

BILL ANALYSIS

Senate Research Center

S.B. 708
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Health & Human Services
6/6/2019
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The State of Texas established child care minimum standards to "protect the health, safety, and well-being of the children of the state." In 2010 the Department of Family and Protective Services (DFPS) Child Care Licensing Division reported that current standards for group size or ratios between children and caregivers do not protect the health and safety of children in some age ranges adequately, and several studies indicate that day-care centers are not meeting current safety and health standards.

A yearlong investigation by the Austin American-Statesman released in December 2018 revealed that hundreds of children have been seriously injured—and nearly 90 killed—in Texas child care settings as a result of abuse or neglect since 2007. Between 2013 and 2016 alone, DFPS received 17,558 serious incident reports and 4,674 serious and critical injury reports for young children in day care.

S.B. 708 would direct the Child Care Licensing Division to collect data regarding staff-to-child ratios and group size standards, as well as violations and serious injuries. The information collected would enable lawmakers and agency personnel to make well-informed, evidence-based policy decisions regarding the safety and well-being of children in Texas. (Original Author's/Sponsor's Statement of Intent)

S.B. 708 amends current law relating to collection and use of child safety data for licensed day-care centers.

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 Subchapter C, Chapter 42, Human Resources Code, by adding Section 42.0412, as follows:

Sec 42.0412. COLLECTION OF LICENSED DAY-CARE CENTER DATA. (a) Provides that, in this section, "group of children" and "specified age" are determined by the formula provided in the Health and Human Services Commission's (HHSC) minimum standards for child-care centers.

(b) Requires HHSC, in collaboration with the Department of Family and Protective Services (DFPS) and using existing resources, to collect, compile, and publish on HHSC's Internet website the following data aggregated by child age on reported incidents in licensed day-care centers that threaten or impair the basic health, safety, or welfare of a child:

(1) the number of incidents investigated by HHSC or DFPS and assigned HHSC's highest priority;

(2) the number of incidents investigated by HHSC or DFPS and assigned HHSC's second-highest priority;

(3) the number of violations;

(4) the number of confirmed serious injuries to children; and

(5) the number of child fatalities.

(c) Requires HHSC, using existing resources, to collect the following data for each group of children four years of age and younger in a licensed day-care center during each monitoring inspection of the day-care center HHSC conducts:

(1) the specified age of the children in the group;

(2) the number of children in the group; and

(3) the number of caregivers supervising the children in the group.

(c-1) Requires HHSC, using existing resources, to collect and publish on HHSC's Internet website data on the total number of employees who left employment with each licensed day-care center during the preceding calendar year.

(d) Requires HHSC to make the data collected under this section available to persons researching the factors related to child injury, maltreatment, and death in licensed day-care centers on request.

(e) Requires HHSC, using existing resources, to provide an annual report to the legislature that includes:

(1) the number of confirmed serious injuries and fatalities for children four years of age and younger, aggregated by the age of the injured or deceased child, including information collected by DFPS, that occurred:

(A) at each licensed day-care center; and

(B) at a location other than a licensed day-care center;

(2) 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;

(3) the number of investigations conducted by HHSC or DFPS at each licensed day-care center involving a child four years of age or younger that were assigned the highest priority or second-highest priority, aggregated by the age of the youngest affected child;

(4) the number of violations HHSC found at each licensed day-care center during investigations described by Subdivision (3); and

(5) a comparison on whether children under the supervision of a licensed day-care center are more likely than children outside the supervision of a licensed day-care center to suffer a serious injury or death.

(f) Requires HHSC, in collaboration with DFPS and using existing resources, to research, collect, compile, and publish on the HHSC's Internet website, in a way that allows meaningful comparison on a pro-rata basis of the relative frequency of each event included in the information required under Subsection (b)(4) and (5), the following data aggregated by child age regarding incidents at a location other than a licensed day-care center that threaten or impair the basic health, safety, or welfare of a child:

(1) the number of confirmed serious injuries to children; and

(2) the number of child fatalities.

(g) Authorizes HHSC to collaborate with one or more state agencies to perform a duty under Subsections (e) and (f).

SECTION 2. Amends Section 42.042, Human Resources Code, by adding Subsection (m-1), as follows:

(m-1) Requires the executive commissioner of HHSC to review the data collected under Section 42.0412 and prepare and submit to the legislature a report that includes legislative and regulatory recommendations by age group to enhance child safety not later than January 1, 2021. Provides that this subsection expires September 1, 2023.

SECTION 3. Provides that, notwithstanding Section 42.0412(d), Human Resources Code, as added by this Act, HHSC is not required to comply with that subsection until January 31, 2020.

SECTION 4. Effective date: upon passage or September 1, 2019.