

By: González of El Paso

H.B. No. 4450

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of child-care facilities and registered family homes providing services to children with disabilities or special needs.

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

SECTION 1. Section 42.042(e), Human Resources Code, is amended to read as follows:

(e) The executive commissioner shall promulgate minimum standards that apply to licensed child-care facilities and to registered family homes covered by this chapter and that will:

(1) promote the health, safety, and welfare of children attending a facility or registered family home;

(2) promote safe, comfortable, and healthy physical facilities and registered family homes for children;

(3) ensure adequate supervision of children by capable, qualified, and healthy personnel that includes an assessment of the wandering history of each child attending the facility or home;

(4) ensure adequate and healthy food service where food service is offered;

(5) prohibit ~~[racial]~~ discrimination on the basis of race or disability status by child-care facilities and registered family homes;

(6) require procedures for parental and guardian

consultation in the formulation of children's educational and therapeutic programs;

(7) prevent the breakdown of foster care and adoptive placement; ~~and~~

(8) ensure that a child-care facility or registered family home:

(A) follows the directions of a child's physician or other health care provider in providing specialized medical assistance required by the child; and

(B) maintains for a reasonable time a copy of any directions from the physician or provider that the parent provides to the facility or home; and

(9) ensure that:

(A) the facility or home promotes inclusive practices and integrates children with special needs into the general activities of the facility or home;

(B) the activities of the facility or home are tailored to the strengths and needs of each child attending the facility or home based on the child's developmental age and competencies; and

(C) early childhood intervention service providers have access to children with disabilities who are attending the facility or home to provide services while the children are at the facility or home.

SECTION 2. Section [42.0421](#), Human Resources Code, is amended by amending Subsections (a) and (f) and adding Subsections (a-1) and (a-2) to read as follows:

1 (a) The minimum training standards prescribed by the  
2 executive commissioner under Section 42.042(p) for an employee,  
3 director, or operator of a day-care center, group day-care home, or  
4 registered family home must include:

5 (1) 24 hours of initial training that must be  
6 completed not later than the 90th day after the employee's first day  
7 of employment for an employee of a day-care center who has no  
8 previous training or less than two years of employment experience  
9 in a regulated child-care facility, eight hours of which must be  
10 completed before the employee may provide care to [~~is given~~  
11 ~~responsibility for a group of~~] children but only under the  
12 supervision of another individual who has completed the initial  
13 training or has the required experience;

14 (2) 24 hours of annual training for each employee of a  
15 day-care center or group day-care home, excluding the director,  
16 which must include at least six hours of training in one or more of  
17 the following areas:

18 (A) child growth and development, including  
19 awareness of children with disabilities or developmental delays;

20 (B) guidance and discipline;

21 (C) age-appropriate curriculum; and

22 (D) teacher-child interaction; and

23 (3) 30 hours of annual training for each director of a  
24 day-care center or group day-care home, or operator of a registered  
25 family home, which must include at least six hours of training in  
26 one or more of the following areas:

27 (A) child growth and development;

(B) guidance and discipline;

(C) age-appropriate curriculum; and

(D) teacher-child interaction.

(a-1) The minimum training standards prescribed in accordance with Subsection (a)(1) for initial training must include:

(1) child mental health training addressing social and emotional learning, positive behavior interventions and supports, and trauma-informed care; and

(2) training on providing care to children with special needs.

(a-2) The minimum training standards prescribed in accordance with Subsection (a)(2) or (a)(3) for an employee, director, or operator of a day-care center, group day-care home, or registered family home must include as a two-hour component of the annual training special training on providing care to children with special needs. The children with special needs training:

(1) may be completed through an in-person training or a distance learning course; and

(2) must include identification of potential developmental delays, methods for referring children with special needs for specialized services, and information on early childhood intervention and preschool programs for children with disabilities.

(f) The training required by this section must be appropriately targeted and relevant to the age of the children who will receive care from the individual receiving training and must

be provided by a person who:

(1) is a training provider registered with the Texas Early Childhood Professional Development System's Texas Trainer Registry that is maintained by the Texas Head Start State Collaboration Office;

(2) is an instructor at a public or private secondary school, an institution of higher education, as defined by Section 61.003, Education Code, or a private college or university accredited by a recognized accrediting agency who teaches early childhood development or another relevant course, as determined by rules adopted by the commissioner of education and the commissioner of higher education;

(3) is an employee of a state agency with relevant expertise;

(4) is a physician, psychologist, licensed professional counselor, social worker, or registered nurse;

(5) holds a generally recognized credential or possesses documented knowledge relevant to the training the person will provide;

(6) is a registered family home care provider or director of a day-care center or group day-care home in good standing with the department, if applicable, and who:

(A) has demonstrated core knowledge in child development and caregiving; and

(B) is only providing training at the home or center in which the provider or director and the person receiving training are employed; ~~or~~

(7) has at least two years of experience working in child development, a child development program, early childhood education, a childhood education program, or a Head Start or Early Head Start program and:

(A) has been awarded a Child Development Associate (CDA) credential; or

(B) holds at least an associate's degree in child development, early childhood education, or a related field;

(8) is an accredited early intervention specialist;

(9) is an accredited early childhood intervention service provider; or

(10) is a Board Certified Behavior Analyst.

SECTION 3. Section 42.045(a), Human Resources Code, is amended to read as follows:

(a) A person who operates a licensed or certified facility shall maintain individual child development records, individual health records, records provided by parents for children with special needs, statistical records, and complete financial records.

SECTION 4. Subchapter C, Chapter 42, Human Resources Code, is amended by adding Sections 42.067 and 42.068 to read as follows:

Sec. 42.067. REQUIRED PARENTAL DISCLOSURE FOR CHILDREN WITH DISABILITIES. A child-care facility or registered family home shall provide written disclosure to a parent or guardian of each child with a disability attending the facility or home that includes:

(1) an application in the form prescribed by the

commission to initiate a referral for early childhood intervention and contact information for providers of those services;

(2) information on the preschool program for children with disabilities; and

(3) the policies of the facility or home on providing care to children with disabilities.

Sec. 42.068. REPORTING OF SUSPENSION OR EXPULSION OF CHILDREN. A child-care facility or registered family home shall report to the commission in the form and manner prescribed by commission rule each suspension or expulsion of a child attending the facility or home. The report must include:

(1) the name of the child;

(2) the date of the suspension or expulsion;

(3) the reason for the suspension or expulsion;

(4) the race of the child;

(5) the disability status of the child; and

(6) the child's wandering history.

SECTION 5. As soon as practicable after the effective date of this Act, the executive commissioner of the Health and Human Services Commission shall adopt the rules necessary to implement the changes in law made by this Act.

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