

SENATE AMENDMENTS

2nd Printing

By: Deshotel, Lopez

H.B. No. 680

A BILL TO BE ENTITLED

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

4 (5) the poverty rate of each local workforce
5 development area compared to the state's poverty rate;

6 (6) ~~[(5)]~~ the number of children on waiting lists for
7 child care in each local workforce development area; ~~and~~

8 (7) ~~[(6)]~~ the number of places that are reserved for
9 participants in the child-care subsidy program out of the total
10 number of children enrolled with a provider on a full-time basis
11 categorized by age of the child for each provider ~~[vacant slots~~
12 ~~available for child care placement]~~ in each local workforce
13 development area that is certified as a 2-star, 3-star, or 4-star
14 provider in the Texas Rising Star Program or that does not
15 participate in the Texas Rising Star Program;

16 (8) the total number of child care providers
17 participating in the Texas Rising Star Program in each local
18 workforce development area and the number of 2-star, 3-star, and
19 4-star rated child care providers in the local workforce
20 development area;

21 (9) the number of child care providers participating
22 in the Texas Rising Star Program in each local workforce
23 development area as a percentage of the total number of subsidized
24 child care providers in the local workforce development area and
25 the number of 2-star, 3-star, and 4-star rated child care providers
26 in the local workforce development area as a percentage of the total
27 number of subsidized child care providers in the local workforce

1 development area;

2 (10) the total number of children enrolled in
3 subsidized child care providers participating in the Texas Rising
4 Star Program in each local workforce development area and the
5 number of subsidized children enrolled in 2-star, 3-star, and
6 4-star rated child care providers in the local workforce
7 development area; and

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

17 (c) For the purposes of evaluation under this section, the
18 commission shall annually update the information described by
19 Subsections (b)(6)-(11).

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

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

25 (1) coordination by the commission with the Texas
26 Education Agency to assign a Public Education Information
27 Management System (PEIMS) number to children younger than six years

1 of age enrolled in the commission's child care program;

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

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

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

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

13 (A) allow participating providers to provide
14 high-quality child care; and

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

18 (e) The commission shall make the information collected by
19 the commission and the commission's findings available to local
20 workforce development boards, school districts, open-enrollment
21 charter schools, and the public.

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

26 (1) include employment outcome information,
27 disaggregated by local workforce development area, regarding

1 parents receiving subsidized care under the program; ~~and~~

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

6 (3) include information described by Sections
7 302.0042(b)(8)-(11).

8 SECTION 4. Section 302.00435, Labor Code, is amended to
9 read as follows:

10 Sec. 302.00435. SUBSIDIZED CHILD CARE PROGRAM; INPUT
11 POLICY. (a) The commission shall develop a policy for obtaining,
12 through appropriate methods, input from interested parties
13 regarding its subsidized child care program and for using that
14 input in administering that program.

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

19 (1) improving coordination between the subsidized
20 child care program and prekindergarten programs; and

21 (2) increasing the quality of and access to the
22 subsidized child care program.

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

25 Sec. 302.0461. CHILD CARE PROVIDER CONTRACT AGREEMENTS.

26 (a) A local workforce development board may contract with child
27 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 development board enters into a contract under Subsection (a), the

1 board shall submit a report to the commission evaluating the
2 contract to determine its effect on:

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

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

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

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

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

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

ADOPTED

MAY 20 2019

Letay Spaw
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: Thule Watson

Amend H.B. No. 680 (senate committee report) as follows:

(1) In the recital to SECTION 2 of the bill (page 1, line 35), strike "Subsection (c)" and substitute "Subsections (c) and (d)".

(2) In SECTION 2 of the bill, in amended Section 302.0042(b)(4), Labor Code (page 1, line 44), strike "price charged by child care providers for" and substitute "monthly price charged by child care providers for full-day".

(3) In SECTION 2 of the bill, in amended Section 302.0042(b), Labor Code, between Subdivisions (4) and (5) (page 1, between lines 46 and 47), insert the following appropriately numbered subdivision:

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

(4) In SECTION 2 of the bill, strike added Section 302.0042(b)(9), Labor Code (page 2, lines 3 through 10), and add the following appropriately numbered subdivisions:

(_) the number of child care providers participating in the Texas Rising Star Program in each 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;

(_) 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;

(5) In SECTION 2 of the bill, in amended Section 302.0042,

1 Labor Code, immediately following added Subsection (c) (page 2,
2 between lines 28 and 29), insert the following:

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

5 (1) participates in the commission's Texas Rising Star
6 Program; and

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

12 (6) In SECTION 2 of the bill, renumber the subdivisions of
13 amended Section 302.0042(b), Labor Code, as appropriate.

14 (7) In SECTION 3 of the bill, in amended Section
15 302.0043(f), Labor Code (page 2, line 68), strike "and".

16 (8) In SECTION 3 of the bill, in amended Section
17 302.0043(f), Labor Code (page 3, line 1), strike
18 "302.0042(b)(8)-(11)." and substitute the following:

19 302.0042(b)(8)-(11);

20 (4) include a summary of the input obtained under
21 Section 302.00435; and

22 (5) include any recommendations for legislation or
23 regulation, including regulatory recommendations for governmental
24 bodies other than the commission, regarding the input obtained
25 under Section 302.00435.

26 (9) In SECTION 4 of the bill, in added Section
27 302.00435(b)(1), Labor Code (page 3, line 14), strike "and".

28 (10) In SECTION 4 of the bill, in added Section
29 302.00435(b), Labor Code (page 3, line 16), strike "program." and
30 substitute the following:

31 program;

1 (3) existing health and safety rules and regulations
2 that could be more efficient or less costly without reducing health
3 and safety outcomes; and
4 (4) the burdens relating to complying with existing
5 regulations that could be mitigated, reduced, or eliminated while
6 maintaining the intent, objective, or purpose of the underlying
7 regulation.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 22, 2019

TO: Honorable Dennis Bonnen, Speaker of the House, House of Representatives

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB680 by Deshotel (Relating to the powers and duties of the Texas Workforce Commission and local workforce development boards regarding the provision of child care.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code and Labor Code relating to the powers and duties of the Texas Workforce Commission and local workforce development boards regarding the provision of child care.

The bill would require TWC to evaluate additional information regarding the subsidized child care program. TWC anticipates existing staff and resources would be used to update the system to collect the additional data required under the provisions of the bill.

Based on information provided by TWC, this analysis assumes the duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Based on the analysis of the Texas Education Agency, this analysis assumes the duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

The bill would take effect September 1, 2019.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 320 Texas Workforce Commission, 701 Texas Education Agency

LBB Staff: WP, HL, AM, CP, CLo, SGr, THo

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 13, 2019

TO: Honorable Larry Taylor, Chair, Senate Committee on Education

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: **HB680** by Deshotel (Relating to the powers and duties of the Texas Workforce Commission and local workforce development boards regarding the provision of child care.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code and Labor Code relating to the powers and duties of the Texas Workforce Commission and local workforce development boards regarding the provision of child care.

The bill would require TWC to evaluate additional information regarding the subsidized child care program. TWC anticipates existing staff and resources would be used to update the system to collect the additional data required under the provisions of the bill.

Based on information provided by TWC, this analysis assumes the duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Based on the analysis of the Texas Education Agency, this analysis assumes the duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

The bill would take effect September 1, 2019.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 320 Texas Workforce Commission, 701 Texas Education Agency

LBB Staff: WP, HL, AM, CP, CLo, SGr, THo

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

March 21, 2019

TO: Honorable Rafael Anchia, Chair, House Committee on International Relations & Economic Development

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB680 by Deshotel (Relating to the powers and duties of the Texas Workforce Commission and local workforce development boards regarding the provision of child care.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code and Labor Code relating to the powers and duties of the Texas Workforce Commission and local workforce development boards regarding the provision of child care.

The bill would require TWC to evaluate additional information regarding the subsidized child care program. TWC anticipates existing staff and resources would be used to update the system to collect the additional data required under the provisions of the bill.

Based on information provided by TWC, this analysis assumes the duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Based on the analysis of the Texas Education Agency, this analysis assumes the duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

The bill would take effect September 1, 2019.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 320 Texas Workforce Commission, 701 Texas Education Agency

LBB Staff: WP, CP, CLo, SGr, THo

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

March 8, 2019

TO: Honorable Rafael Anchia, Chair, House Committee on International Relations & Economic Development

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB680 by Deshotel (Relating to the evaluation of and improvements to the quality of the Texas Workforce Commission's subsidized child care program.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Labor Code relating to the evaluation of and improvements to the quality of the Texas Workforce Commission's (TWC) subsidized child care program.

The bill would require TWC to evaluate additional information regarding the subsidized child care program. TWC anticipates existing staff and resources would be used to update the system to collect the additional data required under the provisions of the bill.

Based on information provided by TWC, this analysis assumes the duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Based on the analysis of the Texas Education Agency, this analysis assumes the duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

The bill would take effect September 1, 2019.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 320 Texas Workforce Commission, 701 Texas Education Agency

LBB Staff: WP, CLo, SGr, CP, THo