



Review of  
**EARLY  
CHILDHOOD  
POLICY**  
and the 2017  
Legislative Session

---

An excerpt  
from our report  
***Texas Children  
and the 2017  
Legislative Session***

---

June 27, 2017

# REVIEW OF EARLY CHILDHOOD POLICY AND THE 2017 LEGISLATIVE SESSION

---

The legislative session started with two high-profile early childhood issues on the agenda: building on the successful launch of the state's new high-quality pre-k grant program and reversing the therapy funding cuts that hurt kids in Early Childhood Intervention (ECI) and other kids with disabilities. The Legislature struck out on both of those priorities but did pass a few important early childhood bills.

One of children's advocates' big successes this session was passage of legislation **prohibiting out-of-school suspensions for students from pre-k through second grade**. The bill, HB 674, provides exceptions for a few scenarios, such as cases in which a student brings a weapon or drugs to school. The bill also acknowledges the importance of providing supports to teachers and students in lieu of suspensions, an issue that our staff emphasized to legislators. The bill includes examples of the strategies that school districts could use, such as Positive Behavioral Interventions and Supports, Social Emotional Learning, and Restorative Practices, but does not mandate any strategies. The legislation builds on similar early suspension policies recently enacted by a handful of large school districts around the state.

The Legislature also passed legislation, HB 2039 and SB 1839, aimed at improving instruction in early childhood classrooms. Currently, Texas educators in pre-k and other early grades have a **teacher certification that covers early childhood** through sixth grade. That means the current system allows educators to teach three-year-olds even if their training focused on 4th graders. Once HB 2039 is implemented, prospective

teachers will be able to pursue a certification covering early childhood through third grade as an alternative, allowing them to focus on the particular needs of our youngest students and allowing districts the option of hiring teachers with greater expertise in early childhood.

Legislators also passed HB 357, a bill to allow children of fallen or seriously injured first responders to enroll in free **public school pre-k**. Several other bills were filed to open up pre-k eligibility to all four-year-olds, provide state funding for full-day pre-k, or establish new statewide pre-k quality standards, such as class size limits or student-teacher ratio limits. The education committees in the House and Senate did not approve any of these bills, which were missed opportunities to significantly increase access to high-quality pre-k.

The Legislature also declined to pass significant **legislation on child care**. We worked with legislators to develop a bill that would update child care standards for nutrition, physical activity, and screen time so more young kids receive nutritious foods and develop healthy habits early. It was the first time the Legislature had considered legislation on this subject, so we were pleased to see the bill make it as far as the House floor, where it was narrowly defeated. Bills to collect data on caregiver-child ratios in child care and improve transparency of Texas Workforce Commission (TWC) data on subsidized child care also fell short.

As noted above, one of the great disappointments of the session was the Legislature's decision to largely stand by their 2015 decision to **cut**



**Medicaid reimbursement rates for speech therapy, physical therapy, and other therapies for children with disabilities.** Those cuts have affected home health agencies that serve children of all ages as well as community organizations that contract with the state’s **Early Childhood Intervention (ECI) program** to serve children under age three with disabilities and developmental delays. In late 2016, our report on ECI revealed a decline in enrollment and the number of providers amid state funding cuts. This spring, Easter Seals of East Texas became the latest ECI contractor to notify Texas officials that it will discontinue ECI services for children with disabilities due to state cuts. The loss of ECI services is one of the reasons that parents have spoken out about the cuts for the last two years and that members of the House pushed

to largely reverse the cuts this session. However, the Senate fought to maintain the cuts, and in the end, the Legislature only passed a 25 percent restoration of the therapy funding.

Moreover, the Legislature failed to appropriate the additional \$20 million for ECI that the Health and Human Services Commission (HHSC) requested to partially cover expected enrollment growth over the next two years. Fortunately, the Legislature did provide an additional \$4 million to ECI for the remainder of the current budget cycle and noted that HHSC can request an additional infusion of ECI funding if needed.

Another major disappointment of the session was the Legislature’s decision to reduce pre-k funding by **eliminating funding for the high-**



**quality pre-k grant program** established by the Legislature in 2015 through HB 4. Last year, our report found that the new program was off to a good start, providing \$118 million for the 2016-2017 school year to districts that educate 86 percent of the state's pre-k students. Prior to and during the session, we joined with many other pre-k supporters in calling on the Legislature to maintain that same funding level by appropriating a minimum of \$236 million over two years for the pre-k grant program.

Unfortunately, during the behind the-scenes meetings of the budget conference committee at the end of the session, legislative leaders decided to completely eliminate the pre-k grant funding. The only pre-k funding included in the budget was the standard half-day funding

that is provided in the school finance formulas. The budget does require all districts to meet the higher standards of the HB 4 grant program but only using existing resources. It is unclear if that mandate through a budget rider is legally binding and how the Texas Education Agency will implement this new approach. Besides the question of enforceability, it would certainly be more effective to combine the higher standards with additional funding to help districts expand their full-day offerings, add aides to reduce the teacher-student ratio, increase professional development and parent engagement, and make other meaningful investments.

Pre-k advocates knew that this would be a tough legislative session. It was considered a "tight budget" year with a lot of competing priorities (although the Legislature ultimately left \$11 billion unspent in the state's Rainy Day Fund). There was a lack of consensus among legislators about the best way to fund pre-k improvements, with the Senate, House, and the Governor each offering competing proposals. Additionally, pre-k funding got caught up in larger political battles between state leaders.

Despite the bad news on pre-k, there are a few reasons to be encouraged. The final budget confirms that the Legislature believes higher pre-k standards are important for all districts. That may provide an opportunity to work with legislators on strengthening pre-k standards, such as class size limits. It was also encouraging to see legislators offering different ideas this session about how to deliver extra funding to improve pre-k. We can continue that conversation and hopefully reach a consensus for next session. Finally, it was encouraging to see the Governor continue to speak out about the benefits of quality pre-k to help children get off to a strong start. ■

# OUTCOMES OF KEY EARLY CHILDHOOD LEGISLATION

---

## PASSED

---

### Support Children

**HB 357 by Rep. Huberty**

The bill expands pre-k eligibility to include children of seriously injured or fallen first responders.

**HB 674 by Rep. E. Johnson**

Similar bill: HB 2616 by Rep. Giddings  
Similar bill: SB 370 by Sen. Garcia

The bill limits out-of-school suspensions for students in grades pre-k through 2nd grade.

**HB 2039 by Rep. Huberty**

Also passed as amendment to SB 1839

The bill offers an Early Childhood-3rd grade teacher certification in addition to certifications currently available.

## DID NOT PASS

---

### Support Children

**HB 188 by Rep. Bernal**

The bill would have required school districts that offer publicly funded pre-k to maintain an average teacher-child ratio of no more than 10:1.

**HB 196 by Rep. González****HB 710 by Rep. Wu****HB 1858 by Rep. Reynolds****SB 35 by Sen. Zaffirini**

The bills would have funded free, full-day pre-k for eligible students through the Foundation School Program.

**HB 1389 by Rep. Giddings**

The bill would have limited pre-k class sizes to no more than 22 students.

**HB 2282 by Rep. E. Johnson**

The bill would have created an optional Gold Standard Pre-K Program that would allow districts to use Foundation School Program funding to support full-day pre-k.

**HB 2664 by Rep. Miller****SB 818 by Sen. Watson**

The bills would have improved nutrition and active play opportunities in child care by establishing new guidelines and incentives.

## Support Children (continued)

---

**HB 3323 by Rep. Deshotel**  
**SB 940 by Sen. Campbell**

The bills would have improved transparency in the child care subsidy program managed by TWC.

---

**HB 3788 by Rep. Koop**  
**HB 3205 by Rep. Raymond**  
**SB 2164 by Sen. Zaffirini**

The bills would have directed DFPS to collect data on child care group sizes and ratios as well as safety information during inspections.

---

**HB 3930 by Rep. Miller**

The bill would have maximized non-state sources of revenue for the ECI program by requiring most private insurers to cover specific ECI services, including speech therapy and specialized skills training, when needed under a child's Individual Family Services Plan (IFSP).

---

**HB 3967 by Rep. Walle**

The bill would have established a task force to study cost savings and effectiveness of requiring insurance coverage for ECI services.

---