

By: Zaffirini

S.B. No. 1588

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the regulation of child-care providers by the Texas  
3 Workforce Commission and local workforce development boards.

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

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

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

19 (1) meets ~~[the]~~ Texas Rising Star Program  
20 certification ~~[Provider]~~ criteria ~~[described by 40 T.A.C. Section~~  
21 ~~809.15(b)]~~;

22 (2) is accredited by a nationally recognized  
23 accrediting organization approved by the Texas Workforce  
24 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           SECTION 4. Subchapter G, Chapter 2308, Government Code, is  
16 amended by adding Section 2308.3155 to read as follows:

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

21           (b) The commission shall adopt rules to administer the Texas  
22 Rising Star Program, including guidelines for rating a child care  
23 provider who provides child care to a child younger than 13 years of  
24 age, including infants and toddlers, enrolled in the subsidized  
25 program.

26           (c) The commission shall make money available to each board  
27 to hire necessary employees to provide technical assistance under

1 Section 2308.320 from the child care and development block grant.  
2 In addition, a board may use money available from other public or  
3 private sources to hire necessary employees for the program.

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

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

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

22 (a) Notwithstanding any other law, the commission [~~Texas~~  
23 ~~Workforce Commission~~] shall ensure that, to the extent federal  
24 child care development funds dedicated to quality improvement  
25 activities are used to improve quality and availability of child  
26 care, those funds are used [~~only~~] for:

27 (1) quality child care programs, including programs:

1                   (A) whose director receives mentoring; or  
2                   (B) that are in the process of obtaining a Texas  
3 Rising Star Program rating;

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

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

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

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

12                   (c) Each board shall use at least two percent of the board's  
13 yearly allocation from the commission for quality child care  
14 initiatives that contribute to kindergarten readiness. In  
15 addition, a board may use money available from other public or  
16 private sources for quality child care initiatives.

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

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

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

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

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

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

6 (4) meets standards developed under Section  
7 29.155(g), Education Code; or

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

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

15 (c) Each board shall post on the board's Internet website  
16 and at any physical location where the board provides services:

17 (1) a list of local designated vendors that are  
18 child-care providers and have a quality child-care indicator listed  
19 in Subsection (a)(1), (2), (3), or (4); and

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

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

27 SECTION 8. Subchapter G, Chapter 2308, Government Code, is

1 amended by adding Section 2308.320 to read as follows:

2 Sec. 2308.320. TECHNICAL ASSISTANCE FOR PROVIDERS. Each  
3 board shall provide technical assistance to Texas Rising Star  
4 Program providers and to providers seeking certification under the  
5 Texas Rising Star Program, including providing:

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

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

12 (3) consumer information regarding the selection of  
13 quality child care for parents of children enrolled in the program;  
14 and

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

18 SECTION 9. Subchapter G, Chapter 2308, Government Code, is  
19 amended by adding Section 2308.321 to read as follows:

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

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

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

26 (1) at least one member from the commission;

27 (2) at least one member from the Department of Family

- 1 and Protective Services;  
2 (3) at least one member from the Texas Education  
3 Agency;  
4 (4) at least one member from the governor's Texas Early  
5 Learning Council who participated on the Quality Rating and  
6 Improvement System subcommittee;  
7 (5) at least one member who is appointed to a workforce  
8 development board;  
9 (6) at least three members who are Texas Rising Star  
10 Program providers with different Texas Rising Star Program ratings:  
11 (A) at least one of whom must be a for-profit  
12 private provider;  
13 (B) at least one of whom must be a single-site  
14 provider; and  
15 (C) at least one of whom must be a multi-site  
16 provider;  
17 (7) at least one provider who has participated in the  
18 Texas School Ready! project; and  
19 (8) at least three members employed by different  
20 boards who work in the employing board's child care program and have  
21 experience and expertise in early childhood development or the  
22 Texas Rising Star Program or other similar certification or  
23 accreditation programs.  
24 (c) The work group shall hold the group's initial meeting  
25 not later than November 1, 2013, and shall meet at other times as  
26 determined by the presiding officer.  
27 (d) The work group shall elect a presiding officer by a vote



1 of the membership of the work group.

2 (e) Not later than May 1, 2014, the work group shall submit  
3 to the executive director of the commission recommendations  
4 proposing revisions to the commission's guidelines relating to the  
5 Texas Rising Star Program. In making its recommendations, the work  
6 group shall consider:

7 (1) professional development standards for child care  
8 directors and employees, including training and annual  
9 professional development requirements;

10 (2) education and experience requirements for mentors  
11 and evaluators;

12 (3) early learning and school readiness standards;

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

14 (5) requirements regarding staff-to-child ratios and  
15 group sizes;

16 (6) training hours for providers;

17 (7) playground standards;

18 (8) best practices guidelines based on standards  
19 adopted by nationally recognized organizations, including Head  
20 Start Program Performance Standards, National Health and Safety  
21 Performance Standards, National Association of the Education of  
22 Young Children program standards and accreditation criteria,  
23 National Association for Family Child Care standards, United States  
24 Department of Defense standards, national accreditation standards,  
25 and School Ready certification standards;

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

27 and

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

3                   (A) incentives to child-care providers  
4 participating in the program; and

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

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

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

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

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