

Texas Early
Childhood
Education
Coalition

T E C E C

81st Legislature for the state of Texas: Post Session Analysis

The start of the 81st legislative session in early January 2009 was met with hope that the efforts of our coalition would help realize the goals set to meet the future education needs of the youngest learners in the state. The ambitious legislative agenda for the Coalition would be filled with a host of initiatives ranging from full day pre-kindergarten services to improved training. With the adjournment of the regular session of the Texas Legislature on June 1st, 2009, the members of the *Texas Early Childhood Education Coalition* celebrated many successes.

- ✚ TECEC Priority #1: *Support Full-Day High-Quality Pre-Kindergarten Programs with an Emphasis on Local, Integrated Community-Based Partnerships*

*TECEC represents the
early childhood
education interests of
275 member
organizations and 4000
individuals*

The centerpiece of TECEC's legislative agenda enjoyed widespread bi-partisan support from over two-thirds of the House and the Senate. The ambitious legislation of HB 130 (Patrick) and its companion SB21 (Zaffirini) could have made high quality, full day prekindergarten programs available to tens of thousands of eligible children across the state of Texas. While SB21 stalled, HB 130 worked its way through both chambers and finally cleared its last hurdle with a 116 to 27 vote. On June 19th, Governor Perry vetoed the legislation despite statewide support.

Despite the Governor's veto, Coalition members and advocates across the state took heart knowing that the Early Start Grant Program received an infusion of \$25 million over the 2010-2011 biennium. This infusion comes at a time when most states across the country saw their pre-kindergarten budgets slashed because of huge deficits facing many state legislatures. The Coalition was also heartened by the overwhelming support for HB 130 and

the pre-K initiative strengthened by the solidarity of the Coalition to support approximately 80 pieces of legislature introduced in the House and Senate.

- ✚ **HB 130 (Patrick et al)** improves the quality of the Texas pre-kindergarten programs for currently eligible children. The program affords Tier 2 districts serving eligible students with TAKS scores above the state average to participate in a voluntary grant program to offer high quality, full-day pre-kindergarten. The voluntary grant program established through HB 130 is available for currently eligible children, including economically disadvantaged, foster children, limited English proficient, homeless children, and children of military families.

Key components of the bill include:

- ❖ Class size limits of 22 and child to staff ratios of 11 to 1
 - ❖ Phased-in program for teacher certification requires full compliance by all providers within 3 years of the program start date.
 - ❖ Commissioner approved curriculum that is supported by scientific evidence of its efficacy.
 - ❖ 20% set aside of new grant dollars for districts to spend in collaboration with high-quality community providers to save taxpayer dollars by encouraging shared facilities and resources.
 - ❖ Accountability through reporting and evaluation requirements and a third-party overall evaluation of the effectiveness of prekindergarten programs.
 - ❖ Clarification that school districts may participate in the School Readiness Certification System.
 - ❖ Prioritization of funding to districts serving eligible students performing above-state average on 3rd grade TAKS and losing money because of change in TEA rules that made cuts to current recipients of the existing Pre-Kindergarten Early Start (PKES) Grant Program.
 - ❖ Authorization of the Commissioner to utilize to the fullest extent available federal dollars for funding both grant programs.
 - ❖ A \$4 million per year cap placed on grant recipients.
 - ❖ Protection for districts by giving the Commissioner the opportunity to access state and federal dollars to continue funding current recipients of the existing Pre-Kindergarten Early Start Grant at the current 2008-09 funding levels through the next biennium
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- **HB 1891 by Madden** proposed that state funding for pre-kindergarten programs be made available for community child care providers. The bill, which was opposed by more than 90% of all the witnesses offering support and/or testimony.

✚ **TECEC Priority #2: Increase Reimbursement Rates Paid to Child Care Providers**

All of the bills filed related to increasing the reimbursement rates for child care providers met the same fate and failed to be considered by either chamber of the legislature. Despite the significant amount of federal stimulus funding headed to Texas, little progress was made to address the urgent need to change the system of reimbursements for subsidized child care in Texas.

- **HB 2072/ HB 2218 (Flores).** These two bills proposed increases in reimbursement rates paid by local workforce development boards to community providers for subsidized child care services. The legislation ordered an annual ranking of the reimbursement rates for

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the 28 local workforce boards across Texas. Subsequently, the 14 boards paying rates that fell below the median value would see their rates raised to the median level. HB 2072, called for increases only for the bottom 25%. This bill was pulled by Rep. Flores. A second version, HB 2218 corrected concerns that arose related to the original bill. However, HB 2218 failed to clear committee

and was also pulled by Rep. Flores. Attempts to negotiate the appropriation of \$40 million in a rider for increased reimbursement rates also failed. However, Rep. Mark Strama (Austin) has committed to filing interim charges related to reimbursement rates for the 82nd Legislative Session in 2011.

✚ **TECEC Priority #3: Support the Development of Early Childhood Professionals**

- **SB 1730 (West)** proposed raising the standards for training of child care providers. The bill would have mandated an increase in pre-service training from 8 to 16 hours, annual in service training from 15 to 17 hours for teachers and staff and from 20 to 30 hours for directors. Further, the legislation ordered that the training must include one or more of the following topics:

- ❖ Child growth and development
- ❖ Guidance and discipline
- ❖ Age-appropriate curriculum
- ❖ Teacher-child interaction

SB 1730 was passed in the Senate but stalled in the House. Attempts to amend this language to HB 2224 failed as the session came to an end.

SB 572 (Shapiro)-“Jacob’s Law” was filed in response to the death of a young child who died after being left in a van by a child care worker on a summer day. SB 572 calls for an expansion

of the training hours specifically related to the safe transport of children under the age of nine. The legislation mandates two hours of annual training for an owner, operator, or employee of a child care facility.

✚ **TECEC Priority #4: *Maintain Support for Existing Quality Programs throughout Texas***

- **CSSB 1. TEEM/School Readiness Certification System.** Out of federal funds appropriated to the Texas Workforce Commission, the commission shall match the amount of available General Revenue for the Early Childhood School Readiness Programs funded in Rider 41 following the appropriation in Article III, to the Texas Education Agency to provide for each year of the 2010-11 state fiscal biennium a total amount equal to the greater of \$11,700,000, or the maximum amount allowable under the approved match rate for the purpose of providing funds to child care providers participating in integrated school readiness models developed by the State Center for Early Childhood Development at the University of Texas Health Science Center at Houston. The Texas Legislature appropriated \$7.5 million to the Texas Early Education Model which will enable the State Center to draw down \$11.7 million in federal CCDBG money; in addition, they will receive \$1 million for higher education coordinating efforts; and another \$1.5 million for pre-k LEP.
- **SB 382 (Van de Putte and Zaffirini)** and its companion bill **HB429 (Susan King)** were filed to promote the Reach Out and Read curriculum through the University of Texas at Houston. SB 382 was passed out of the Senate where it was referred to the Committee on Higher Education in the House. The Bill was reported favorably and sent to Calendars. The bill failed to clear Calendars and was not called on the floor of the House. The bill died in the House as the session came to an end.
- **HB 635 (Guillen)-ERate;** passed; ensures Head Start can benefit from technology funding
- **SB 49 (Zaffirini)-**mandated additional oversight of the State Center for early Childhood education. The Original bill failed to be passed out of committee in early March 2009 and was not considered by the full Senate. The language from the bill was added to Rider 41 of TEA's budget and was passed with SB1 as the session drew to a close.
- **HB 136 (Villarreal)-** Mandates that a strategy be developed to notify parents of eligible children about the availability of prekindergarten programs; passed and was forwarded to the Governor's office for his signature.
- **SB 68 (Nelson) -** Relating to licensing and inspection requirements of the Department of Family and Protective Services for certain facilities and homes providing child care; SB68 established criteria for licensing, defined exemptions and described protocols for reporting about the program. This bill passed and was forwarded to the Governor's office for his signature.

- **SB 1646 (Van de Putte)** Established the Council on Children and Families under the Office of Program Coordination for Children and Youth. Composed of Executive Officers of multiple state agencies, the Council coordinates services for children and families, examines funding needs and sets policy for organizations to deliver services. Sent to Governor's Office.
- **HB 1240 (Villarreal)**, signed by the Governor requires that information be provided to parent of newborn children related to health and safety concerns facing many new parents.
- **SB 1722 (Uresti)/HB4202 (Herrero)** proposed that licensing fees from DFPS be diverted to a designated account to promote continuing education for certain child care providers. Both bills were reported favorably from their respective committees and sent to Calendars. Neither bill was laid before the members.
- **HB 1540 (Hartnett)** proposed that licensing standards be changed to include the after school programs offered by the public schools in Texas. The bill was considered in a public hearing in front of the Committee for Public Health and was voted out to Calendars by a 5 to 4 vote. The impact of this bill would have
 - eliminated the licensing exemption for before and after school programs.
 - potentially caused the elimination of thousands of after school slots across the state.
 - created financial burdens for districts across the state.
 - created oversight for school districts by two distinct state agencies.
 - Created a duplication of administrative activities that are already occurring.

This bill failed to pass out of Calendars and never made it to the floor of the House. However, an attempt to add the bill as an amendment to SB 68 when it was heard on the Senate floor failed. No further attempts were made to attach the bill to pending legislation.

✚ **TECEC Priority #5: *Establish a Pilot Early Childhood Behavioral Consultation Program in Texas***

- **SB 1613 (Lucio)** called for the development and implementation of a pilot Early Childhood Behavioral Consultation Program in Texas. This bill was one of the most popular early education bills of the session. This bill would have created a limited pilot (4 sites) during the 2010-2011 biennium. The bill, which was heard by the Senate Health & Human Services Committee in late April, was left pending in committee through the end of the session. Despite the popularity of this bill, the \$880,000.00 fiscal note attached to this legislation prevented the bill from getting to the floor of the Senate.

✚ **Other legislative actions**

- **SB 395 (Lucio)** would amend the Texas Health & Safety Code and authorizes the Department of Agriculture to establish the Early Childhood Health & Nutrition Interagency Council. The Bill authorizes the Council to conduct research on early childhood nutrition and physical activity and develop an early childhood nutrition and activity plan for implementation. SB 395 was sent to the Governor Office June 1, 2009.
- **HB4447 (Strama)** would have authorized the use of all CCDBG funds from the American Recovery and Reinvestment Act funds not explicitly dedicated by federal law shall be dedicated to investments or programs that will improve child care service quality. This bill was assigned to Appropriations and failed to receive a hearing.

TECEC Activity Summary

	81st Session
Bills Tracked	
Testimony	