(2) "Wireless communication device" has the meaning assigned by Section 545.425.

(b) Except as provided by Section 545.425(c), an operator may not use a wireless communication device while operating a motor vehicle on the property of a public elementary, middle, junior high, or high school for which a local authority has designated a school crossing zone, during the time a reduced speed limit is in effect for the school crossing zone, unless:

(1) the vehicle is stopped; or
(2) the wireless communication device is used with a hands-free device.

(c) It is an affirmative defense to prosecution of an offense under this section that the wireless communication device was used to make an emergency call to:

(1) an emergency response service, including a rescue, emergency medical, or hazardous material response service;
(2) a hospital;
(3) a fire department;
(4) a health clinic;
(5) a medical doctor's office;
(6) an individual to administer first aid treatment; or
(7) a police department.

(d) This section does not apply to:

(1) an operator of an authorized emergency vehicle using a wireless communication device while acting in an official capacity; or
(2) an operator who is licensed by the Federal Communications Commission while operating a radio frequency device other than a wireless communication device.

(e) This section preempts all local ordinances, rules, or regulations that are inconsistent with specific provisions of this section adopted by a political subdivision of this state relating to the use of a wireless communication device by the operator of a motor vehicle, except that a political subdivision may by ordinance or rule prohibit the use of a wireless communication device while operating a motor vehicle throughout the jurisdiction of the political subdivision.

SECTION 3. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 4. This Act takes effect September 1, 2013.

Passed by the House on April 23, 2013: Yeas 130, Nays 15, 2 present, not voting; the House concurred in Senate amendments to H.B. No. 347 on May 20, 2013: Yeas 105, Nays 37, 2 present, not voting; passed by the Senate, with amendments, on May 15, 2013: Yeas 31, Nays 0.

Approved June 14, 2013.

Effective September 1, 2013.

CHAPTER 241

H.B. No. 376

AN ACT
relating to the regulation of child-care providers by the Texas Workforce Commission and local workforce development boards.

Be it enacted by the Legislature of the State of Texas:

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SECTION 1. Section 29.158(d), Education Code, is amended to read as follows:

(d) In coordinating child-care services under this section and in making any related decision to contract with another provider for child-care services, the agency, Texas Workforce Commission, local workforce development boards, and each prekindergarten program provider, Head Start and Early Head Start program provider, and provider of an after-school child-care program provided at a school shall consider the quality of the services involved in the proposed coordination or contracting decision and shall give preference to services of the highest quality. Any appropriate indicator of quality services may be considered under this subsection, including whether the provider of the services:

(1) meets the Texas Rising Star Program [Provider] criteria [described by 40 T.A.C. Section 89.015(b)];

(2) is accredited by a nationally recognized accrediting organization approved by the Texas Workforce Commission and the Department of Family and Protective Services;

(3) meets standards developed by the State Center for Early Childhood Development;

or

(4) has achieved any other measurable target relevant to improving the quality of child care in this state.

SECTION 2. Section 2155.202, Government Code, is amended to read as follows:

Sec. 2155.202. MENTAL HEALTH AND MENTAL RETARDATION COMMUNITY CENTERS; ASSISTANCE ORGANIZATIONS; CHILD-CARE PROVIDERS. The following entities may purchase goods and services through the comptroller:

(1) a community center for mental health and mental retardation services that receives state grants-in-aid under Subchapter B, Chapter 534, Health and Safety Code;

(2) an assistance organization as defined by Section 2175.001 that receives state funds; and

(3) a child-care provider that meets the Texas Rising Star Program [Provider] criteria [described by Texas Workforce Commission rules].

SECTION 3. Section 2308.315, Government Code, is amended to read as follows:

Sec. 2308.315. REIMBURSEMENT RATES FOR CHILD CARE. (a) Each board shall establish graduated reimbursement rates for child care based on the commission's Texas Rising Star Program [Texas Workforce Commission's designated vendor program].

(b) The minimum reimbursement rate for a Texas Rising Star Program provider [designated vendor] must be at least five percent greater than the maximum rate established for a provider who is not a Texas Rising Star Program provider [nondesignated vendor] for the same category of care. The reimbursement rate must be:

(1) at least five percent higher for a provider with a two-star rating;

(2) at least seven percent higher for a provider with a three-star rating; and

(3) at least nine percent higher for a provider with a four-star rating.

(c) The Texas Rising Star Program [designated vendor] rate differential established in this section shall be funded with federal child care development funds [dedicated to quality improvement activities].

(d) Notwithstanding Subsection (b), a board may not reimburse a provider under the reimbursement rules provided by Subsection (b) before the date any revisions to rules recommended by the Texas Rising Star Program review work group under Section 2308.321 are adopted by the commission.

SECTION 4. Subchapter G, Chapter 2308, Government Code, is amended by adding Section 2308.3155 to read as follows:

Sec. 2308.3155. TEXAS RISING STAR PROGRAM. (a) The Texas Rising Star Program is a voluntary, quality-based child care rating system of child care providers participating in the commission's subsidized child care program.

(b) The commission shall adopt rules to administer the Texas Rising Star Program, including guidelines for rating a child-care provider who provides child care to a child
younger than 13 years of age, including infants and toddlers, enrolled in the subsidized program.

(c) The commission shall make money available to each board to hire necessary employees to provide technical assistance under Section 2308.320 from the child care and development block grant. In addition, a board may use money available from other public or private sources to hire necessary employees for the program.

SECTION 5. Section 2308.316, Government Code, is amended to read as follows:

Sec. 2308.316. FUNDING OF COMPETITIVE PROCUREMENT PROCESS FOR INFANT AND EARLY CHILDHOOD CHILD CARE. Each board shall allocate a portion of the board's federal child care development funds dedicated to quality improvement activities to a competitive procurement process for a system for quality child care for children under four years of age that encourages child care providers to voluntarily meet the certification criteria of the commission's Texas Rising Star Program [Texas Workforce Commission's designated vendor program or national accreditation]. In allocating funds under this section, special consideration shall be given to funding child care for children under four years of age in low-income communities. This section may not be interpreted to limit parental choice.

SECTION 6. Section 2308.317, Government Code, is amended by amending Subsection (a) and adding Subsections (c) and (d) to read as follows:

(a) Notwithstanding any other law, the commission [Texas Workforce Commission] shall ensure that, to the extent federal child care development funds dedicated to quality improvement activities are used to improve quality and availability of child care, those funds are used [only] for:

(1) quality child care programs, including programs:
   (A) whose director receives mentoring; or
   (B) that are in the process of obtaining a Texas Rising Star Program rating;
(2) technical assistance for providers as described by Section 2308.320;
(3) professional development for child care providers, directors, and employees;
(4) educational materials for children served by child care providers; and
(5) educational information for parents important for the development of a child under five years of age.

(c) Each board shall use at least two percent of the board's yearly allocation from the commission for quality child care initiatives. In addition, a board may use money available from other public or private sources for quality child care initiatives. A board shall give priority to quality child care initiatives that benefit child care facilities that are working toward Texas Rising Star certification or are Texas Rising Star certified providers working toward a higher certification level.

(d) Each board shall annually report to the commission regarding the board's use of the two percent allocation described by Subsection (c).

SECTION 7. Section 2308.3171, Government Code, is amended to read as follows:

Sec. 2308.3171. INFORMATION ON QUALITY CHILD CARE. (a) In this section, "quality child-care indicator" means any appropriate indicator of quality services, including whether the provider of the services:

(1) meets [the] Texas Rising Star Program certification [Provider] criteria [described by commission rules];
(2) is accredited by a nationally recognized accrediting organization approved by the commission;
(3) is certified under the school readiness certification system established under Section 29.161, Education Code;
(4) meets standards developed under Section 29.155(g), Education Code; or
(5) has achieved any other measurable target that is relevant to improving the quality of child care in this state and that has been approved by the commission.
(b) Each board shall provide information on quality child-care indicators to (for) each licensed or registered child-care provider in the area. Each board shall determine the manner in which to provide this information.

(c) Each board shall post in a prominent place on the board's Internet website home page and at any physical location where the board provides services:

1. a list of local designated vendors that are child-care providers and have a quality child-care indicator listed in Subsection (a)(1), (2), (3), or (4); and

2. a list of local parenting classes [determine the manner in which to provide the information required by this section].

(d) A child-care provider who receives funding or reimbursement for child-care services from a board shall post a certification or accreditation described by Subsection (a) at the entrance of the provider's facility.

SECTION 8. Subchapter G, Chapter 2308, Government Code, is amended by adding Section 2308.320 to read as follows:

Sec. 2308.320. TECHNICAL ASSISTANCE FOR PROVIDERS. Each board shall provide technical assistance to Texas Rising Star Program providers and to providers seeking certification under the Texas Rising Star Program, including providing:

1. a child development specialist to serve as an evaluator of the provider during the certification process;

2. a mentor or coach to a Texas Rising Star Program provider to meet regularly with the provider and provide child care resources to the provider, including developmentally appropriate books, materials, and equipment;

3. consumer information regarding the selection of quality child care for parents of children enrolled in the program; and

4. parenting education information for parents of children enrolled in the program, including information about parenting classes that are available in the area or on the Internet.

SECTION 9. Subchapter G, Chapter 2308, Government Code, is amended by adding Section 2308.321 to read as follows:

Sec. 2308.321. TEXAS RISING STAR PROGRAM REVIEW WORK GROUP. (a) The Texas Rising Star Program review work group is established to propose revisions to the commission's rules on the Texas Rising Star Program.

(b) The work group consists of the following members appointed by the executive director of the commission:

1. at least one member from the commission;

2. at least one member from the Department of Family and Protective Services;

3. at least one member from the Texas Education Agency;

4. at least one member from the governor's Texas Early Learning Council who participated on the Quality Rating and Improvement System subcommittee;

5. at least one member who is appointed to a workforce development board;

6. at least four members who are Texas Rising Star Program providers with different Texas Rising Star Program ratings:

   A. at least one of whom must be a for-profit private provider;

   B. at least one of whom must be a single-site provider;

   C. at least one of whom must be a multi-site provider; and

   D. at least one of whom must be an individual who provides child care in the provider's own home;

7. at least one provider who has participated in the Texas School Ready! project; and

8. at least three members employed by different boards who work in the employing board's child-care program and have experience and expertise in early childhood develop-
ment or the Texas Rising Star Program or other similar certification or accreditation programs.

(c) The work group shall hold the group's initial meeting not later than November 1, 2013, and shall meet at other times as determined by the presiding officer.

(d) The work group shall elect a presiding officer by a vote of the membership of the work group.

(e) Not later than May 1, 2014, the work group shall submit to the executive director of the commission recommendations proposing revisions to the commission's guidelines relating to the Texas Rising Star Program. In making its recommendations, the work group shall consider:

(1) professional development standards for child-care directors and employees, including training and annual professional development requirements;
(2) education and experience requirements for mentors and evaluators;
(3) early learning and school readiness standards;
(4) guidelines for infants and toddlers in child care;
(5) training hours for providers;
(6) playground standards;
(7) best practices guidelines based on standards adopted by nationally recognized organizations, including Head Start Program Performance Standards, National Health and Safety Performance Standards, National Association of the Education of Young Children program standards and accreditation criteria, National Association for Family Child Care standards, United States Department of Defense standards, national accreditation standards, and School Ready certification standards;
(8) research on infant and toddler brain development; and
(9) strategies for the long-term financing of the Texas Rising Star Program, including financing the payment of:
(A) incentives to child-care providers participating in the program; and
(B) grants and rewards to child-care providers that achieve and maintain high levels of service.

(f) Not later than September 1, 2014, the commission shall propose rules that incorporate the proposed revisions submitted by the work group under Subsection (e).

(g) The executive director of the commission shall make the appointments under this section on September 1, 2013.

(h) This section expires December 1, 2014.

SECTION 10. This Act takes effect September 1, 2013.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. The heading to Subchapter B, Chapter 8, Family Code, is amended to read as follows:

CHAPTER 242

H.B. No. 389

AN ACT

relating to the enforcement of spousal maintenance agreements and property distribution agreements incident to divorce or annulment.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. The heading to Subchapter B, Chapter 8, Family Code, is amended to read as follows:

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