

## **BILL ANALYSIS**

H.B. 211  
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Human Services  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Parents of young children with disabilities, and advocates for those families, have encountered difficulties in finding child care providers prepared to serve children with disabilities. It is important that child care providers understand how to care properly for all children and fully integrate them into their child care programming, including children with disabilities. Unfortunately, a lack of awareness of how to best serve children with developmental delays or disabilities can prevent these children from accessing quality child care. This prevents children with disabilities from developing the skills necessary to become school-ready and prevents their parents from participating fully in the workforce.

Current training requirements for child care providers allow a child care employee with no prior training or limited work experience to be responsible for a group of children after only receiving eight hours of training out of the full 24 hours required. It is in the interest of the children that caregivers receive all 24 hours of training before being allowed to care for them independently. Additionally, current training requirements do not ensure that providers promote inclusive practices and integration of children with special needs, which can result in children being disciplined or removed from the facility for behaviors that require additional support services. H.B. 211 seeks to address these issues by ensuring that only providers who are properly trained have the ability to independently care for children, that children with disabilities are appropriately included in daycare placement, that child care providers receive training to support them in creating inclusive programs, and that parents receive information about developmental milestones and early childhood intervention services so that their children can be connected to critical services early in life and become school-ready.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 5 of this bill.

### **ANALYSIS**

H.B. 211 amends the Human Resources Code to require the minimum standards promulgated by the executive commissioner of the Health and Human Services Commission (HHSC) for licensed child-care facilities and registered family homes to prohibit discrimination based on disability status and ensure the following:

- the facility or home promotes inclusive practices and integrates children with special needs into the facility's or home's general activities;

- the facility's or home's activities 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
- early childhood intervention service providers have access to children who are clients attending the facility or home to provide services in accordance with an individualized family service plan while the child is with other children in the child's peer group in an educational or instructional area of the facility or home.

The bill provides a limited authorization for child-care facilities and registered family homes to deny services to a child with a disability if the facility or home determines under the federal Americans with Disabilities Act of 1990 that accommodating the child would do any of the following:

- pose an undue burden on the facility or home;
- pose a direct threat to the health or safety of other people at the facility or home;
- require modifications in policies, practices, or procedures that would fundamentally alter the nature of the facility or home; or
- pose a difficulty on or expense to the facility or home to remove architectural barriers to accommodate the child.

H.B. 211 revises the requirements for the minimum training standards prescribed by the executive commissioner for an employee, director, or operator of a day-care center, group day-care home, or registered family home to do the following:

- with respect to the requirement that an employee, director, or operator who has no previous training or has less than two years of employment experience in a regulated child-care facility complete eight hours of the 24 hours of initial training before being given responsibility for a group of children, replace that requirement with a requirement for such a person to complete eight of those training hours before being counted as a caregiver for purposes of determining the caregiver-to-child ratio for a facility, provided the employee is not the sole caregiver for a child or group of children and another facility employee who is a qualified caregiver is in the same room;
- require the minimum standards for that initial training to include training on providing care to children with special needs, as well as child mental health training that addresses one or more of the following subjects:
  - child mental health;
  - child mental health screening;
  - social and emotional learning;
  - positive behavior interventions and supports;
  - trauma-informed care; or
  - another similar subject;
- add care of children with special needs as one of the prescribed subject areas at least one of which must be the focus of at least six hours of the annual training required for each employee or director of a day-care center or group day-care or registered family home operator;
- require the minimum training standards prescribed for the annual training for these employees, directors, or operators to include at least one hour of training that addresses one or more of the subject areas included as part of the initial child mental health training and, with respect to this training, provides the following:
  - the training may be completed through an in-person or a distance learning course;
  - the training must include at least one hour of training on identification of potential developmental delays, methods for referring children with special needs for specialized services, or information on early childhood intervention; and
  - the training must be made available to the facility without cost; and
- include among those authorized to provide training:
  - an accredited early intervention specialist;
  - an accredited early childhood intervention service provider; and
  - a licensed behavior analyst.

H.B. 211 requires a person who operates a licensed or certified child-care facility or child-placing agency to maintain records provided by parents for children with special needs. The bill requires a day-care center, group day-care home, or registered family home to provide written disclosure to a parent or guardian of each child attending the facility that includes the following:

- a form developed by HHSC that describes developmental milestones and potential indicators of developmental delay and provides information on accessing early childhood intervention in the applicable service area under the federal Individuals with Disabilities Education Act; and
- the facility's policies on providing care to children with disabilities.

H.B. 211 requires the executive commissioner of HHSC to adopt the rules necessary to implement the bill's provisions as soon as practicable after the bill's effective date.

**EFFECTIVE DATE**

September 1, 2023.