

By: González of El Paso

H.B. No. 168

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the regulation of child-care facilities and registered
3 family homes providing services to children with disabilities or
4 special needs.

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

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

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

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

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

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

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

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

24 (6) require procedures for parental and guardian

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

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

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

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

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

13 (9) ensure that:

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

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

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

25 SECTION 2. Section 42.0421, Human Resources Code, is
26 amended by amending Subsections (a) and (f) and adding Subsections
27 (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;

1 (B) guidance and discipline;

2 (C) age-appropriate curriculum; and

3 (D) teacher-child interaction.

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

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

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

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

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

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

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

1 be provided by a person who:

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

6 (2) is an instructor at a public or private secondary
7 school, an institution of higher education, as defined by Section
8 61.003, Education Code, or a private college or university
9 accredited by a recognized accrediting agency who teaches early
10 childhood development or another relevant course, as determined by
11 rules adopted by the commissioner of education and the commissioner
12 of higher education;

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

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

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

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

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

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

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

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

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

9 (8) is an accredited early intervention specialist;

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

12 (10) is a Board Certified Behavior Analyst.

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

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

20 SECTION 4. Subchapter C, Chapter 42, Human Resources Code,
21 is amended by adding Sections 42.068 and 42.069 to read as follows:

22 Sec. 42.068. REQUIRED PARENTAL DISCLOSURE FOR CHILDREN WITH
23 DISABILITIES. A child-care facility or registered family home
24 shall provide written disclosure to a parent or guardian of each
25 child with a disability attending the facility or home that
26 includes:

27 (1) an application in the form prescribed by the

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

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

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

7 Sec. 42.069. REPORTING OF SUSPENSION OR EXPULSION OF
8 CHILDREN. A child-care facility or registered family home shall
9 report to the commission in the form and manner prescribed by
10 commission rule each suspension or expulsion of a child attending
11 the facility or home. The report must include:

12 (1) the name of the child;

13 (2) the date of the suspension or expulsion;

14 (3) the reason for the suspension or expulsion;

15 (4) the race of the child;

16 (5) the disability status of the child; and

17 (6) the child's wandering history.

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

22 SECTION 6. This Act takes effect September 1, 2021.