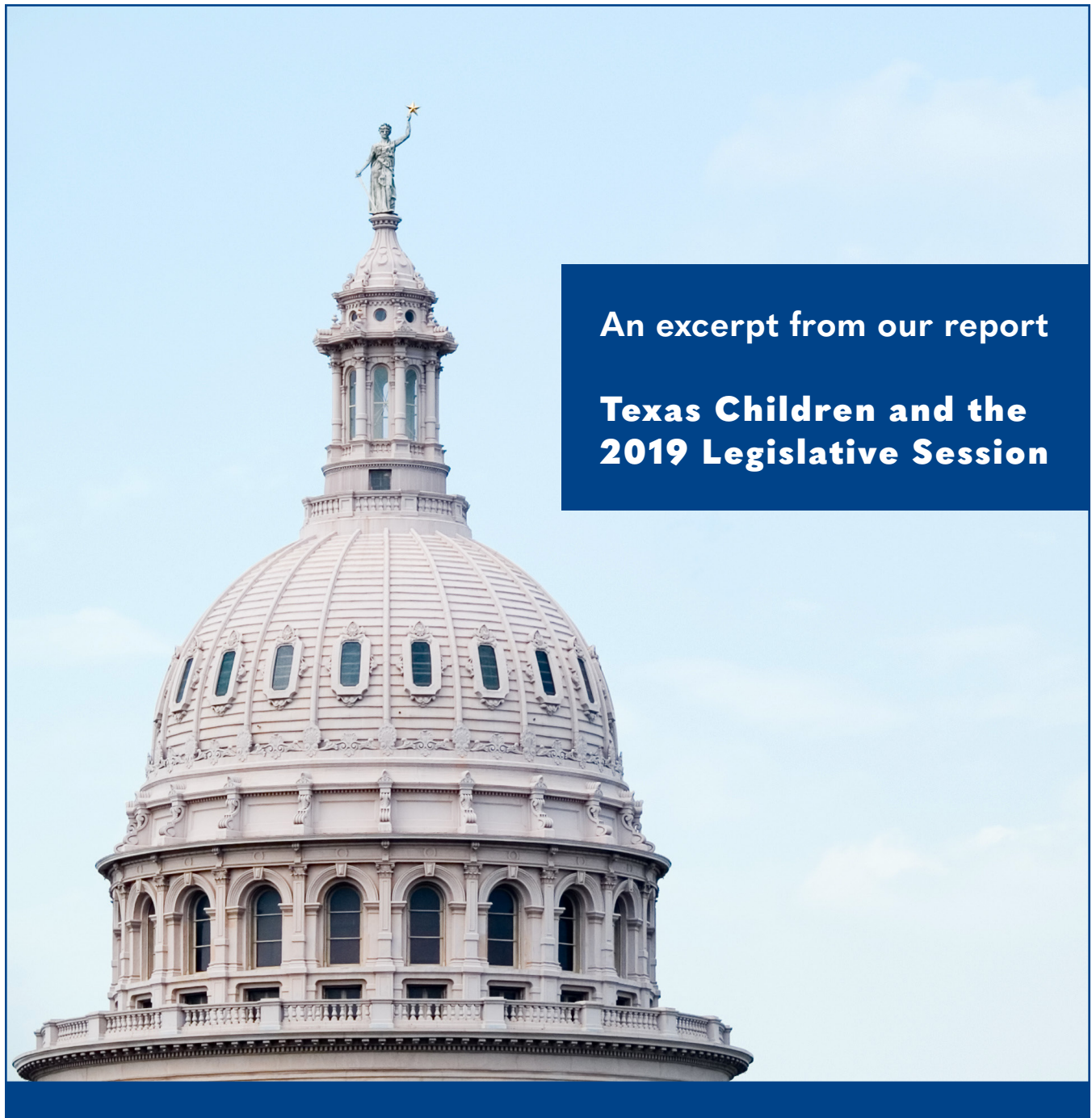


Review of

# **EARLY CHILDHOOD**

Policy Progress During the 2019 Texas Legislative Session



An excerpt from our report

**Texas Children and the  
2019 Legislative Session**

# Review of Early Childhood Policy Progress During the 2019 Texas Legislative Session

State leaders made significant progress on early childhood policy during the legislative session, most notably passing a school finance bill that includes landmark funding for full-day pre-k for currently eligible children. After making the case for full-day pre-k funding for many years, Texans Care for Children worked with partners to put the issue front and center during the school finance hearings leading up to the legislative session and to keep it there during the session. The Legislature also passed a number of bills to address safety in child care, a departure from past sessions when child care received little attention from legislators. Texans Care for Children helped lead the efforts to successfully pass a bill to improve nutrition and active play standards in child care and another bill to collect caregiver-child ratio and group size data to better understand how these factors affect children's safety and school readiness. Additionally, Texans Care for Children helped secure a significant increase in funding for Early Childhood Intervention (ECI) for babies and toddlers with disabilities and developmental delays after years of state underfunding of this critical program.

By providing funding for **full-day pre-k** for currently eligible four-year-olds in HB 3, rather than just continuing the state policy of providing funding for half-day pre-k, the Legislature arguably took the biggest step in years for an issue on the Texans Care for Children agenda. State leaders made school finance a priority throughout last year and the session, culminating in a bill that provides

an additional \$6 billion for education and \$5 billion to reduce school property taxes. The bill does not include new mechanisms to collect additional revenue to pay for the ongoing expenditures.

The full-day pre-k funding in HB 3 is provided through a new Early Education Allotment, which will distribute to districts an estimated \$780 million per year for full-day pre-k or other early reading and mathematics strategies. The funding will be distributed as a 0.1 "weight" in the state's funding formulas for each student in kindergarten through third grade who is classified as economically disadvantaged and/or an English Language Learner. While the state currently requires districts to provide half-day pre-k funding to eligible students, leaving districts the option of using local funding to extend programs to full-day, under HB 3, districts will be required to offer full-day programs to eligible four-year-old students. Before seeking a waiver or building new classroom space to meet the requirement, districts must explore partnerships with quality child care or Head Start providers. HB 3 includes other early childhood provisions, such as a requirement for pre-k to meet state quality guidelines and a provision directing the Texas Education Agency (TEA) to collect data on pre-k class sizes and student-teacher ratios.

Legislators also passed a number of bills — SB 568, SB 569, SB 706, and SB 708 — to address **child care** safety this session, prompted in part by the Unwatched investigative series that

the Austin American-Statesman published in late 2018. The bills ensure that parents, state regulators, and policymakers have more information, including data on safety violations, regarding child care providers. Among other provisions, the bills also beef up monitoring of the most informal child care providers by increasing oversight over “listed family homes” and ensuring the state investigates illegal child care operations. Beyond safety issues, the Legislature passed another good bill, HB 680, to improve data collection and transparency in the subsidized child care program managed by the Texas Workforce Commission.

Legislators passed two child care bills that Texans Care for Children worked to develop and shepherd through the process after building momentum on the issues for multiple sessions. SB 952 recognizes the important role that child care providers play in helping parents ensure their children develop healthy

habits and a healthy weight. The bill improves minimum child care standards for nutrition and active play, areas already regulated through state licensing standards. This bill ensures that minimum standards reflect the recommendations of child health and development experts, such as the American Academy of Pediatrics, the American Public Health Association, the American Heart Association, and the National Resource Center for Health and Safety in Child Care and Early Education. SB 708, noted above, addresses longstanding concerns about the state’s standards for child-caregiver ratios, which allow child care providers to assign up to 11 two-year-olds to a single teacher, for example. For many years, Texans Care for Children and others have expressed concerns that the state’s current standards undermine children’s safety, development, and learning. To allow parents and policymakers to make more informed decisions about child care, SB



708 directs the Health and Human Services Commission (HHSC) to collect data on caregiver-child ratios and group size standards, as well as serious violations and injuries.

This session the Legislature also boosted **ECI funding** by \$31 million after Texans Care for Children and others highlighted the urgent need for additional state resources. The boost fell short of the \$72.6 million requested by HHSC, but it was the biggest increase in years. Outside of the state budget, legislators also filed bills to try to help compensate for the state's recent underfunding of ECI, but those bills did not pass.

The Legislature also declined to pass the proposed bills and funding to help ensure Texas achieves an accurate **2020 Census** count. Young children are historically undercounted in the census. By promoting census participation, states and communities

can maximize the amount of federal funding they receive for critical early childhood and education programs over the subsequent decade, including child care, ECI, and federal education funding.

This session represented a significant step forward for early childhood, highlighted by passage of full-day pre-k funding, but there is still much more work to do. State leaders should strengthen the quality of pre-k by working towards establishing limits on class size and student-teacher ratios. After years of inattention to child care policy, state leaders should build on this session's child care safety efforts and work to ensure that all working Texas parents — including those in lower wage jobs — have access to affordable child care that keeps children safe and helps them develop the social, emotional, and learning tools they will need in school and life.



# Outcomes for Key Early Childhood Legislation

**PASSED**

## Support Children

### **HB 3 by Rep. Huberty**

Similar bill: SB 4 by Sen. Taylor

This bill, the major school finance legislation of the session, provides ongoing investments in early childhood education, including funding for full-day prekindergarten. It also establishes new kindergarten through third grade reading standards, directs districts to develop an early childhood literacy and mathematics proficiency plan, provides funding for districts to provide additional days of instruction to reduce summer slide in the early years, and narrows the number of approved kindergarten readiness assessments to ensure data can be easily compared across the state. Pre-k eligibility requirements will remain unchanged.

### **HB 55 by Rep. M. González**

Passed as an amendment to HB 3

This bill directs TEA to collect important information about the state's pre-k program, including the number of students, certified teachers, and teacher's aides in each class offered by each district and whether programs were full-day or half-day.

### **HB 65 by Rep. E. Johnson**

Similar bill: SB 304 by Sen. Miles

This bill directs TEA to collect information from school districts about out-of-school suspensions, including the basis for suspensions, the number of days students were suspended, and the number of suspensions that were inconsistent with the student code of conduct.

### **HB 680 by Rep. Deshotel**

Similar bill: SB 1002 by Sen. Watson

This bill requires the Texas Workforce Commission (TWC) to assess and report the average cost of child care and the total number of providers and children participating in the state's quality rating system, Texas Rising Star. The bill also requires TWC to allow Local Workforce Development Boards to contract with high-quality child care providers in high-need areas and provides additional professional development to child care teachers and providers.

### **SB 568 by Sen. Huffman**

Similar bill: HB 4261 by Rep. G. Bonnen

This bill ensures more information is available to parents on the safety records of child care centers and strengthens the child care license renewal process, among other reforms.

## Support Children (continued)

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**SB 569 by Sen. Huffman**

Similar bill: HB 4259 by Rep. G. Bonnen

This bill increases oversight for a group of small in-home child care operations the state classifies as “listed family homes.”

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**SB 706 by Sen. Watson**

Similar bill: HB 1431 by Rep. Guerra

This bill reinstates an investigation unit within the Health and Human Services Commission (HHSC) to seek out illegally operating child care facilities.

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**SB 708 by Sen. Zaffirini**

Similar bill: HB 1682 by Rep. Raney

This bill directs HHSC to collect data on caregiver-child ratios and group size standards, as well as serious violations and injuries.

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**SB 952 by Sen. Watson**

Similar bill: HB 1808 by Rep. Lucio III

This bill updates and clarifies minimum child care standards for nutrition and active play, areas already regulated through state licensing standards.

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**SB 1679 by Sen. West**

Similar bill: HB 2020 by Rep. J. Turner

This bill provides automatic pre-k eligibility for four-year-old pre-k students who already attended three-year-old pre-k to eliminate the process of families re-establishing their eligibility in consecutive years.

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## DID NOT PASS

### Support Children

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**HB 12 by Rep. S. Davis**

Similar bill: SB 2225 by Sen. Zaffirini

This bill would have helped babies and toddlers with disabilities and Early Childhood Intervention (ECI) providers by creating a telehealth pilot program, requiring some health plans to cover specified ECI services that are Medicaid-reimbursable, and creating a provider ombudsman in the HHSC.

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**HB 255 by Rep. Blanco**

This bill would have created a Complete Count Commission to develop, recommend, and assist in the administration of an outreach strategy to encourage full participation in the 2020 federal Census in Texas.

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**HB 1635 by Rep. Miller**

Similar bill: SB 1956 by Sen. Zaffirini

This bill would have required most private insurance companies to cover certain ECI services.

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**HB 1966 by Rep. Wu**

Similar bill: SB 873 by Sen. Johnson

This bill would have clarified that child care facilities may provide notice on the percentage of children attending the facility who are immunized.

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## Support Children (continued)

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### HB 3659 by Rep. C. Turner

This bill would have required licensed child care homes, registered child care homes, and listed family homes to obtain and maintain liability insurance.

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### HB 3738 by Rep. Goldman

This bill would have required HHSC to create and maintain a single, user-friendly statewide website to help families assess the quality and safety of child care centers and homes.

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### HB 3739 by Rep. Goldman

This bill would have established a pilot program to expand participation in the Texas Rising Star program.

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### HB 4450 by Rep. M. González

Similar bill: SB 1817 by Sen. Zaffirini

This bill would have ensured child care facilities promote inclusive practices that integrate children with disabilities and special needs.

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### HB 4753 by Rep. Lopez

This bill would have required the TWC to study the trends in and projections for the cost of child care in the state.

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### SB 705 by Sen. Watson

Similar bill: HB 2866 by Rep. Deshotel

This bill would have improved a public DFPS database that allows parents to view child care violations over the past two years by requiring more details about the incidents to be posted and by extending the time frame to five years. It also would have required parental notification if there is an instance of sexual abuse at the child care center where their children are enrolled.

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### SB 2361 by Sen. West

Similar bill: HB 1763 by Rep. Blanco

This bill would have allowed the otherwise ineligible children of educators employed by a Texas school district to qualify for free public pre-k.

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## Raise Concerns

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### HB 1133 by Rep. Stickland

This bill would have allowed class sizes in K – 4 to exceed 22 students as long as the average across that grade was no more than 22 students.

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# VETOED

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## Support Children

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### HB 448 by Rep. C. Turner

This bill would have required a person driving a vehicle with a child under the age of two to secure the child in a rear-facing car seat.