

BILL ANALYSIS

Senate Research Center
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S.B. 705
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Transparency in child care is essential, as parents need to know those providing care for their children are providing safe, high-quality care. Currently, fatalities in daycare operations are not reported. In addition, the online database that allows parents to research child care operations and their compliance with minimum standards is vague and does not reveal how these violations were corrected. Parents also may not be made aware of sexual abuse that occurred in a child care operation their child is attending. Additionally, there is no clear information on where state and federal dollars are being spent in subsidized child care and how much of this is being invested in quality care.

S.B. 705 will change the statute to explicitly state that the Health and Human Services Commission (HHSC) report child deaths that occur in a child care operation. HHSC will also be required to gather and provide clearer information about the quality of subsidized child care paid for with state and federal funds.

HHSC's Child Care Licensing division will be required to update their online database to be more transparent and more detailed about incidents where there have been violations of minimum standards and/or abuse or neglect and report what actions have been taken to remedy the concerns. It will also extend the time this information remains on the website to five years. The bill additionally requires HHSC's Child Care Licensing division to reveal a confirmed case of sexual abuse to parents.

As proposed, S.B. 705 amends current law relating to certain investigation and evaluation information regarding certain child-care facilities, homes, and programs.

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 261.203, Family Code, by adding Subsections (a-1) and (g) and amending Subsection (b), as follows:

(a-1) Provides that Subsection (a) applies to an investigation of alleged abuse or neglect that occurred in a residential child-care facility, day-care center, group day-care home, before-school or after-school program, school-age program, or family home regardless of whether the facility or program is licensed, registered, or listed in accordance with Chapter 42 (Regulation of Certain Facilities, Homes, and Agencies that Provide Child-Care Services), Human Resources Code.

(b) Requires the Department of Family and Protective Services (DFPS) on request, if, after a child abuse or neglect investigation described by Subsection (a) is completed, DFPS determines a child's death or a child's near fatality was caused by abuse or neglect, to promptly release investigation information not prohibited from release under federal law, including the following information:

(1)–(2) Makes no changes to these subdivisions;

(3) makes a nonsubstantive change;

(4) for a case in which the child's death or near fatality occurred while the child was in substitute care with the department or with a residential child-care facility, rather than residential child-care provider, regulated under Chapter 42, Human Resources Code, the following information:

(A)–(B) makes no changes to these paragraphs;

(C) any reported licensing violations, including notice of any action taken by the Health and Human Services Commission (HHSC), rather than DFPS, regarding a violation; and

(D) makes a nonsubstantive change; and

(5) for a case in which the child's death or near fatality occurred in a day-care center, group day-care home, before-school or after-school program, school-age program, or family home, the following information:

(A) whether the day-care center, group day-care home, before-school or after-school program, school-age program, or family home was licensed, registered, or listed at the time of the child's death or near fatality;

(B) a summary of any previous reports of abuse or neglect investigated by DFPS relating to the day-care center, group day-care home, before-school or after-school program, school-age program, or family home, including the disposition of any investigation resulting from a report;

(C) any reported licensing, registration, or listing violations, including notice of any action taken by HHSC regarding a violation; and

(D) records of any training completed by the day-care center, group day-care home, before-school or after-school program, school-age program, or family home.

(g) Defines "residential child-care facility," "day-care center," "group day-care home," "before-school or after-school program," "school-age program," and "family home" for purposes of this section.

SECTION 2. Amends Section 42.04425, Human Resources Code, as follows:

Sec. 42.04425. INSPECTION INFORMATION DATABASE. (a) Requires HHSC, rather than DFPS, if feasible using available information systems, to establish a computerized database containing relevant inspection information on licensed day-care centers, licensed group day-care homes, and registered family homes from other state agencies and political subdivisions of the state.

(b) Requires HHSC, rather than DFPS, to make the data collected by HHSC, rather than DFPS, available to another state agency or political subdivision of the state for the purpose of administering programs or enforcing laws within the jurisdiction of that agency or subdivision. Requires HHSC, rather than DFPS, if feasible using available information systems, to make the data directly available to the Texas Workforce Commission (TWC), rather than to the Department of State Health Services (DSHS), the Department of Aging and Disability Services (DADS), and TWC. Requires HHSC and TWC, rather than DFPS, DSHS, DADS, and TWC, to jointly plan the development of child-care inspection databases that, to the extent feasible, are similar in their design and architecture to promote the sharing of data.

(c) Authorizes HHSC, rather than DFPS, to provide inspection data on licensed day-care centers, licensed group day-care homes, or registered family homes to the public if HHSC, rather than DFPS, determines that providing inspection data enhances consumer choice with respect to those facilities.

(d) Requires the inspection data HHSC provides to the public under Subsection (c) regarding a licensed day-care center, licensed group day-care home, or registered family home to include certain information.

(e) Authorizes HHSC to collaborate with parents and other interested parties in determining the type of information provided to the public under this section. Requires HHSC to protect a child's identity in all information provided to the public under this section.

(f) Requires HHSC to retain in the inspection data the information required under Subsection (d) until at least the fifth anniversary of the date the information is added to the data.

SECTION 3. Amends Subchapter C, Chapter 42, Human Resources Code, by adding Section 42.0552, as follows:

Sec. 42.0552. REQUIRED NOTICE OF CERTAIN VIOLATIONS RELATED TO SEXUAL ABUSE. (a) Requires HHSC, if HHSC determines that a child-care facility or family home has violated a statute or rule and the violation results in the sexual abuse of a child attending the facility or home, to provide written notice of the violation to the facility or home.

(b) Requires a child-care facility or family home, on receipt of the notice described by Subsection (a), to provide written notice of the violation described by HHSC's notice to each parent or legal guardian of a child attending the facility or home.

SECTION 4. Amends Section 302.0042, Labor Code, by amending Subsection (b) and adding Subsection (c), as follows:

(b) Requires HHSC's evaluation to assess:

(1)–(2) Makes no changes to these subdivisions;

(3) the estimated cost incurred by child care providers, rather than the average cost of child care, in each local workforce development area as stated in the report required under 45 C.F.R. Section 98.45(f)(1);

(4) the average price charged by child care providers for child care in each local workforce development area as stated in the market rate survey conducted under 45 C.F.R. Section 98.45(c);

(5) creates this subdivision from existing text and renumbers the following subdivisions accordingly;

(6) the number of children on waiting lists for child care in each local workforce development area and makes a nonsubstantive change;

(7) the number of places that are reserved for participants in the child care subsidy program out of the total number of children enrolled with a provider on a full-time basis categorized by age of the child for each provider, rather than the number of vacant slots available for child care placement, in each local workforce development area that is certified as a 2-star, 3-star, or 4-star provider in the Texas Rising Star Program (program) or that does not participate in the program;

(8) the total number of child care providers participating in the program in each local workforce development area and the number of 2-star, 3-star, and 4-star rated child care providers in the local workforce development area;

(9) the number of child care providers participating in the program in each local workforce development area as a percentage of the total number of subsidized child care providers in the local workforce development area and the number of 2-star, 3-star, and 4-star rated child care providers in the local workforce development area as a percentage of the total number of subsidized child care providers in the local workforce development area;

(10) the total number of children enrolled in subsidized child care providers participating in the program in each local workforce development area and the number of subsidized children enrolled in 2-star, 3-star, and 4-star rated child care providers in the local workforce development area; and

(11) the number of subsidized children enrolled in child care providers participating in the program in each local workforce development area as a percentage of the total number of subsidized children enrolled in child care providers in the local workforce development area and the number of subsidized children enrolled in 2-star, 3-star, and 4-star rated child care providers in the local workforce development area as a percentage of the total number of subsidized children enrolled in child care providers in the local workforce development area.

(c) Requires HHSC, for the purposes of evaluation under this section, to annually update the information described by Subsections (b)(6)-(11).

SECTION 5. Makes application of Section 42.0552, Human Resources Code, as added by this Act, prospective.

SECTION 6. Effective date: September 1, 2019.