

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

1 children; and

2 (5) the number of child fatalities.

3 (c) During each monitoring inspection of a licensed  
4 day-care center the commission conducts, the commission, using  
5 existing resources, shall collect the following data for each group  
6 of children four years of age and younger in the day-care center:

7 (1) the specified age of the children in the group;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27           (2) the number of child fatalities.

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

3        SECTION 2. Section 42.042, Human Resources Code, is amended  
4 by adding Subsection (m-1) to read as follows:

5        (m-1) Not later than January 1, 2021, the executive  
6 commissioner shall review the data collected under Section 42.0412  
7 and prepare and submit to the legislature a report that includes  
8 legislative and regulatory recommendations by age group to enhance  
9 child safety. This subsection expires September 1, 2023.

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

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

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

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