

- SUBJECT:** Revising disability training standards for certain child-care facilities
- COMMITTEE:** Human Services — favorable, without amendment
- VOTE:** 5 ayes — Frank, Rose, Campos, Manuel, Ramos
- 4 nays — Hull, Klick, Noble, Shaheen
- WITNESSES:** For — (*Registered, but did not testify*: Omodele Ojomo, Autism Society of Texas; Mandi Kimball, Children At Risk; Dennis Borel, Coalition of Texans with Disabilities; Rebekah Chenelle, Dallas County Commissioners Court; Marc Hoskins, Disability Rights Texas; Christine Yanas, Methodist Healthcare Ministries; Greg Hansch, National Alliance on Mental Illness Texas; Maddox Hilgers, Texans Care for Children; Andrew Cates, Texas Association for the Education of Young Children; Isabel Casas, Texas Council of Community Centers; Matt Dowling, Texas Medical Association; Linda Litzinger, Texas Parent to Parent; Clayton Travis, Texas Pediatric Society; Anthony Dragun, TMA; Cynthia Van Maanen, Travis County Democratic Party; Tiffany Patterson, United Ways of Texas; Steven Apodaca; Patricia Goforth; Robert Norris; Susan Stewart)
- Against — None
- On — Ron Lucey, Office of the Governor; Lauren Gerken, Texas Council for Developmental Disabilities (*Registered, but did not testify*: Rachelle Daniel, Health and Human Services Commission)
- BACKGROUND:** Concerns have been raised that a lack of knowledge among child-care providers on how to best care for children with developmental delays and disabilities may hinder these children from becoming school-ready.
- DIGEST:** HB 211 would amend the minimum standards applicable to licensed child-care facilities and registered family homes by prohibiting discrimination based on disability status by the facilities and homes. As an exception, a facility or home could deny services to a child with a

disability only if the facility or home determined under the Americans with Disabilities Act that accommodating the child would pose certain burdens, threats, or difficulties specified in the bill.

The minimum standards for licensed child-care facilities and registered family homes also would need to ensure that:

- the facility or home promoted inclusive practices and integrated children with special needs into its general activities;
- the activities of the facility or home were 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 had access to children who were clients to provide services in accordance with an individualized family service plan while the child was with other children in the child's peer group in an educational or instructional area of the facility or home.

Minimum training standards. The bill would revise the minimum initial and annual training standards for an employee, director, or operator of a day-care center, group day-care home, or registered family home.

Initial training. The bill would specify that, rather than an employee being given responsibility for a group of children after completing a certain number of initial training hours, the employee could be counted as a caregiver for purposes of determining the caregiver-to-child ratio for a facility after completing a certain number of initial training hours, provided:

- the employee was not the sole caregiver for a child or group of children; and
- another facility employee who was a qualified caregiver was in the same room.

The bill also would require the minimum standards for the initial training to include training on providing care to children with special needs and

child mental health training that addressed 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.

Annual training. The minimum training standards for the annual training for such employees, directors, and operators would include at least one hour of training that addressed one or more of the above subject areas. The bill would specify the manner in which training could be completed and its required content, which would include training on identification of potential developmental delays, methods for referring children with special needs for specialized services, or information on early childhood intervention. The training would need to be made available to the facility without cost. An accredited early intervention specialist, an accredited early childhood service provider, and a licensed behavior analyst would be added to the list of entities authorized to provide the training.

The bill also would add care of children with special needs to the list of subject areas, one or more of which would need to 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.

Other provisions. HB 211 would require a person who operated a licensed or certified child-care facility or child-placing agency to maintain records provided by parents for children with special needs. The bill also would require 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 included the following:

- a form developed by HHSC that described developmental milestones and potential indicators of developmental delay and

provided 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.

The executive commissioner of HHSC would be required to adopt the rules necessary to implement the bill as soon as practicable after the bill's effective date.

The bill would take effect September 1, 2023.