

By: Zaffirini

S.B. No. 708

A BILL TO BE ENTITLED

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. Section 42.002, Human Resources Code, is amended by adding Subdivision (25) to read as follows:

(25) "Commission" means the Health and Human Services Commission.

SECTION 2. 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, 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 and assigned the commission's highest priority;

(2) the number of incidents investigated by the commission and assigned the commission's second-highest priority;

(3) the number of incidents confirmed as serious;

1 (4) the number of confirmed serious injuries to
2 children; and

3 (5) the number of child fatalities.

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

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

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

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

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

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

18 (1) the number of confirmed serious injuries and
19 fatalities for children four years of age and younger that occurred
20 at each licensed day-care center, aggregated by the age of the
21 injured or deceased child;

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

25 (3) the number of investigations conducted by the
26 commission at each licensed day-care center involving a child four
27 years of age or younger that were assigned the highest priority or

1 second-highest priority, aggregated by the age of the youngest
2 affected child; and

3 (4) the number of violations the commission found at
4 each licensed day-care center during investigations described by
5 Subdivision (3).

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

8 (m-1) Not later than January 1, 2021, the executive
9 commissioner shall use the data collected under Section 42.0412 to
10 determine whether to modify the minimum standards by age group to
11 enhance child safety. This subsection expires September 1, 2023.

12 SECTION 4. Notwithstanding Section 42.0412(d), Human
13 Resources Code, as added by this Act, the Health and Human Services
14 Commission is not required to comply with that subsection until
15 January 31, 2020.

16 SECTION 5. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2019.