

## **BILL ANALYSIS**

Senate Research Center

S.B. 2164  
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Health & Human Services  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Between 2013 and 2016 the Department of Family and Protective Services (DFPS) received 17,558 serious incidents reports and 4,674 serious and critical injury reports for young children in daycare. In 2010, the agency reported that it did not believe that the current standards for group size or ratios between children and caregivers adequately protects the health and safety of children in some age ranges, and several studies indicate that daycare centers are not meeting sufficiently current safety and health standards.

While current Texas law requires DFPS to review minimum standards every six years, there are no provisions to collect or analyze data relating to child ratios and daycare injuries. To determine the ratio needed to ensure children's safety in child care, additional data are needed to fully support the link between ratios and children's safety.

S.B. 2164 requires DFPS to collect data and partner with a university or community research entity to analyze the safety of current minimum standards regarding ratios and group sizes.

As proposed, S.B. 2164 amends current law relating to staff-to-child ratios and group sizes in licensed day-care centers and reporting certain information related to child safety.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter C, Chapter 42, Human Resources Code, by adding Section 42.0412, as follows:

Sec. 42.0412. COLLECTION OF LICENSED DAY-CARE CENTER DATA. (a) Defines "group of children."

(b) Requires the Department of Family and Protective Services (DFPS), during each monitoring inspection of a licensed day-care center DFPS conducts between March 1, 2018, and May 31, 2018, using existing resources, to collect the following data for each group of children 4 years of age and younger in the day-care center: the ages of the children in the group, the number of children in the group, and the number of caregivers supervising the children in the group.

(c) Requires DFPS, not later than June 30, 2018, to make the data collected under Subsection (b) available to community agencies and institutions of higher education (IHEs) on request.

(d) Requires DFPS to collect certain information for each licensed day-care center that DFPS has collected data on under Subsection (b) and on request to provide certain information to community agencies and IHEs.

(e) Requires DFPS, using existing resources, to provide an annual report to the legislature that includes certain information.

(f) Provides that this subsection and Subsections (a), (b), (c), and (d) expire on September 1, 2019.

SECTION 2. Amends Section 42.042, Human Resources Code, by adding Subsection (m-1), as follows:

(m-1) Requires the executive commissioner of HHSC (executive commissioner), not later than January 1, 2019, to use the data collected under Section 42.0412 to determine whether to modify the standards related to staff-to-child ratios and group sizes. Requires the executive commissioner, in determining whether to modify the standards, to compare licensed day-care centers meeting staff-to-child ratios and group size requirements with licensed day-care centers that have fewer children per caregiver. Requires the executive commissioner to recommend appropriate adjustments to any ratio standard by age for which the data shows that licensed day-care centers meeting that state's minimum standards have a rate that is 10 percent or higher than those with fewer children per caregiver of confirmed serious injuries, confirmed child fatalities, and initial intake reports that are assigned the highest priority or the second-highest priority.

SECTION 3. Effective date: upon passage or September 1, 2017.