By: Deshotel H.B. No. 2866

Substitute the following for H.B. No. 2866:

By: Hinojosa C.S.H.B. No. 2866

A BILL TO BE ENTITLED

AN ACT

relating to certain investigation and evaluation information regarding certain child-care facilities, homes, and programs.

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

SECTION 1. Section 261.203, Family Code, is amended by adding Subsections (a-1), (b-1), and (g) and amending Subsection (b) to read as follows:

(a-1) Subsection (a) applies to an investigation of alleged abuse or neglect that occurred in a residential child-care facility, day-care center, group day-care home, before-school or after-school program, school-age program, or family home regardless of whether the facility or program is licensed, registered, or listed in accordance with Chapter 42, Human Resources Code.

(b) If, after a child abuse or neglect investigation described by Subsection (a) is completed, the department determines a child's death or a child's near fatality was caused by abuse or neglect, the department on request shall promptly release investigation information not prohibited from release under federal law, including the following information:

(1) the information described by Subsection (a), if not previously released to the person requesting the information;

(2) information on whether a child's death or near fatality:

(A) was determined by the department to be attributable to abuse or neglect; or

(B) resulted in a criminal investigation or the filing of criminal charges if known at the time the investigation is completed;

(3) for cases in which the child's death or near fatality occurred while the child was living with the child's parent, managing conservator, guardian, or other person entitled to possession of the child:

(A) a summary of any previous reports of abuse or neglect of the child or another child made while the child was living with that parent, managing conservator, guardian, or other person entitled to possession of the child;

(B) the disposition of any report under Paragraph (A);

(C) a description of any services, including family-based safety services, that were provided or offered by the department to the child or the child's family as a result of any report under Paragraph (A) and whether the services were accepted or declined; and

(D) the results of any risk or safety assessment completed by the department relating to the child; [~~and~~]

(4) for a case in which the child's death or near fatality occurred while the child was in substitute care with the department or with a residential child-care facility [~~provider~~] regulated under Chapter 42, Human Resources Code, the following information:

(A) the date the substitute care provider with whom the child was residing at the time of death or near fatality was licensed or verified;

(B) a summary of any previous reports of abuse or neglect investigated by the department relating to the substitute care provider, including the disposition of any investigation resulting from a report;

(C) any reported licensing violations, including notice of any action taken by the Health and Human Services Commission [~~department~~] regarding a violation; and

(D) records of any training completed by the substitute care provider while the child was placed with the provider; and

(5) for a case in which the child's death or near fatality occurred in a day-care center, group day-care home, before-school or after-school program, school-age program, or family home, the following information:

(A) whether the day-care center, group day-care home, before-school or after-school program, school-age program, or family home was licensed, registered, or listed at the time of the child's death or near fatality;

(B) a summary of any previous reports of abuse or neglect investigated by the department relating to the day-care center, group day-care home, before-school or after-school program, school-age program, or family home, including the disposition of any investigation resulting from a report;

(C) any reported licensing, registration, or

listing violations, including notice of any action taken by the Health and Human Services Commission regarding a violation; and

(D) records of any training completed by the day-care center, group day-care home, before-school or after-school program, school-age program, or family home.

(b-1) The department shall release the information described by this section in the most cost-efficient manner possible.

(g) In this section, "residential child-care facility," "day-care center," "group day-care home," "before-school or after-school program," "school-age program," and "family home" have the meanings assigned by Section 42.002, Human Resources Code.

SECTION 2. Section 42.04425, Human Resources Code, is amended to read as follows:

Sec. 42.04425. INSPECTION INFORMATION DATABASE. (a) If feasible using available information systems, the commission [~~department~~] shall establish a computerized database containing relevant inspection information on licensed day-care centers, licensed group day-care homes, and registered family homes from other state agencies and political subdivisions of the state.

(b) The commission [~~department~~] shall make the data collected by the commission [~~department~~] available to another state agency or political subdivision of the state for the purpose of administering programs or enforcing laws within the jurisdiction of that agency or subdivision. If feasible using available information systems, the commission [~~department~~] shall make the data directly available to [~~the Department of State Health~~

~~Services, the Department of Aging and Disability Services, and~~] the Texas Workforce Commission through electronic information systems. The commission [~~department, the Department of State Health Services, the Department of Aging and Disability Services,~~] and the Texas Workforce Commission shall jointly plan the development of child-care inspection databases that, to the extent feasible, are similar in their design and architecture to promote the sharing of data.

(c) The commission [~~department~~] may provide inspection data on licensed day-care centers, licensed group day-care homes, or registered family homes to the public if the commission [~~department~~] determines that providing inspection data enhances consumer choice with respect to those facilities.

(d) The inspection data the commission provides to the public under Subsection (c) regarding a licensed day-care center, licensed group day-care home, or registered family home must include:

(1) information on any violation by the center or home that is related to the sexual abuse of a child attending the center or home and details of the violation;

(2) information on any incident at the center or home that the commission determines violates the minimum standards for the center or home or results in abuse or neglect of a child attending the center or home; and

(3) a sufficient amount of detail in the information provided under Subdivision (1) or (2) for the public to understand the circumstances surrounding a violation, including any action

taken by the center or home to remedy the violation.

(e) The commission may collaborate with parents and other interested parties in determining the type of information provided to the public under this section. The commission shall protect a child's identity in all information provided to the public under this section.

(f) The commission shall retain in the inspection data the information required under Subsection (d) until at least the fifth anniversary of the date the information is added to the data.

SECTION 3. Subchapter C, Chapter 42, Human Resources Code, is amended by adding Section 42.0552 to read as follows:

Sec. 42.0552. REQUIRED NOTICE OF CERTAIN VIOLATIONS RELATED TO SEXUAL ABUSE. (a) If the commission determines that a child-care facility or family home has violated a statute or rule and the violation results in the sexual abuse of a child attending the facility or home, the commission shall provide written notice of the violation to the facility or home.

(b) On receipt of the notice described by Subsection (a), a child-care facility or family home shall provide written notice of the violation described by the commission's notice to each parent or legal guardian of a child attending the facility or home.

SECTION 4. Section 302.0042, Labor Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) The commission's evaluation must assess:

(1) the use of current federal child care funds by each local workforce development board;

(2) the ability of each local workforce development board to meet child care performance measures;

(3) the estimated [~~average~~] cost incurred by child care providers [~~of child care~~] in each local workforce development area as stated in the report required under 45 C.F.R. Section 98.45(f)(1);

(4) the average price charged by child care providers for child care in each local workforce development area as stated in the market rate survey conducted under 45 C.F.R. Section 98.45(c);

(5) the poverty rate of each local workforce development area compared to the state's poverty rate;

(6) [~~(5)~~] the number of children on waiting lists for child care in each local workforce development area; [~~and~~]

(7) [~~(6)~~] the number of places that are reserved for participants in the child care subsidy program out of the total number of children enrolled with a provider on a full-time basis categorized by age of the child for each provider [~~vacant slots available for child care placement~~] in each local workforce development area that is certified as a 2-star, 3-star, or 4-star provider in the Texas Rising Star Program or that does not participate in the Texas Rising Star Program;

(8) the total number of child care providers participating in the Texas Rising Star Program in each local workforce development area and the number of 2-star, 3-star, and 4-star rated child care providers in the local workforce development area;

(9) the number of child care providers participating

in the Texas Rising Star Program in each local workforce development area as a percentage of the total number of subsidized child care providers in the local workforce development area and the number of 2-star, 3-star, and 4-star rated child care providers in the local workforce development area as a percentage of the total number of subsidized child care providers in the local workforce development area;

(10) the total number of children enrolled in subsidized child care providers participating in the Texas Rising Star Program in each local workforce development area and the number of subsidized children enrolled in 2-star, 3-star, and 4-star rated child care providers in the local workforce development area; and

(11) the number of subsidized children enrolled in child care providers participating in the Texas Rising Star Program in each local workforce development area as a percentage of the total number of subsidized children enrolled in child care providers in the local workforce development area and the number of subsidized children enrolled in 2-star, 3-star, and 4-star rated child care providers in the local workforce development area as a percentage of the total number of subsidized children enrolled in child care providers in the local workforce development area.

(c) For the purposes of evaluation under this section, the commission shall annually update the information described by Subsections (b)(6)-(11).

SECTION 5. Section 42.0552, Human Resources Code, as added by this Act, applies only to a violation occurring on or after the

effective date of this Act.

SECTION 6. This Act takes effect September 1, 2019.