

By: Zaffirini

S.B. No. 2164

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 that the department has collected
3 data on under subsection (b) and on request shall provide the
4 information to community agencies and institutions of higher
5 education:

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

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

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

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

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 4 years of age and younger that occurred at
25 each licensed day-care center, aggregated by the age of the injured
26 or deceased child;

27 (2) the number of investigations conducted by the

1 department at each licensed day-care center that were assigned the
2 highest priority or second-highest priority, aggregated by the age
3 of the affected child;

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

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

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

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

14 (m-1) Not later than January 1, 2019, the executive
15 commissioner shall use the data collected under Section 42.0412 to
16 determine whether to modify the standards related to staff-to-child
17 ratios and group sizes. In determining whether to modify the
18 standards, the executive commissioner shall compare licensed
19 day-care centers meeting staff-to-child ratios and group size
20 requirements with licensed day-care centers that have fewer
21 children per caregiver. The executive commissioner shall recommend
22 appropriate adjustments to any ratio standard by age for which the
23 data shows that licensed day-care centers meeting the state's
24 minimum standards have a rate that is 10 percent or higher than
25 those with fewer children per caregiver of:

26 (1) confirm serious injuries;

27 (2) confirmed child fatalities; and

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

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