

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the imposition of additional inspection and background
3 and criminal history check requirements for day-care centers.

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

5 SECTION 1. Section 42.044, Human Resources Code, is amended
6 by adding Subsection (b-1) to read as follows:

7 (b-1) Except as otherwise provided by this subsection,
8 during an unannounced annual inspection of a day-care center, the
9 department shall meet with the director designated by the day-care
10 center as having daily, on-site responsibility for the operation of
11 the day-care center to assess whether the director meets the
12 qualifications of a director specified by this chapter and
13 department rules. If the director is not present during the
14 unannounced annual inspection, the department shall schedule a
15 subsequent meeting with the director for that purpose and shall
16 conduct that meeting at the day-care center.

17 SECTION 2. Section 42.056, Human Resources Code, is amended
18 by adding Subsections (a-2), (b-1), and (g) to read as follows:

19 (a-2) In accordance with rules adopted by the executive
20 commissioner, the director, owner, or operator of a day-care center
21 shall submit a complete set of fingerprints of each person whose
22 name is submitted by the director, owner, or operator under
23 Subsection (a). The rules adopted by the executive commissioner:

24 (1) must require that the fingerprints be submitted in

1 a form and of a quality acceptable to the Department of Public
2 Safety and the Federal Bureau of Investigation for conducting a
3 criminal history check; and

4 (2) may require that the fingerprints be submitted
5 electronically through an applicant fingerprinting service center.

6 (b-1) In addition to any other background or criminal
7 history check conducted under Subsection (b), for each person whose
8 name is submitted by the director, owner, or operator of a day-care
9 center under Subsection (a), the department shall conduct a state
10 and Federal Bureau of Investigation criminal history check by:

11 (1) submitting the person's fingerprints provided
12 under Subsection (a-2), or causing the fingerprints to be submitted
13 electronically as authorized by that subsection, to the Department
14 of Public Safety for the purpose of conducting a state and federal
15 criminal history check; and

16 (2) using the resulting information made available by
17 that department under Section 411.114, Government Code, and by the
18 Federal Bureau of Investigation and any other criminal justice
19 agency under Section 411.087, Government Code.

20 (g) A person whose name is submitted by the director, owner,
21 or operator of a day-care center under Subsection (a) may not
22 provide direct care or have direct access to a child in a day-care
23 center before the person's background and criminal history checks
24 under Subsections (b) and (b-1) are completed.

25 SECTION 3. Section 42.056, Human Resources Code, as amended
26 by this Act, applies to the conduct of background and criminal
27 history checks of a person whose name is submitted to the Department

1 of Family and Protective Services under Subsection (a), Section
2 42.056, Human Resources Code, on or after the effective date of this
3 Act.

4 SECTION 4. This Act takes effect September 1, 2007.