

By: González of El Paso, et al.

H.B. No. 211

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, Human Resources Code, is amended  
7 by amending Subsection (e) and adding Subsection (e-6) to read as  
8 follows:

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

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

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

16 (3) ensure adequate supervision of children by  
17 capable, qualified, and healthy personnel;

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

20 (5) except as provided by Subsection (e-6), prohibit  
21 ~~[racial]~~ discrimination based on race or disability status by  
22 child-care facilities and registered family homes;

23 (6) require procedures for parental and guardian  
24 consultation in the formulation of children's educational and

1 therapeutic programs;

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

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

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

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

12 (9) ensure that:

13 (A) a child's health, safety, and welfare are  
14 adequately protected on the grounds of a child-care facility or  
15 registered family home;

16 (B) the child-care facility or registered family  
17 home promotes inclusive practices and integrates children with  
18 special needs into the general activities of the facility or home;

19 (C) the activities of the child-care facility or  
20 registered family home are tailored to the strengths and needs of  
21 each child attending the facility or home based on the child's  
22 developmental age and competencies; and

23 (D) early childhood intervention service  
24 providers have access to children who are clients attending the  
25 child-care facility or registered family home to provide services  
26 in accordance with an individualized family service plan while the  
27 child is with other children in the child's peer group in an

1 educational or instructional area of the facility or home.

2 (e-6) A child-care facility or registered family home may  
3 deny services to a child with a disability only if the facility or  
4 home determines under the Americans with Disabilities Act of 1990  
5 (42 U.S.C. Section 12101 et seq.) that accommodating the child  
6 would:

7 (1) pose an undue burden on the facility or home as  
8 defined by 28 C.F.R. Section 36.104;

9 (2) pose a direct threat to the health or safety of  
10 other people at the facility or home as provided by 28 C.F.R.  
11 Section 36.208;

12 (3) require modifications in policies, practices, or  
13 procedures that would fundamentally alter the nature of the  
14 facility or home as provided by 28 C.F.R. Section 36.302; or

15 (4) pose a difficulty on or expense to the facility or  
16 home to remove architectural barriers to accommodate the child as  
17 provided by 28 C.F.R. Section 36.304.

18 SECTION 2. Section 42.0421, Human Resources Code, is  
19 amended by amending Subsections (a) and (f) and adding Subsections  
20 (a-1), (a-2), and (a-3) to read as follows:

21 (a) The minimum training standards prescribed by the  
22 executive commissioner under Section 42.042(p) for an employee,  
23 director, or operator of a day-care center, group day-care home, or  
24 registered family home must include:

25 (1) 24 hours of initial training that must be  
26 completed not later than the 90th day after the employee's first day  
27 of employment for an employee of a day-care center who has no

1 previous training or less than two years of employment experience  
2 in a regulated child-care facility, eight hours of which must be  
3 completed before the employee may be counted as a caregiver for  
4 purposes of determining the caregiver-to-child ratio for a facility  
5 provided:

6 (A) the employee is not the sole caregiver for a  
7 child or group of children; and

8 (B) another employee of the facility who is a  
9 qualified caregiver is in the same room with the employee [~~is given~~  
10 ~~responsibility for a group of children~~];

11 (2) 24 hours of annual training for each employee of a  
12 day-care center or group day-care home, excluding the director,  
13 which must include at least six hours of training in one or more of  
14 the following areas:

15 (A) child growth and development;

16 (B) guidance and discipline;

17 (C) age-appropriate curriculum; [~~and~~]

18 (D) teacher-child interaction; and

19 (E) care of children with special needs; and

20 (3) 30 hours of annual training for each director of a  
21 day-care center or group day-care home, or operator of a registered  
22 family home, which must include at least six hours of training in  
23 one or more of the following areas:

24 (A) child growth and development;

25 (B) guidance and discipline;

26 (C) age-appropriate curriculum; [~~and~~]

27 (D) teacher-child interaction; and

1                   (E) care of children with special needs.

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

5                   (1) child mental health training that addresses one or  
6 more of the following subjects:

7                   (A) child mental health;

8                   (B) child mental health screening;

9                   (C) social and emotional learning;

10                  (D) positive behavior interventions and  
11 supports;

12                  (E) trauma-informed care; or

13                  (F) another similar subject; and

14                  (2) training on providing care to children with  
15 special needs.

16           (a-2) The minimum training standards prescribed in  
17 accordance with Subsection (a)(2) or (3) for an employee, director,  
18 or operator of a day-care center, group day-care home, or  
19 registered family home must include at least one hour of training  
20 that addresses one or more of the following subjects:

21                   (1) child mental health;

22                   (2) child mental health screening;

23                   (3) social and emotional learning;

24                   (4) positive behavior interventions and supports;

25                   (5) trauma-informed care; or

26                   (6) another similar subject.

27           (a-3) The training under Subsection (a-2):

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

3           (2) must include at least one hour of training on  
4 identification of potential developmental delays, methods for  
5 referring children with special needs for specialized services, or  
6 information on early childhood intervention; and

7           (3) must be made available to the facility without  
8 cost.

9           (f) The training required by this section must be  
10 appropriately targeted and relevant to the age of the children who  
11 will receive care from the individual receiving training and must  
12 be provided by a person who:

13           (1) is a training provider registered with the Texas  
14 Early Childhood Professional Development System's Texas Trainer  
15 Registry that is maintained by the Texas Head Start State  
16 Collaboration Office;

17           (2) is an instructor at a public or private secondary  
18 school, an institution of higher education, as defined by Section  
19 [61.003](#), Education Code, or a private college or university  
20 accredited by a recognized accrediting agency who teaches early  
21 childhood development or another relevant course, as determined by  
22 rules adopted by the commissioner of education and the commissioner  
23 of higher education;

24           (3) is an employee of a state agency with relevant  
25 expertise;

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

1           (5) holds a generally recognized credential or  
2 possesses documented knowledge relevant to the training the person  
3 will provide;

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

7           (A) has demonstrated core knowledge in child  
8 development and caregiving; and

9           (B) is only providing training at the home or  
10 center in which the provider or director and the person receiving  
11 training are employed; ~~or~~

12           (7) has at least two years of experience working in  
13 child development, a child development program, early childhood  
14 education, a childhood education program, or a Head Start or Early  
15 Head Start program and:

16           (A) has been awarded a Child Development  
17 Associate (CDA) credential; or

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

20           (8) is an accredited early intervention specialist;

21           (9) is an accredited early childhood intervention  
22 service provider; or

23           (10) is a licensed behavior analyst.

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

26           (a) A person who operates a licensed or certified facility  
27 shall maintain individual child development records, individual

1 health records, records provided by parents for children with  
2 special needs, statistical records, and complete financial  
3 records.

4 SECTION 4. Subchapter C, Chapter 42, Human Resources Code,  
5 is amended by adding Section 42.069 to read as follows:

6 Sec. 42.069. REQUIRED INFORMATION FOR PARENTS. A day-care  
7 center, group day-care home, or registered family home shall  
8 provide written disclosure to a parent or guardian of each child  
9 attending the facility that includes:

10 (1) a form developed by the commission that describes  
11 developmental milestones and potential indicators of developmental  
12 delay and provides information on accessing early childhood  
13 intervention in the area served by the day-care center, group  
14 day-care home, or registered family home under Part C, Individuals  
15 with Disabilities Education Act (20 U.S.C. Section 1431 et seq.);  
16 and

17 (2) the facility's policies on providing care to  
18 children with disabilities.

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

23 SECTION 6. This Act takes effect September 1, 2023.