

BILL ANALYSIS

Senate Research Center

S.B. 260
By: West, Shapiro
Health & Human Services
8/3/2011
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In recent years, there has been an increase in incidents occurring at child-care facilities and at the hands of child-care workers that have resulted in harm or even death to children. S.B. 260 increases the hours of training required for workers and directors of child-care facilities.

The bill requires 24 hours of pre-service training, rather than eight hours of pre-service training required under current law, for caregivers. The first eight hours must be completed before the caregiver is responsible for a group of children. After the initial eight hours of training, 90 days is provided for the caregiver to complete the remaining training. This bill authorizes an exemption from the pre-service training requirement if the caregiver has two or more years of experience, rather than if the caregiver has six months of experience as under current law.

Additionally, the required 15 hours of annual training for caregivers is increased to 24 hours, and the 20 hours of required annual training for the director of a child-care facility is increased to 30 hours.

Lastly, the bill requires an employee of a child-care facility to complete an orientation to the facility within seven days of the employee's initial date of employment.

S.B. 260 amends current law relating to minimum training standards for employees or operators of certain child-care facilities and registered family homes.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 (Section 42.0421, Human Resources Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 42.0421, Human Resources Code, by amending Subsection (a) and adding Subsections (f) and (g), as follows:

(a) Requires that the minimum training standards prescribed by the Department of Family and Protective Services (DFPS) under Section 42.042(p) (relating to DFPS prescribing minimum training standards by rule) for an employee, director, or operator of a day-care center, group day-care home, or registered family home include:

(1) 24 hours, rather than eight hours, of initial training that must be completed not later than the 90th day after the employee's first day of employment for an employee of a day-care center who has no previous training or less than two years of employment experience in a regulated child-care facility, eight hours of which must be completed before the employee is given responsibility for a group of children;

(2) 24 hours, rather than 15 hours, of annual training for each employee of a day-care center or group day-care home, excluding the director, which must include at least six hours of training in one or more of certain areas; and

(3) 30 hours, rather than 20 hours, of annual training for each director of a day-care center or group day-care home, or operator of a registered family home, which must include at least six hours of training in one or more of certain areas.

(f) Prohibits DFPS, in adopting the minimum training standards under Section 42.042(p), from requiring more training hours than the number of hours prescribed by Subsection (a) for a day-care center, group day-care home, or a registered family home.

(g) Requires the executive commissioner of the Health and Human Services Commission (executive commissioner) by rule to adopt minimum training standards for before-school or after-school and school-age programs as required by Section 42.042(p). Prohibits the executive commissioner, in adopting minimum training standards for before-school or after-school and school-age programs under this subsection, from requiring more initial or annual training hours than the number of hours required by Subsection (a) immediately before September 1, 2011.

SECTION 2. Amends Section 42.0426, Human Resources Code, by adding Subsection (c), to require an employee to complete an orientation to the facility not later than the seventh day after the date the employee begins employment at a day-care center, group day-care home, or registered family home.

SECTION 3. (a) Makes application of Section 42.0421(a)(1), Human Resources Code, as amended by this Act, and Section 42.0426(c), Human Resources Code, as added by this Act, prospective.

(b) Provides that Sections 42.0421(a)(2) and (3), Human Resources Code, as amended by this Act, apply to an employee or director of a child-care facility regardless of the date the person began employment with or service as director of the child-care facility.

SECTION 4. Effective date: September 1, 2011.