

BILL ANALYSIS

Senate Research Center

S.B. 1269
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Health & Human Services
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, the Department of Family and Protective Services (DFPS) sets ratios and group sizes for licensed child care centers by rule. The ratios and group sizes in rule are very high, ranking Texas as 49th and 50th, respectively, for all age groups. Though Texas is ranked 24th for infants and 29th for 4-year-olds among all states for child care costs for families, our state ranks near the bottom for this important quality standard.

In 2010, DFPS concluded that the current standards for group size and ratios are not adequate to protect the health and safety of children in certain age ranges. Despite this finding, DFPS has not changed ratios and group size standards, leaving children at risk.

Ratios and group sizes impact safety and early learning. The third most frequent violation in licensed child care centers is inadequate supervision, with high ratios and group sizes being a likely factor for these violations.

Eighty-five percent of brain development happens in the first three years of life, so lower ratios and group sizes ensure better teacher and child interactions, positively impacting a child's trajectory, kindergarten readiness, and future school success. Children in classrooms with low group sizes and ratios are more ready for school, have better language comprehension, and have fewer behavior problems.

To improve child safety and promote child development, S.B. 1269 directs DFPS to convene a group of child care providers and early learning experts to study best practices and other states' experiences to determine safe and reasonable ratios and group sizes for Texas' licensed child care facilities. Reduced ratios would be phased in by 2020.

So that providers have sufficient resources to provide the best care for Texas children, the bill also ensures that local workforce development boards reimburse providers that care for children in the child care subsidy program at least 85 percent of market rate. This will ensure that the providers of subsidized child care receive a reasonable rate that will allow them to make these ratio changes and provide higher quality care for at-risk children.

As proposed, S.B. 1269 amends current law relating to the regulation of and federal funding for certain child-care providers.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 42.0221, Human Resources Code, by amending Subsections (a) and (b) and adding Subsections (e-1), (e-2), and (e-3), as follows:

- (a) Provides that the committee on licensing standards is composed of nine, rather than seven, members appointed by the governor as follows:

(1)-(4) Makes no change to these subdivisions;

(5) and (6) Makes nonsubstantive changes to these subdivisions;

(7) two members who represent child advocacy organizations.

(b) Provides that members of the committee serve two-year terms, with the terms of four or five, rather than three or four, members, as appropriate, expiring February 1 of each year.

(e-1) Requires the committee to review and analyze nationwide best practices of child-care providers and other state standards related to staff-to-child ratios and group sizes applicable to nonresidential child-care facilities that provide care for less than 24 hours a day and make recommendations to the Department of Family and Protective Services (DFPS), for policy and statutory changes related to the ratios and group sizes.

(e-2) Requires DFPS, from the recommendations provided under Subsection (e-1), to annually reduce the staff-to-child ratios and group sizes applicable to nonresidential child-care facilities that provide care for less than 24 hours a day subject to the following limitations:

(1) the reduced ratios and group sizes may not be higher than the ratios and group sizes in the department's proposed rules published in the Texas Register on June 11, 2010;

(2) ratios may not be reduced by more than three children per each age group; and

(3) the staff-to-child ratios for children ages 17 months of age and younger may not be reduced.

(e-3) Provides that Subsection (e-2) and this subsection expire September 1, 2020.

SECTION 2. Amends Subchapter A, Chapter 302, Labor Code, by adding Section 302.0048, as follows:

Sec. 302.0048. FEDERAL MONEY FOR CHILD CARE. (a) Requires the Texas Health and Human Services Commission (HHSC), in allocating federal grant money to local workforce development boards to purchase nonresidential child-care services from facilities that provide care for less than 24 hours a day, to authorize each board to increase the reimbursement rates for the child-care services to amounts the board determines affordable based on the total amount allocated to the board by HHSC.

(b) Requires the board, from the money allocated to a local workforce development board under Subsection (a), to reimburse the providers of nonresidential child-care services described by Subsection (a) at a rate equal to at least 85 percent of the average rate charged by the local providers of those services.

(c) Prohibits HHSC from establishing a maximum rate of reimbursement by local workforce development boards for nonresidential child-care services described in this section.

SECTION 3. Requires the governor, not later than October 1, 2015, to appoint the nine members to the committee on licensing standards as provided by Section 42.0221, Human Resources Code, as amended by this Act. Requires the initial members of the committee on licensing standards appointed under this section to draw lots to determine which members will serve terms expiring February 1, 2016, and which members will serve terms expiring February 1, 2017.

SECTION 4. Effective date: September 1, 2015.