By: González of El Paso H.B. No. 243

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of child-care facilities and registered family homes, including the provision of services to children with disabilities or special needs.

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

SECTION 1. Section 42.042, Human Resources Code, is amended by amending Subsection (e) and adding Subsections (e-10) and (e-11) to read as follows:

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

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

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

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

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

(5) except as provided by Subsection (e-10), prohibit [~~racial~~] discrimination based on race or disability status by child-care facilities and registered family homes;

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

therapeutic programs;

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

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

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

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

(9) ensure that a child's health, safety, and welfare are adequately protected on the grounds of a child-care facility or registered family home.

(e-10) A day-care center, group day-care home, or registered family home may deny services to a child with a disability only if, after meeting with the child and family, the center or home determines under the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.) that accommodating the child would:

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

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

(3) require modifications in policies, practices, or procedures that would fundamentally alter the nature of the center

or home as provided by 28 C.F.R. Section 36.302; or

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

(e-11) The minimum standards for a day-care center, group day-care home, or registered family home adopted under this section must require the center or home to:

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

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

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

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

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

Sec. 42.069. REQUIRED INFORMATION FOR PARENTS. A day-care center, group day-care home, or registered family home shall provide written disclosure to a parent or guardian of each child

attending the center or home that includes:

(1) a copy of the commission's Early Childhood Intervention Developmental Checklist and any information available through the commission on accessing early childhood intervention in the area served by the center or home under Part C, Individuals with Disabilities Education Act (20 U.S.C. Section 1431 et seq.); and

(2) the center's or home's policies on providing care to children with disabilities.

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

SECTION 5. This Act takes effect September 1, 2027.