

By: Nelson

S.B. No. 21

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 must require that the fingerprints be submitted in a form and of a

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

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

9 (1) submitting the person's fingerprints provided
10 under Subsection (a-2) to the Department of Public Safety for the
11 purpose of conducting a state and federal criminal history check;
12 and

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

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

22 SECTION 3. Section 42.056, Human Resources Code, as amended
23 by this Act, applies to the conduct of background and criminal
24 history checks of a person whose name is submitted to the Department
25 of Family and Protective Services under Section 42.056(a), Human
26 Resources Code, on or after the effective date of this Act.

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