

By: Deshotel

H.B. No. 2866

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to certain investigation and evaluation information  
3 regarding certain child-care facilities, homes, and programs.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (C) any reported licensing, registration, or

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

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

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

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

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

18 (b) The commission [~~department~~] shall make the data  
19 collected by the commission [~~department~~] available to another state  
20 agency or political subdivision of the state for the purpose of  
21 administering programs or enforcing laws within the jurisdiction of  
22 that agency or subdivision. If feasible using available  
23 information systems, the commission [~~department~~] shall make the  
24 data directly available to [~~the Department of State Health~~  
25 ~~Services, the Department of Aging and Disability Services, and~~] the  
26 Texas Workforce Commission through electronic information  
27 systems. The commission [~~department, the Department of State~~

1 ~~Health Services, the Department of Aging and Disability Services,~~  
2 and the Texas Workforce Commission shall jointly plan the  
3 development of child-care inspection databases that, to the extent  
4 feasible, are similar in their design and architecture to promote  
5 the sharing of data.

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

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

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

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

22 (3) a sufficient amount of detail in the information  
23 provided under Subdivision (1) or (2) for the public to understand  
24 the circumstances surrounding a violation, including any action  
25 taken by the center or home to remedy the violation.

26 (e) The commission may collaborate with parents and other  
27 interested parties in determining the type of information provided

1 to the public under this section. The commission shall protect a  
2 child's identity in all information provided to the public under  
3 this section.

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

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

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

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

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

22 (b) The commission's evaluation must assess:

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

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

27 (3) the estimated [~~average~~] cost incurred by child

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

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

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

9 (6) [~~(5)~~] the number of children on waiting lists for  
10 child care in each local workforce development area; [~~and~~]

11 (7) [~~(6)~~] the number of places that are reserved for  
12 participants in the child care subsidy program out of the total  
13 number of children enrolled with a provider on a full-time basis  
14 categorized by age of the child for each provider [~~vacant slots~~  
15 ~~available for child care placement~~] in each local workforce  
16 development area that is certified as a 2-star, 3-star, or 4-star  
17 provider in the Texas Rising Star Program or that does not  
18 participate in the Texas Rising Star Program;

19 (8) the total number of child care providers  
20 participating in the Texas Rising Star Program in each local  
21 workforce development area and the number of 2-star, 3-star, and  
22 4-star rated child care providers in the local workforce  
23 development area;

24 (9) the number of child care providers participating  
25 in the Texas Rising Star Program in each local workforce  
26 development area as a percentage of the total number of subsidized  
27 child care providers in the local workforce development area and

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

5 (10) the total number of children enrolled in  
6 subsidized child care providers participating in the Texas Rising  
7 Star Program in each local workforce development area and the  
8 number of subsidized children enrolled in 2-star, 3-star, and  
9 4-star rated child care providers in the local workforce  
10 development area; and

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

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

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

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