

By: Koop

H.B. No. 3788

A BILL TO BE ENTITLED

AN ACT

relating to staff-to-child 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 4 years of age and younger in the day-care center:

(1) the ages of the children in the group;
(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 the data collected under Subsection (b) available to community agencies and institutions of higher education on request.

1 (d) The department shall collect the following information
2 for each licensed day-care center and on request shall provide the
3 information to community agencies and institutions of higher
4 education:

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

6 (2) the number of confirmed serious injuries and
7 fatalities for children 4 years of age and younger that occurred at
8 the day-care center between September 1, 2017, and August 31, 2018,
9 aggregated by the age of the injured or deceased child;

10 (3) the number of investigations the department
11 conducted at the day-care center between September 1, 2017, and
12 August 31, 2018, that were assigned the highest priority or
13 second-highest priority, aggregated by the age of the affected
14 child; and

15 (4) the number of violations that the department found
16 at the day-care center between September 1, 2017, and August 31,
17 2018, that were assigned the highest priority or second-highest
18 priority, aggregated by the age of the child involved in the
19 violation.

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

22 (1) the number of confirmed serious injuries and
23 fatalities for children 4 years of age and younger that occurred at
24 each licensed day-care center, aggregated by the age of the injured
25 or deceased child;

26 (2) the number of investigations conducted by the
27 department at each licensed day-care center that were assigned the

highest priority or second-highest priority, aggregated by the age of the affected child;

(3) the number of violations the department found at each licensed day-care center, aggregated by the age of the child involved in the violation; and

(4) the investigation priority the department assigned to an initial intake report for an incident that resulted in a serious injury to a child or a child fatality.

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

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

(m-1) Not later than January 1, 2019, the executive commissioner shall use the data collected under Section 42.0412 to determine whether to modify the standards related to staff-to-child ratios and group sizes. In determining whether to modify the standards, the executive commissioner shall compare licensed day-care centers that do not comply with the staff-to-child ratios and group size requirements with licensed day-care centers that comply with the staff-to-child ratios and group size requirements to ascertain whether day-care centers that do not comply with the staff-to-child ratios and group size requirements have a rate that is 10 percent or higher of:

(1) confirmed serious injuries;

(2) confirmed child fatalities; or

(3) initial intake reports that are assigned the highest priority or the second-highest priority.

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