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H.B. No. 3788

A BILL TO BE ENTITLED

AN ACT

relating to child-to-caregiver ratios and group sizes in licensed day-care centers and reporting certain information related to child safety.

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

SECTION 1. Subchapter C, Chapter 42, Human Resources Code, is amended by adding Section 42.0412 to read as follows:

Sec. 42.0412. COLLECTION OF LICENSED DAY-CARE CENTER DATA.

(a) In this section, "group of children" means the number of children assigned to a specific caregiver or group of caregivers, occupying an individual classroom or well-defined physical space within a larger room at a day-care center.

(b) During each monitoring inspection of a licensed day-care center the department conducts between March 1, 2018, and May 31, 2018, the department, using existing resources, shall collect the following data for each group of children four years of age and younger in the day-care center:

(1) the specified age of the children in the group as determined by the formula provided in the department's minimum standards for child-care centers;

(2) the number of children in the group; and

(3) the number of caregivers supervising the children in the group.

(c) Not later than June 30, 2018, the department shall make

1 the data collected under Subsection (b) available to community
2 agencies and institutions of higher education on request.

3 (d) The department shall collect the following information
4 for each licensed day-care center from which the department
5 collected data under Subsection (b) and on request shall provide
6 the information to community agencies and institutions of higher
7 education:

8 (1) the licensed day-care center's program capacity;

9 (2) the number of confirmed serious injuries and
10 fatalities for children four years of age and younger that occurred
11 at the day-care center between September 1, 2017, and August 31,
12 2018, aggregated by the age of the injured or deceased child;

13 (3) the number of investigations the department
14 conducted at the day-care center between September 1, 2017, and
15 August 31, 2018, involving a child who is four years of age or
16 younger that were assigned the highest priority or second-highest
17 priority, aggregated by the age of the youngest affected child; and

18 (4) the total number of violations that the department
19 found at the day-care center during investigations described by
20 Subdivision (3).

21 (e) The department, using existing resources, shall provide
22 an annual report to the legislature that includes:

23 (1) the number of confirmed serious injuries and
24 fatalities for children four years of age and younger that occurred
25 at each licensed day-care center, aggregated by the age of the
26 injured or deceased child;

27 (2) the priority assigned to the investigation

1 conducted by the department in response to an incident that
2 resulted in a serious injury or child fatality;

3 (3) the number of investigations conducted by the
4 department at each licensed day-care center involving a child four
5 years of age or younger that were assigned the highest priority or
6 second-highest priority, aggregated by the age of the youngest
7 affected child; and

8 (4) the number of violations the department found at
9 each licensed day-care center during investigations described by
10 Subdivision (3).

11 (f) This subsection and Subsections (a), (b), (c), and (d)
12 expire on September 1, 2019.

13 SECTION 2. Section 42.042, Human Resources Code, is amended
14 by amending Subsection (m) and adding Subsection (m-1) to read as
15 follows:

16 (m) In determining minimum standards relating to
17 child-to-caregiver [~~staff-to-child~~] ratios, group sizes, or square
18 footage requirements applicable to nonresidential child-care
19 facilities that provide care for less than 24 hours a day, the
20 department shall, within available appropriations, conduct a
21 comprehensive cost-benefit analysis and economic impact study that
22 includes families and licensed child-care providers.

23 (m-1) Not later than January 1, 2019, the executive
24 commissioner shall use the data collected under Section 42.0412 to
25 determine whether to modify the standards related to
26 child-to-caregiver ratios and group sizes. In determining whether
27 to modify the standards, the executive commissioner shall compare

1 licensed day-care centers that meet the child-to-caregiver ratios
2 and group size requirements with licensed day-care centers that
3 have lower child-to-caregiver ratios. The executive commissioner
4 shall recommend appropriate adjustments to any standards related to
5 child-to-caregiver ratios or group sizes if the data shows that
6 day-care centers that meet the minimum child-to-caregiver ratios
7 and group size requirements have a rate that is 10 percent or higher
8 than day-care centers with lower child-to-caregiver ratios of:

9 (1) confirmed serious injuries;
10 (2) confirmed child fatalities; or
11 (3) investigations conducted by the department that
12 are assigned the highest priority or the second-highest priority.

13 SECTION 3. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2017.