87R1557 MM-F

By:  Davis H.B. No. 1583

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1.  Section 2308.256(g), Government Code, is amended to read as follows:

(g)  At least one of the members of a board appointed under Subsection (a) must be a licensed child-care provider with, in addition to the qualifications required for the member under that subsection, [~~have~~] expertise in child care or early childhood education.

SECTION 2.  Section 2308.260, Government Code, is amended to read as follows:

Sec. 2308.260.  [~~TECHNICAL~~] ADVISORY GROUPS. (a) A board may create technical advisory groups composed of both council and noncouncil members to provide assistance to the board.

(b)  Each board shall create a child-care advisory group consisting of both Texas Rising Star Program providers and child-care providers who do not participate in the Texas Rising Star Program.

SECTION 3.  Section 2308.315(b), Government Code, is amended to read as follows:

(b)  The [~~minimum~~] reimbursement rate for a Texas Rising Star Program provider must be greater than the maximum rate established for a provider who is not a Texas Rising Star Program provider for the same category of care. [~~The reimbursement rate must be:~~

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

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

[~~(3)  at least nine percent higher for a provider with a four-star rating.~~]

SECTION 4.  Section 2308.3155, Government Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b)  The commission shall adopt rules to administer the Texas Rising Star Program, including:

(1)  guidelines for rating a child-care provider who provides child care to a child younger than 13 years of age, including infants and toddlers, enrolled in the subsidized program; [~~and~~]

(2)  a timeline and process for regularly reviewing and updating the quality standards used to determine the rating system that includes the commission's consideration of input from interested parties regarding those standards; and

(3)  rules requiring each Texas Rising Star Program evaluator and mentor to have knowledge of the Health and Human Services Commission's child-care licensing requirements.

(b-1)  In adopting rules related to the evaluation of Texas Rising Star Program providers, the commission shall coordinate with the Health and Human Services Commission's child-care licensing division to streamline the process for inspecting a facility and eliminate any conflicting requirements.

SECTION 5.  Subchapter G, Chapter 2308, Government Code, is amended by adding Sections 2308.3173, 2308.3174, and 2308.3175 to read as follows:

Sec. 2308.3173.  PROBATIONARY PERIOD FOR CERTAIN LICENSING DEFICIENCIES. (a) If a Texas Rising Star Program provider with a 4-star or 3-star rating receives a licensing or critical licensing deficiency, the commission shall place the provider on probation for 60 days. During the 60-day probationary period:

(1)  the provider shall maintain the provider's rating status and continue to be reimbursed as a Texas Rising Star Program provider;

(2)  the Health and Human Services Commission shall provide technical assistance to the provider relating to child-care licensing issues to help the provider avoid a future licensing deficiency; and

(3)  the commission shall provide mentorship assistance on issues relating to the quality of child-care services to ensure the provider improves the quality of the child-care services it provides.

(b)  A Texas Rising Star Program provider is not eligible for probation if:

(1)  the provider receives a licensing deficiency related to the abuse, neglect, or exploitation of a child; or

(2)  the provider receives a critical deficiency during the preceding 12 months.

Sec. 2308.3174.  SITE VISITS TO TEXAS RISING STAR PROGRAM PROVIDERS. (a) Except as provided by Subsection (b), the commission may not conduct more than one unannounced site visit to a Texas Rising Star Program provider.

(b)  If a Texas Rising Star Program provider has received a citation for noncompliance or for a critical deficiency during the preceding 12 months, the commission may conduct more than one unannounced site visit.

Sec. 2308.3175.  BACKGROUND CHECKS FOR CERTAIN TEXAS RISING STAR PROGRAM EMPLOYEES. A person who volunteers with a Texas Rising Star Program provider who undergoes a background and criminal history check required by state or federal law is not required to have an additional background check if the person becomes an employee of the provider.

SECTION 6.  Section 2308.315(d), Government Code, is repealed.

SECTION 7.  As soon as practicable after the effective date of this Act, the commissioner of the Texas Workforce Commission shall adopt rules necessary to implement Section 2308.3155(b), Government Code, as amended by this Act, and Sections 2308.3173, 2308.3174, and 2308.3175, Government Code, as added by this Act.

SECTION 8.  This Act takes effect September 1, 2021.