S.B. No. 708

AN ACT

relating to collection and use of child safety data for licensed day-care centers.

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" and "specified age" are determined by the formula provided in the commission's minimum standards for child-care centers.

(b)  The commission, in collaboration with the department and using existing resources, shall collect, compile, and publish on the commission's Internet website the following data aggregated by child age on reported incidents in licensed day-care centers that threaten or impair the basic health, safety, or welfare of a child:

(1)  the number of incidents investigated by the commission or department and assigned the commission's highest priority;

(2)  the number of incidents investigated by the commission or department and assigned the commission's second-highest priority;

(3)  the number of violations;

(4)  the number of confirmed serious injuries to children; and

(5)  the number of child fatalities.

(c)  During each monitoring inspection of a licensed day-care center the commission conducts, the commission, 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;

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

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

(c-1)  The commission, using existing resources, shall collect and publish on the commission's Internet website data on the total number of employees who left employment with each licensed day-care center during the preceding calendar year.

(d)  The commission shall make the data collected under this section available to persons researching the factors related to child injury, maltreatment, and death in licensed day-care centers on request.

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

(1)  the number of confirmed serious injuries and fatalities for children four years of age and younger, aggregated by the age of the injured or deceased child, including information collected by the department, that occurred:

(A)  at each licensed day-care center; and

(B)  at a location other than a licensed day-care center;

(2)  the priority assigned to the investigation conducted by the commission or department in response to an incident that resulted in a serious injury or child fatality;

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

(4)  the number of violations the commission found at each licensed day-care center during investigations described by Subdivision (3); and

(5)  a comparison on whether children under the supervision of a licensed day-care center are more likely than children outside the supervision of a licensed day-care center to suffer a serious injury or death.

(f)  The commission, in collaboration with the department and using existing resources, shall research, collect, compile, and publish on the commission's Internet website, in a way that allows meaningful comparison on a pro-rata basis of the relative frequency of each event included in the information required under Subsection (b)(4) and (5), the following data aggregated by child age regarding incidents at a location other than a licensed day-care center that threaten or impair the basic health, safety, or welfare of a child:

(1)  the number of confirmed serious injuries to children; and

(2)  the number of child fatalities.

(g)  The commission may collaborate with one or more state agencies to perform a duty under Subsections (e) and (f).

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, 2021, the executive commissioner shall review the data collected under Section 42.0412 and prepare and submit to the legislature a report that includes legislative and regulatory recommendations by age group to enhance child safety. This subsection expires September 1, 2023.

SECTION 3.  Notwithstanding Section 42.0412(d), Human Resources Code, as added by this Act, the Health and Human Services Commission is not required to comply with that subsection until January 31, 2020.

SECTION 4.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

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I hereby certify that S.B. No. 708 passed the Senate on May 1, 2019, by the following vote: Yeas 30, Nays 1; and that the Senate concurred in House amendments on May 23, 2019, by the following vote: Yeas 28, Nays 3.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_    Secretary of the Senate

I hereby certify that S.B. No. 708 passed the House, with amendments, on May 17, 2019, by the following vote: Yeas 137, Nays 9, one present not voting.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_    Chief Clerk of the House

Approved:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_             Date\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_           Governor