

AN ACT

relating to the powers and duties of the Texas Workforce Commission and local workforce development boards regarding the provision of child care.

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

SECTION 1. Section 2308.317, Government Code, is amended by adding Subsection (e) to read as follows:

(e) Each board shall, to the extent practicable, ensure that any professional development for child care providers, directors, and employees funded under Subsection (a):

(1) can be used toward requirements for a credential, certification, or degree program; and

(2) meets the professional development requirements of the Texas Rising Star Program.

SECTION 2. Section 302.0042, Labor Code, is amended by amending Subsection (b) and adding Subsections (c) and (d) to read as follows:

(b) The commission's evaluation must assess:

(1) the use of current federal child care funds by each local workforce development board;

(2) the ability of each local workforce development board to meet child care performance measures;

(3) the average cost of child care in each local workforce development area;

1 (4) the average monthly price charged by child care
2 providers for full-day child care in each local workforce
3 development area as stated in the market rate survey conducted
4 under 45 C.F.R. Section 98.45(c);

5 (5) the average monthly price charged by quality child
6 care providers for full-day child care in each local workforce
7 development area;

8 (6) the poverty rate of each local workforce
9 development area compared to the state's poverty rate;

10 (7) [~~(5)~~] the number of children on waiting lists for
11 child care in each local workforce development area; [~~and~~]

12 (8) [~~(6)~~] the number of places that are reserved for
13 participants in the child-care subsidy program out of the total
14 number of children enrolled with a provider on a full-time basis
15 categorized by age of the child for each provider [~~vacant slots~~
16 ~~available for child care placement~~] in each local workforce
17 development area that is certified as a 2-star, 3-star, or 4-star
18 provider in the Texas Rising Star Program or that does not
19 participate in the Texas Rising Star Program;

20 (9) the total number of child care providers
21 participating in the Texas Rising Star Program in each local
22 workforce development area and the number of 2-star, 3-star, and
23 4-star rated child care providers in the local workforce
24 development area;

25 (10) the number of child care providers participating
26 in the Texas Rising Star Program in each local workforce
27 development area as a percentage of the total number of both

subsidized child care providers and all child care providers in the local workforce development area;

(11) the number of 2-star, 3-star, and 4-star rated child care providers in the local workforce development area as a percentage of the total number of both subsidized child care providers and all child care providers in the local workforce development area;

(12) the total number of children enrolled in subsidized child care providers participating in the Texas Rising Star Program in each local workforce development area and the number of subsidized children enrolled in 2-star, 3-star, and 4-star rated child care providers in the local workforce development area; and

(13) the number of subsidized children enrolled in child care providers participating in the Texas Rising Star Program in each local workforce development area as a percentage of the total number of subsidized children enrolled in child care providers in the local workforce development area and the number of subsidized children enrolled in 2-star, 3-star, and 4-star rated child care providers in the local workforce development area as a percentage of the total number of subsidized children enrolled in child care providers in the local workforce development area.

(c) For the purposes of evaluation under this section, the commission shall annually update the information described by Subsections (b)(7)-(13).

(d) In this section, "quality child care provider" means a child care provider that:

1 (1) participates in the commission's Texas Rising Star
2 Program; or

3 (2) is accredited by the National Early Childhood
4 Program Accreditation Commission or the National Association for
5 the Education of Young Children, or holds any other accreditation
6 the commission determines meets the quality standards of the Texas
7 Rising Star Program.

8 SECTION 3. Section 302.0043, Labor Code, is amended by
9 adding Subsection (c-1) and amending Subsections (e) and (f) to
10 read as follows:

11 (c-1) The commission shall measure and evaluate the
12 progress of the commission's child care program regarding:

13 (1) coordination by the commission with the Texas
14 Education Agency to assign a Public Education Information
15 Management System (PEIMS) number to children younger than six years
16 of age enrolled in the commission's child care program;

17 (2) coordination with the Texas Education Agency,
18 school districts, and open-enrollment charter schools on any
19 prekindergarten quality improvement efforts;

20 (3) efforts to increase coordination between
21 participating providers in the commission's child care program,
22 school districts, and open-enrollment charter schools;

23 (4) facilitation of child care provider enrollment in
24 the Texas Rising Star Program and progression of providers to the
25 highest rating level in the program; and

26 (5) development and implementation of rates and
27 payments, as determined by local workforce development boards, to:

1 (A) allow participating providers to provide
2 high-quality child care; and

3 (B) ensure that the commission meets performance
4 measures established by the legislature for the average number of
5 children served by the commission's child-care program per day.

6 (e) The commission shall make the information collected by
7 the commission and the commission's findings available to local
8 workforce development boards, school districts, open-enrollment
9 charter schools, and the public.

10 (f) Not later than January 15 of each odd-numbered year, the
11 commission shall report to the legislature regarding the
12 commission's findings regarding the effectiveness of the
13 commission's child care program. The report must:

14 (1) include employment outcome information,
15 disaggregated by local workforce development area, regarding
16 parents receiving subsidized care under the program; ~~and~~

17 (2) identify multiyear trends in the information
18 collected and analyzed by the commission under this section,
19 including trends in the information for at least the five state
20 fiscal years preceding the date of the report;

21 (3) include information described by Sections
22 302.0042(b)(9)-(13);

23 (4) include a summary of the input obtained under
24 Section 302.00435; and

25 (5) include any recommendations for legislation or
26 regulation, including regulatory recommendations for governmental
27 bodies other than the commission, regarding the input obtained

1 under Section 302.00435.

2 SECTION 4. Section 302.00435, Labor Code, is amended to
3 read as follows:

4 Sec. 302.00435. SUBSIDIZED CHILD CARE PROGRAM; INPUT
5 POLICY. (a) The commission shall develop a policy for obtaining,
6 through appropriate methods, input from interested parties
7 regarding its subsidized child care program and for using that
8 input in administering that program.

9 (b) The policy developed under Subsection (a) must include
10 methods for obtaining input from the Texas Education Agency, school
11 districts, open-enrollment charter schools, subsidized child care
12 providers, relevant businesses, and the public, regarding:

13 (1) improving coordination between the subsidized
14 child care program and prekindergarten programs;

15 (2) increasing the quality of and access to the
16 subsidized child care program;

17 (3) existing health and safety rules and regulations
18 that could be more efficient or less costly without reducing health
19 and safety outcomes; and

20 (4) the burdens relating to complying with existing
21 regulations that could be mitigated, reduced, or eliminated while
22 maintaining the intent, objective, or purpose of the underlying
23 regulation.

24 SECTION 5. Subchapter C, Chapter 302, Labor Code, is
25 amended by adding Section 302.0461 to read as follows:

26 Sec. 302.0461. CHILD CARE PROVIDER CONTRACT AGREEMENTS.

27 (a) A local workforce development board may contract with child

care providers operating in the board's area to provide subsidized child care services. The local workforce development board shall determine the number of places that the board reserves in the contract with a child care provider participating in the commission's subsidized child care program.

(b) To be eligible for a contract under Subsection (a), a child care provider must:

(1) be a Texas Rising Star Program provider with a three-star rating or higher; and

(2) meet one of the following priorities of the commission:

(A) be located in:

(i) an area where the number of children younger than six years of age who have working parents is at least three times greater than the capacity of licensed child care providers in the area; or

(ii) an area determined by the commission to be underserved with respect to child care providers;

(B) have a partnership with a school district to provide a prekindergarten program;

(C) have a partnership with the Early Head Start or Head Start Program;

(D) increase the number of places reserved for infants and toddlers by high-quality child care providers; or

(E) satisfy a requirement in the local workforce development board's strategic plan.

(c) Not later than six months after a local workforce

1 development board enters into a contract under Subsection (a), the
2 board shall submit a report to the commission evaluating the
3 contract to determine its effect on:

4 (1) the financial stability of the child care provider
5 participating in the contract;

6 (2) the availability of high-quality child care
7 options for participants in the commission's subsidized child care
8 program in the workforce development area;

9 (3) the number of high-quality child care providers in
10 any part of the workforce development area with a high
11 concentration of families with a need for child care; and

12 (4) the percentage of children participating in the
13 commission's subsidized child care program at each Texas Rising
14 Star Program provider in the local workforce development area.

15 (d) The commission shall determine the information that
16 must be included in the report required by Subsection (c). A local
17 workforce development board shall update the report required by
18 Subsection (c) every six months from the date the board submits its
19 initial report to the commission.

20 SECTION 6. This Act takes effect September 1, 2019.

President of the Senate

Speaker of the House

I certify that H.B. No. 680 was passed by the House on April 24, 2019, by the following vote: Yeas 84, Nays 61, 2 present, not voting; that the House concurred in Senate amendments to H.B. No. 680 on May 24, 2019, by the following vote: Yeas 91, Nays 49, 2 present, not voting; and that the House adopted H.C.R. No. 182 authorizing certain corrections in H.B. No. 680 on May 24, 2019, by the following vote: Yeas 141, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 680 was passed by the Senate, with amendments, on May 20, 2019, by the following vote: Yeas 22, Nays 9; and that the Senate adopted H.C.R. No. 182 authorizing certain corrections in H.B. No. 680 on May 26, 2019, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor