

SUBJECT: Collecting and publishing day care center safety data

COMMITTEE: Human Services — favorable, without amendment

VOTE: 8 ayes — Frank, Hinojosa, Clardy, Deshotel, Klick, Meza, Miller, Noble
0 nays
1 absent — Rose

SENATE VOTE: On final passage, May 1 — 30-1 (Schwertner)

WITNESSES: *On House companion bill, HB 1682:*
For — Kimberly Kofron, Texas Association for the Education of Young Children; (*Registered, but did not testify:* Jason Sabo, Children at Risk; Melanie Rubin, Dallas Early Education Alliance; Christine Yanas, Methodist Healthcare Ministries of South Texas, Inc.; Will Francis, National Association of Social Workers-Texas Chapter; Sarah Crockett, Texas CASA; David Feigen, Texans Care for Children; Julie Linn, The Commit Partnership; Jennifer Lucy, TexProtects; Clayton Travis, Texas Pediatric Society; Knox Kimberly, Upbring)

Against — None

On — Jean Shaw, Texas Health and Human Services Commission; (*Registered, but did not testify:* Ashland Batiste, Department of Family and Protective Services)

DIGEST: SB 708 would require the Health and Human Services Commission (HHSC), in collaboration with the Department of Family and Protective Services (DFPS) and using existing resources, to collect, compile, and publish on the commission's website certain data aggregated on reported incidents in licensed day care centers that threatened or impaired the basic health, safety, or welfare of a child.

This data would have to be aggregated by child age and include:

- the number of incidents investigated by HHSC or DFPS and assigned HHSC's highest priority;
- the number of incidents investigated by HHSC or DFPS and assigned HHSC's second-highest priority;
- the number of violations;
- the number of confirmed serious injuries to children; and
- the number of child fatalities.

During each monitoring inspection of a licensed day care center and using existing resources, HHSC also would be required to collect data on each group of children 4 years old and younger, including the specified age of the children in each group, the number of children in each group, and the number of caregivers in the group supervising the children. "Group of children" and "specified age" would be determined by the formula provided in HHSC's minimum standards for childcare centers.

Beginning on January 31, 2020, HHSC would have to make data collected under the bill's provisions available upon request to individuals researching the factors related to child injury, maltreatment, and death in licensed day care centers.

HHSC also would be required to use existing resources to provide an annual report to the Legislature that included:

- the number of confirmed serious injuries and fatalities for children 4 years old and younger that occurred at each licensed day care center, including information collected by DFPS, aggregated by the age of the injured or deceased child;
- the priority assigned to the investigation conducted by HHSC or DFPS in response to an incident that resulted in a serious injury or child fatality;
- the number of investigations conducted by HHSC or DFPS at each licensed day care center involving children 4 years old and younger that were assigned the highest priority or the second-highest priority, aggregated by the age of the youngest affected child; and

- the number of violations HHSC found at each licensed day care center during its investigations.

The executive commissioner of HHSC would have to review the data collected by the bill and submit to the Legislature by January 1, 2021, a report that included recommendations for modifications to the minimum standards by age group to enhance child safety. This requirement would expire September 1, 2023.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019.

**SUPPORTERS
SAY:**

SB 708 would provide important data to state leaders on caregiver-child ratios, group size standards, and serious violations, injuries, and deaths in licensed day care centers. This could help lawmakers assess the adequacy of current minimum health, safety, and well-being standards for day care centers and allow them to develop better-informed childcare policies.

Studies have shown that children in day care centers are safer when caregivers have a manageable number of children to supervise, and the state's minimum standards for these ratios are substantially below national standards. However, the state does not record or report the number of children per caregiver in day care centers, making it difficult for policymakers to access data that could inform their policies and help keep children safe.

The bill would require childcare licensing representatives to collect this data during the day care center inspections they already are required to conduct, which would adequately limit any potential burden on state resources.

**OPPONENTS
SAY:**

SB 708 would place an unnecessary burden on the Health and Human Services Commission (HHSC) to collect data. Parents who are concerned about their children's day care centers already can seek out health, safety, and well-being information about such centers.

