

By: Watson, Zaffirini

S.B. No. 705

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:

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

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~~

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

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

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

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

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

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

1 taken by the center or home to remedy the violation.

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

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

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

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

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

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

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

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

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

3 (3) the estimated [~~average~~] cost incurred by child
4 care providers [~~of child care~~] in each local workforce development
5 area as stated in the report required under 45 C.F.R. Section
6 98.45(f)(1);

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

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

12 (6) [~~(5)~~] the number of children on waiting lists for
13 child care in each local workforce development area; [~~and~~]

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

22 (8) the total number of child care providers
23 participating in the Texas Rising Star Program in each local
24 workforce development area and the number of 2-star, 3-star, and
25 4-star rated child care providers in the local workforce
26 development area;

27 (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

1 effective date of this Act.

2 SECTION 6. The Department of Family and Protective Services
3 is required to implement a provision of this Act only if the
4 legislature appropriates money specifically for that purpose. If
5 the legislature does not appropriate money specifically for that
6 purpose, the department may, but is not required to, implement a
7 provision of this Act using other appropriations available for that
8 purpose.

9 SECTION 7. This Act takes effect September 1, 2019.