

By: Swinford

H.B. No. 2378

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the administration of the child care program for
3 children of state employees.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Sections 663.001(2) and (3), Government Code,
6 are amended to read as follows:

7 (2) "Child care program" means the program developed
8 or administered under this chapter [~~by the commission~~] to provide
9 child care services for state employees.

10 (3) "Commission" means the Texas Building and
11 Procurement [~~General Services~~] Commission.

12 SECTION 2. Section 663.101, Government Code, is amended to
13 read as follows:

14 Sec. 663.101. ADMINISTRATION OF CHILD CARE PROGRAM. (a)
15 The commission shall provide child care services for state
16 employees by the development [~~and administration~~] of the child care
17 program.

18 (b) The commission by rule may establish methods to
19 [~~administer and~~] supervise the entity operating the child care
20 program.

21 SECTION 3. Subchapter C, Chapter 663, Government Code, is
22 amended by adding Sections 663.1011 and 663.1012 to read as
23 follows:

24 Sec. 663.1011. MEMORANDUM OF UNDERSTANDING. (a) The

1 commission may enter into a memorandum of understanding with The
2 University of Texas at Austin to operate the child care program.

3 (b) The memorandum of understanding must include the
4 responsibilities of the commission and the university regarding the
5 operation of the child care program, including:

6 (1) developing the curriculum for the child care
7 program;

8 (2) designating the location of child care facilities;

9 (3) providing and maintaining the buildings and other
10 property where the child care facilities are located;

11 (4) determining the size of the child care facilities
12 and the child-to-teacher ratio for each age group at the facility;
13 and

14 (5) performing the duties described by Section
15 663.108.

16 Sec. 663.1012. CONTRACT WITH ENTITY. (a) If the commission
17 does not enter into a memorandum of understanding with The
18 University of Texas at Austin to operate the child care program
19 under Section 663.1011, the commission shall contract with a
20 private or public entity to operate the child care program.

21 (b) Before the commission issues a request for proposal for
22 bids to operate the child care program, the commission shall
23 develop the request for proposal with the assistance of The
24 University of Texas at Austin.

25 SECTION 4. Section 663.102, Government Code, is amended to
26 read as follows:

27 Sec. 663.102. STANDARDS OF CHILD CARE PROGRAM. The

1 commission shall, in consultation with The University of Texas at
2 Austin, set specific performance standards for child care services
3 under the child care program that conform to the standards of
4 quality child care set by the National Association for the
5 Education of Young Children or the National Child Care Association.

6 SECTION 5. Section 663.106, Government Code, is amended to
7 read as follows:

8 Sec. 663.106. LEASE TO CHILD CARE PROVIDER. The commission
9 may [~~shall~~] lease to a child care provider selected by the
10 commission a site for a child care facility at a reasonable rate.

11 SECTION 6. Section 663.108, Government Code, is amended to
12 read as follows:

13 Sec. 663.108. DUTIES OF ENTITY OPERATING CHILD CARE PROGRAM
14 [~~PROVIDER~~]. The entity operating the [~~A provider for a~~] child care
15 program [~~facility~~] shall:

16 (1) obtain for each child care [~~the~~] facility a
17 license under Chapter 42, Human Resources Code;

18 (2) maintain liability insurance coverage by an
19 insurer [~~insurance company~~] approved by the Texas Department [~~State~~
20 ~~Board~~] of Insurance in an amount approved by the commission;

21 (3) indemnify the state and the commission from:

22 (A) a claim, demand, or cause of action asserted
23 by a person as a result of the child care facility's operation; and

24 (B) an act or omission of the provider or the
25 child care facility's personnel;

26 (4) provide furniture, equipment, toys, or other
27 materials necessary for the child care facility;

1 (5) keep a list of child care applicants who are
2 waiting for enrollment in the child care facility; and

3 (6) pay salaries and provide insurance for persons
4 employed at the child care [~~employees of the~~] facility.

5 SECTION 7. Section 663.109, Government Code, is amended to
6 read as follows:

7 Sec. 663.109. MONITORING OF CHILD CARE PROGRAM
8 [~~FACILITIES~~]. The commission shall monitor the activities and
9 operations of the entity operating the child care program [~~a child~~
10 ~~care facility by conducting regular visits to the facility during~~
11 ~~operating hours to investigate, inspect, and evaluate the services~~
12 ~~provided~~].

13 SECTION 8. Section 663.111(a), Government Code, is amended
14 to read as follows:

15 (a) The commission shall monitor the number of children
16 participating in the child care program and determine, in
17 consultation with the entity operating the child care program, when
18 additional child care facilities are needed [~~may begin procedures~~
19 ~~to establish another child care facility when the number of~~
20 ~~applicants on a waiting list to enroll in a facility is 50 or more~~].

21 SECTION 9. The heading to Section 663.112, Government Code,
22 is amended to read as follows:

23 Sec. 663.112. CHILD CARE PROGRAM [~~FACILITY~~] ACCOUNT.

24 SECTION 10. Section 663.112(a), Government Code, is amended
25 to read as follows:

26 (a) The legislature may appropriate money from the Texas
27 capital trust fund established under Chapter 2201 to establish and

1 operate the [a] child care program [~~facility under this chapter~~].

2 SECTION 11. Section 663.052, Government Code, is
3 redesignated as Section 663.114, Government Code, to read as
4 follows:

5 Sec. 663.114 [~~663.052~~]. REPORT OF COMMISSION. (a) The
6 commission shall report to the legislature each legislative
7 session.

8 (b) The report must:

9 (1) summarize the development and progress of the
10 child care program; and

11 (2) describe additional child care services needed by
12 state employees.

13 SECTION 12. Sections 663.001(4), 663.002, 663.051,
14 663.104, 663.107, 663.111(b), 2165.103, and 2166.551, Government
15 Code, are repealed.

16 SECTION 13. This Act takes effect immediately if it
17 receives a vote of two-thirds of all the members elected to each
18 house, as provided by Section 39, Article III, Texas Constitution.
19 If this Act does not receive the vote necessary for immediate
20 effect, this Act takes effect September 1, 2005.