

By: González of El Paso

H.B. No. 174

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the regulation of child-care facilities and registered  
3 family homes, including the provision of services to children with  
4 disabilities or 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 Subsections (e-6) and (e-7)  
8 to read as 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 a child's health, safety, and welfare  
13 are adequately protected on the grounds of a child-care facility or  
14 registered family home.

15 (e-6) A day-care center, group day-care home, or registered  
16 family home may deny services to a child with a disability only if,  
17 after meeting with the child and family, the center or home  
18 determines under the Americans with Disabilities Act of 1990 (42  
19 U.S.C. Section 12101 et seq.) that accommodating the child would:

20 (1) pose an undue burden on the center or home as  
21 defined by 28 C.F.R. Section 36.104;

22 (2) pose a direct threat to the health or safety of  
23 other people at the center or home as provided by 28 C.F.R. Section  
24 36.208;

25 (3) require modifications in policies, practices, or  
26 procedures that would fundamentally alter the nature of the center  
27 or home as provided by 28 C.F.R. Section 36.302; or

1           (4) pose a difficulty on or expense to the center or  
2 home to remove architectural barriers to accommodate the child as  
3 provided by 28 C.F.R. Section 36.304.

4           (e-7) The minimum standards for a day-care center, group  
5 day-care home, or registered family home adopted under this section  
6 must require the center or home to:

7           (1) promote inclusive practices and integrate  
8 children with special needs into the general activities of the  
9 center or home; and

10           (2) allow certified childhood intervention service  
11 providers to have access to children who are clients attending the  
12 center or home to provide services in accordance with an  
13 individualized family service plan while the child is integrated in  
14 an educational or instructional area of the center or home.

15           SECTION 2. Section 42.045(a), Human Resources Code, is  
16 amended to read as follows:

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

22           SECTION 3. Subchapter C, Chapter 42, Human Resources Code,  
23 is amended by adding Section 42.069 to read as follows:

24           Sec. 42.069. REQUIRED INFORMATION FOR PARENTS. A day-care  
25 center, group day-care home, or registered family home shall  
26 provide written disclosure to a parent or guardian of each child  
27 attending the center or home that includes:

- 1           (1) a copy of the commission's Early Childhood  
2 Intervention Developmental Checklist and any information available  
3 through the commission on accessing early childhood intervention in  
4 the area served by the center or home under Part C, Individuals with  
5 Disabilities Education Act (20 U.S.C. Section 1431 et seq.); and  
6           (2) the center's or home's policies on providing care  
7 to children with disabilities.

8           SECTION 4. As soon as practicable after the effective date  
9 of this Act, the executive commissioner of the Health and Human  
10 Services Commission shall adopt the rules necessary to implement  
11 the changes in law made by this Act.

12           SECTION 5. This Act takes effect September 1, 2025.