

# Texas Children and the 2023 Legislative Session

Review of Policy Progress During the 2023 Texas Legislative Session:

## Early Learning

June 19, 2023



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# Early Learning

Despite a few modest steps forward, the Texas Legislature did very little this session to address children's early learning needs. The session stands in stark contrast to the progress lawmakers made during the 2021 session to support child care as well as emergent bilingual students and progress during the 2019 session to support full-day pre-k, early literacy, and overall funding for schools.

**In particular, we're concerned that the Legislature did not take any significant steps to address the scale of the child care crisis facing Texas parents, young children, child care providers, and employers.** On the other hand, thanks to advocates and legislative partners, there was also an unprecedented discussion in and around the Legislature about the state investing in child care and playing a more significant role. The House budget bill's "wish list" included a \$2.3 billion proposal to provide bedrock child care funding, which would have represented the state's first significant investment in ensuring that high-quality child care remains open, available, and affordable for working parents. The proposal would have continued the state's successful stabilization grants to approximately 13,000 child care providers and over 90,000 Texas early educators when federal pandemic relief funding for the grants expires. According to a recent survey from the Texas Association for the Education of Young Children, 44 percent of more than 1,500 responding child care programs indicated their program is likely or maybe likely to close within the next year when that federal funding ends. Ultimately, the Legislature did not approve the \$2.3 billion proposal or appropriate any state funding to support child care other than the funding required to continue to draw down federal funding for child care subsidies and to maintain the state's child care quality rating system.

**We are also disappointed that multiple bills to strengthen child care, such as HB 1979 and HB 1834, did not pass.** HB 1979 would have updated regulations for Local Workforce Development Boards with the

standards needed to maximize child care funding, improve transparency, and enroll as many families as possible in high-quality child care. It overwhelmingly passed the House but did not have a hearing in the Senate. HB 1834 would have ensured that child care funding for lower income neighborhoods, including in rural communities, matches the funding the state provides to higher income neighborhoods. It had a hearing in the House but the committee did not vote on it. Senate versions of both bills never had a hearing.

**This session, the Legislature's handling of early learning in public schools was also concerning.**

- Lawmakers did not provide the school funding necessary to keep up with inflation and enrollment growth amidst significant teacher shortages and other challenges facing schools.
- Despite the Legislature directing the Texas Education Agency (TEA) and other agencies in 2021 to work together on a state strategic plan for bilingual education, lawmakers failed to pass any of the agency's legislative recommendations to increase the number of certified bilingual educators and help more Emergent Bilingual students become strong readers by third grade. Rep. Bobby Guerra and other legislators filed several bills drawing on the recommendations. HB 2164, which would have directed TEA to provide greater support for dual language immersion, passed the House but failed to receive a hearing in the Senate. Others were attached as amendments to education bills that ultimately did not pass.



- After years of bipartisan work to improve pre-k quality, the Legislature took a step backward this session, passing HB 2729 to reduce qualifications for pre-k teachers serving in partnerships with private child care providers until the bill sunsets in 2029. Pre-k programs proven to produce long-term positive effects on student outcomes all contain highly qualified educators, which is why Texas has been credited nationally for requiring pre-k teachers employed by school districts to be certified, have a Bachelor's degree, and have specialized training in early learning.

**Fortunately, there were a few modest steps forward this session:**

- The Legislature passed SB 1145 to give cities and counties the option of exempting certain child care centers from property taxes collected by that taxing entity. The bill, championed by Children at Risk, should give some child care providers a financial boost at a time when many are struggling to stay open. The exemption would apply to providers if at least 20% of their students receive subsidies. The bill does not apply to property taxes collected by school districts or to home-based child care providers that already have a homestead exemption. Before it goes into effect, the bill must be approved by voters statewide this November.
- The Legislature also passed HB 1615 to take the positive step of codifying the Texas Workforce Commission's current program for supporting and expanding pre-k partnerships between child care providers and local school districts. Additionally, building on the vision of HB 1979, the bill adds a representative of the child care workforce to Local Workforce Development Boards.
- Additionally, as explained in greater detail in the health section of this report, the Legislature passed a significant increase in Early Childhood Intervention (ECI) funding for infants and toddlers with disabilities and developmental delays.

**There is much more work ahead of us on early learning.** Certainly, we will look for opportunities to support early learning at the Legislature during any special session called by the Governor related to school funding. In November, there will be an important statewide vote to give cities and counties the option of implementing the child care property tax exemption passed by the Legislature. We need to assess the next steps to build on the recommendations from TEA for supporting Emergent Bilingual students. We need to come together to keep strengthening pre-k quality and ensure that all children, including those with disabilities and developmental delays, can access effective pre-k programs. Finally, the child care crisis facing our state and other states shows no signs of improving without substantial support from federal and state policymakers. The Texas School Readiness Dashboard indicates that the lack of access to high-quality child care for many Texas families is undermining the state's school readiness goals. We will continue working with advocates, child care providers, families, business leaders, and elected officials to advance policies and investments to ensure that child care programs can stay open and working families can find high-quality, affordable child care for their children during the critical early years of brain development.



# OUTCOMES FOR KEY EARLY LEARNING LEGISLATION

*\* Indicates a bill aligns with a recommendation of the Texas School Readiness Dashboard.*

## PASSED

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### Support Children

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#### **HB 1615 by Rep. Button**

Codifies the Texas Workforce Commission's current program for supporting and expanding pre-k partnerships between child care providers and local school districts and adds a representative of the child care workforce to Local Workforce Development Boards, which oversee child care policy and funding.

#### **SB 222 by Sen. Nichols \***

Similar to HB 1580 by Rep. Metcalf

Provides paid family leave after birth or adoption for state employees participating in the Employees Retirement System of Texas.

#### **SB 1145 by Sen. West**

Similar to HB 3621 by Rep. Talarico

Allows municipalities or counties to exempt licensed child care facilities from property taxes collected by that taxing entity if at least 20% of their students receive subsidies. It will need to be approved by the voters in November 2023 before it takes effect.

#### **SB 1327 by Sen. Blanco**

Improves the availability of child care by allowing new directors to begin serving while giving them a 12-month grace period to complete the necessary education requirements.

### Raise Concerns

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#### **HB 2729 by Rep. Harris**

Removes education and certification requirements for pre-k teachers participating in pre-k partnerships between public school and private child care providers.

## DID NOT PASS

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### Support Children

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**HB 11 by Rep. Dutton**

Would have helped teachers offset the costs of receiving Bilingual and Special Education Certifications, provided free public pre-k to the children of public school teachers, and increased pre-k funding through the Early Education Allotment, among several other public education provisions in the bill.

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**HB 211 by Rep. M. González \***

Would have improved services for children with disabilities or special needs in child care programs.

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**HB 940 by Rep. Dutton**

Would have created a private child care task force to examine strategies to lower child care costs for working Texas families.

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**HB 1614 by Rep. Dutton \***

Would have created a grant program to support and incentive pre-k partnerships between public schools and high-quality child care providers.

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**HB 1834 by Rep. S. Thompson \***

Similar to SB 353 by Sen. Zaffirini

Would have ensured that child care funding for lower income neighborhoods, including in rural communities, matches the funding the state provides to higher income neighborhoods.

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**HB 1979 by Rep. Raney \***

Similar to SB 1844 by Sen. Blanco

Would have updated regulations for Local Workforce Development Boards with the standards needed to maximize childcare funding, improve transparency, and enroll as many families as possible in high-quality childcare.

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**HB 2264 by Rep. Talarico**

Would have supported the pipeline of child care educators by requiring a public junior college to award at least six semester credit hours or the equivalent to a student enrolled in the junior college who holds a Child Development Associate (CDA) credential.

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**HB 2604 by Rep. Morales-Shaw \***

Would have provided 12 weeks of paid family leave after the birth or adoption of a child.

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**HB 3318 by Rep. Allen**

Similar SB 1977 by Sen. Springer

Would have established full-day pre-k eligibility for four-year-olds receiving special education services if included in the student's Individualized Education Plan (IEP).

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**HB 3771 by Rep. Julie Johnson**

Would have created a new voluntary partnership program between the State of Texas and private employers under which the state will match employer contributions to their employees' child care costs.

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**Support Emergent Bilingual Students**

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**HB 1069 by Rep. Guerra**

Would have established a Texas State Seal of Bilingualism and Biliiteracy to recognize students graduating from Texas high schools with proficiency in English and another language.

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**HB 2147 by Rep. Garcia**

Would have waived the fees for educators seeking a bilingual education certification, reducing the financial burden for educators to teach in dual language immersion programs.

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**HB 2164 by Rep. Guerra**

Would have required TEA to create rules for a robust monitoring system for bilingual education and special language programs.

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**HB 2168 by Rep. Guerra**

Would have created high school career technical education pathways for bilingual/ESL and Spanish language teachers with a scholarship program.

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**HB 3303 by Rep. Guerra**

Would have addressed barriers to bilingual education certification by creating a new certification for 7th through 12th grade teachers and adjusting requirements for the certification exam so that candidates would only retest on the domains they did not master.

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**SB 442 by Sen. Menéndez**

Would have required school districts to use 90% (rather than the current 55%) of the funding from their bilingual education allotment to support bilingual education, helping emergent bilingual students become strong readers and master both English and their home language.

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**Texans Care for Children** is a statewide, non-profit, non-partisan, multi-issue children's policy organization. We drive policy change to improve the lives of Texas children today for a stronger Texas tomorrow. We envision a Texas in which all children grow up to be healthy, safe, successful, and on a path to fulfill their promise. [www.txchildren.org](http://www.txchildren.org)

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