board's child-care program and
5 have experience and expertise in early childhood development or the
6 Texas Rising Star Program or other similar certification or
7 accreditation programs.

8 (c) The work group shall hold the group's initial meeting
9 not later than November 1, 2013, and shall meet at other times as
10 determined by the presiding officer.

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

13 (e) Not later than May 1, 2014, the work group shall submit
14 to the executive director of the commission recommendations
15 proposing revisions to the commission's guidelines relating to the
16 Texas Rising Star Program. In making its recommendations, the work
17 group shall consider:

18 (1) professional development standards for child-care
19 directors and employees, including training and annual
20 professional development requirements;

21 (2) education and experience requirements for mentors
22 and evaluators;

23 (3) early learning and school readiness standards;

24 (4) guidelines for infants and toddlers in child care;

25 (5) training hours for providers;

26 (6) playground standards;

27 (7) best practices guidelines based on standards

1 adopted by nationally recognized organizations, including Head
2 Start Program Performance Standards, National Health and Safety
3 Performance Standards, National Association of the Education of
4 Young Children program standards and accreditation criteria,
5 National Association for Family Child Care standards, United States
6 Department of Defense standards, national accreditation standards,
7 and School Ready certification standards;

8 (8) research on infant and toddler brain development;
9 and

10 (9) strategies for the long-term financing of the
11 Texas Rising Star Program, including financing the payment of:

12 (A) incentives to child-care providers
13 participating in the program; and

14 (B) grants and rewards to child-care providers
15 that achieve and maintain high levels of service.

16 (f) Not later than September 1, 2014, the commission shall
17 propose rules that incorporate the proposed revisions submitted by
18 the work group under Subsection (e).

19 (g) The executive director of the commission shall make the
20 appointments under this section on September 1, 2013.

21 (h) This section expires December 1, 2014.

22 SECTION 10. This Act takes effect September 1, 2013.

President of the Senate

Speaker of the House

I certify that H.B. No. 376 was passed by the House on May 3, 2013, by the following vote: Yeas 124, Nays 19, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 376 was passed by the Senate on May 17, 2013, by the following vote: Yeas 28, Nays 3.

Secretary of the Senate

APPROVED: _____

Date

Governor