

Review of

# **EARLY EDUCATION**

**Policy Progress During the 2021 Texas Legislative Session**

An excerpt from our report:

**Texas Children and the 2021 Legislative Session**



# Review of Early Education Policy Progress During the 2021 Texas Legislative Session

This session, the Legislature made important progress supporting young children in both pre-k and child care so they are ready to succeed in school and supporting young emergent bilingual students so they become strong readers by third grade and master both English and their home language. The launch of the bipartisan Texas House Early Childhood Caucus this session by Reps. Diego Bernal, Angie Chen Button, James Talarico, and Julie Johnson set the tone. On the child care front, it was a particularly big year at the Legislature. The most significant child care bill that passed will, over time, boost the quality of care offered by providers who participate in the subsidy system. On the school front, the Legislature passed four of the bills recommended by the Texas Early Childhood English Learner Initiative that we launched last year with our partners. One of the bills from that package will set a pre-k class size limit of 22 students, a proposal that had languished for years at the Legislature. Despite concerns early in session, the Legislature also maintained full funding for schools.

Early in the legislative session, Rep. Angie Chen Button chaired an important hearing on a package of child care bills in the House International Relations and Economic Development Committee, providing a launching pad for greater attention in the Legislature to how to improve access to quality child care. Our staff worked in coalition to push these bills, with partners like Children at Risk and the Dallas Early Education Alliance leading the effort to support the bill authors. These bills were also priorities for the Texas Prenatal to Three Collaborative, a partnership that we co-lead with our partners to ensure state policy supports infants, toddlers, and their parents during the critical years of early childhood.

The most significant bill to pass from the child care package was HB 2607 by Rep. Talarico and Sen. Eddie Lucio, Jr. The bill will improve the experience of children in child care by requiring providers who receive subsidies to also participate in Texas Rising Star, the state's program for measuring and improving the quality of child care. Other key child care legislation from that hearing that went on to pass were HB 1792 by Rep. Button and Sen. Judith Zaffirini, which standardizes Texas Rising Star assessments; SB 1555 by Sen. Zaffirini and Rep. John Raney, which sets equitable reimbursement rates for child care providers serving infants and toddlers; and HB 619 by Rep. Senfronia Thompson and Sen. Carol Alvarado, which directs the Texas Workforce Commission to develop a strategic plan to improve the

effectiveness of the child care workforce by increasing compensation, expanding professional development opportunities, and more.

The Legislature also passed several important bills proposed by the Texas Early Childhood English Learner Initiative that we launched last year with our partners. We appreciate Senators José Menéndez, Eddie Lucio, Jr., and Brandon Creighton and Reps. Bobby Guerra, James Talarico, and Harold Dutton for their leadership on these bills. Following the recommendations of the Initiative, the Legislature passed HB 2256 to establish a teaching certificate in bilingual special education. The bill will equip teachers to more quickly and accurately identify emergent bilingual students who need additional assistance and provide that support more effectively. The Legislature also passed SB 560 to establish a State Strategic Plan for Bilingual Education. This plan will include tangible goals and timelines to increase the number of educators certified in bilingual education, increase the number of one-way

and two-way dual language programs, educate families and school districts on the importance of bilingual education, adopt a uniform process for identifying emergent bilingual students in pre-k through 12th grade, and increase the number of bilingual and multilingual high school graduates. Additionally, the Legislature passed SB 2066, updating the Education Code to change the term "limited English proficient" to "emergent bilingual," a term that better reflects students' bilingual potential and strengths. Alongside our staff, our partners in the Texas Early Childhood English Learner Initiative, particularly IDRA, played a critical role developing and supporting these bills in collaboration with the legislators and their staff.

The Legislature also passed a recommendation by the Initiative to finally establish a pre-k class size limit. SB 2081 will limit pre-k classes in public schools to a maximum of 22 students, the limit already in place for kindergarten through fourth grade. By ensuring that pre-k students no longer have to compete with 25



or 30 other four-year-olds for the attention of a single teacher, the bill will ensure more children are on a path to become strong readers by third grade. Another good pre-k bill that passed this session, HB 725 by Rep. Jared Patterson and Sen. Zaffirini, makes Texas children eligible for public school pre-k if they were in foster care in other states.

While there were some concerns about potential funding cuts for pre-k and other education investments heading into the legislative session, the Legislature largely kept its commitment to education funding. An essential component to these efforts was ensuring that attendance-based funding in pre-k and Kindergarten was not jeopardized due to enrollment declines from COVID-19. Our team joined a chorus of education advocates, educators, administrators, and legislators who successfully secured a full “hold-harmless” for the entirety of the 2020-21 school year.

In addition to state funds, Texas has an opportunity to bolster education through the massive influx of federal funds that have been allocated through the American Rescue Plan Act of 2021. Key to this strategy will be how the state allocates the \$12.4 billion Elementary and Secondary School Emergency Relief Funds designed to address COVID-19’s impact on schools, as well as the \$4.4 billion available to support child care programs. It will be critical to ensure these funds do not supplant any state dollars and support the students and families most impacted by the pandemic, including emergent bilingual children, children from families with low incomes, and people of color.

Advocates and other Texans will need to monitor and be engaged in state efforts to allocate federal funds as well as the significant work ahead to implement the bills passed by the Legislature. For example, as Texas

officials develop a state strategic plan to support emergent bilingual students, we’ll work to shape the plan and then build on its recommendations. Although lawmakers took substantial steps to bolster the effectiveness of early childhood education, there remains significant work ahead to ensure all children have access to early childhood education opportunities that can help give them a strong start.



# Outcomes for Key Early Education Legislation

## PASSED

### Support Children in School

**HB 5 by Rep. Ashby**

This bill expands access to broadband internet access in the state.

**HB 725 by Rep. Patterson**

This bill makes Texas children eligible for public school pre-k if they were in foster care in other states.

**HB 2256 by Rep. Guerra**

Similar to SB 1101 by Sen. Creighton

This bill creates a certification in Bilingual Special Education to build a pipeline of school leaders who are equipped to serve the specific needs of English Learner children with disabilities and developmental delays.

**SB 560 by Sen. Lucio**

Similar to HB 2258 by Rep. Guerra

This bill creates a state strategic plan to cultivate bilingualism across all early learning systems and set clear benchmarks to increase the number of bilingually certified teachers, the number of students who are bilingual or multilingual, and the availability of high-quality dual language immersion classes in pre-k through 12th grade.

**SB 2066 by Sen. Menéndez**

This bill replaces the terms Limited English Proficient and English Learner in the Education Code with the term Emergent Bilingual to identify students by their positive bilingual potential, rather than from a deficit perspective.

**SB 2081 by Sen. Menéndez**

Similar to HB 41 by Rep. Talarico

This bill establishes a 22 student class size limit for public school pre-k programs, in line with kindergarten through 4th grade.

### Support Children in Child Care

**HB 619 by Rep. S. Thompson**

This bill directs state officials to develop a strategic plan to support the child care workforce.

**HB 1792 by Rep. Button**

Similar to SB 694 by Sen. Zaffirini

This bill standardizes Texas Rising Star assessments.

**HB 2607 by Rep. Talarico**

Similar to SB 2087 by Sen. Lucio

This bill improves child care quality by requiring providers that participate in the Texas Workforce Commission subsidy program to also take part in Texas Rising Star through a phased approach.

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## Support Children in Child Care (continued)

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### SB 225 by Sen. Paxton

This bill expands the child care searchable database and improves transparency around child care licensing deficiencies.

### SB 764 by Sen. Huffman

This bill prohibits a person from operating a child care facility or family home during an appeal of a suspension or denial of an applicable license, certification, registration, or listing.

### SB 1061 by Sen. Zaffirini

Similar to SB 1153 by Sen. Kolkhorst

This bill requires child care facilities and employees to submit a complete set of fingerprints to the Health and Human Services Commission for the purpose of conducting a robust criminal history check.

### SB 1555 by Sen. Zaffirini

Similar to HB 1695 by Rep. Raney

This bill sets equitable reimbursement rates for child care providers serving infants and toddlers.

## Impact Children

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### SB 1697 by Sen. Paxton

Similar to HB 3557 by Rep. King

This bill permits a parent or guardian to elect for a student to repeat a grade or a course from the 2021-2022 school year.

## DID NOT PASS

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## Support Children in School

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### HB 1744 by Rep. Guerra

This bill would have created a Career and Technical Education program for bilingual education, ESL, and Spanish.

### HB 4105 by Rep. Talarico

This bill would have expanded public pre-k eligibility to include the children of essential workers.

### SB 37 by Sen. Zaffirini

Similar to HB 1621 by Rep. Guillen and HB 2231 by Rep. Bucy

This bill would have expanded pre-k eligibility to include all four-year-olds.

### SB 2065 by Sen. Menéndez

This bill would have protected and increased state financial support for bilingual education and ESL programs in schools through per-pupil funding.

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## Support Children in School (continued)

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### **SB 2215 by Sen. Blanco**

Similar to HB 4421 by Rep. Meza

This bill would have required school districts to update their literacy plans to include information on dual language programs and report data in both program languages, rather than just English outcomes.

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## Support Children in Child Care

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### **HB 168 by Rep. M. González**

Similar to SB 1140 by Sen. Zaffirini

This bill would have prevented discrimination in child care based on disability and ensured that more children in child care with disabilities receive Early Childhood Intervention services.

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### **HB 1364 by Rep. Romero**

Similar to SB 971 by Sen. Zaffirini

This bill would have increased the supply of child care through contracts.

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### **HB 1761 by Rep. Julie Johnson**

This bill would have created a task force to study and make recommendations to improve access and affordability of child care.

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### **HB 1964 by Rep. Lopez**

This bill would have directed state officials to study the cost of providing quality child care in comparison to family income.

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### **HB 2729 by Rep. Lopez**

This bill would have required any state agency that provides child care assistance to post on its website and provide printed materials information related to child care services available to veterans and their families.

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## Impact Children

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### **HB 51 by Rep. Talarico**

This bill would have established an Office of Early Childhood to coordinate, consolidate, and integrate early childhood programs.

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### **HB 495 by Rep. Wu**

This bill would have clarified that a child care facility may provide notice of the percentage of children attending a program who are immunized, the percentage of adults employed who are immunized, and the facility's handwashing policy to prevent the spread of infection.

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### **SB 139 by Sen. Johnson**

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

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