

1-1 By: Watson S.B. No. 705
 1-2 (In the Senate - Filed February 8, 2019; March 1, 2019, read
 1-3 first time and referred to Committee on Health & Human Services;
 1-4 April 8, 2019, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 0; April 8, 2019,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 705 By: Seliger

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to certain investigation and evaluation information
 1-22 regarding certain child-care facilities, homes, and programs.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 261.203, Family Code, is amended by
 1-25 adding Subsections (a-1), (b-1), and (g) and amending Subsection
 1-26 (b) to read as follows:

1-27 (a-1) Subsection (a) applies to an investigation of alleged
 1-28 abuse or neglect that occurred in a residential child-care
 1-29 facility, day-care center, group day-care home, before-school or
 1-30 after-school program, school-age program, or family home
 1-31 regardless of whether the facility or program is licensed,
 1-32 registered, or listed in accordance with Chapter 42, Human
 1-33 Resources Code.

1-34 (b) If, after a child abuse or neglect investigation
 1-35 described by Subsection (a) is completed, the department determines
 1-36 a child's death or a child's near fatality was caused by abuse or
 1-37 neglect, the department on request shall promptly release
 1-38 investigation information not prohibited from release under
 1-39 federal law, including the following information:

1-40 (1) the information described by Subsection (a), if
 1-41 not previously released to the person requesting the information;

1-42 (2) information on whether a child's death or near
 1-43 fatality:

1-44 (A) was determined by the department to be
 1-45 attributable to abuse or neglect; or

1-46 (B) resulted in a criminal investigation or the
 1-47 filing of criminal charges if known at the time the investigation is
 1-48 completed;

1-49 (3) for cases in which the child's death or near
 1-50 fatality occurred while the child was living with the child's
 1-51 parent, managing conservator, guardian, or other person entitled to
 1-52 possession of the child:

1-53 (A) a summary of any previous reports of abuse or
 1-54 neglect of the child or another child made while the child was
 1-55 living with that parent, managing conservator, guardian, or other
 1-56 person entitled to possession of the child;

1-57 (B) the disposition of any report under Paragraph
 1-58 (A);

1-59 (C) a description of any services, including
 1-60 family-based safety services, that were provided or offered by the

2-1 department to the child or the child's family as a result of any
 2-2 report under Paragraph (A) and whether the services were accepted
 2-3 or declined; and

2-4 (D) the results of any risk or safety assessment
 2-5 completed by the department relating to the child; ~~and~~

2-6 (4) for a case in which the child's death or near
 2-7 fatality occurred while the child was in substitute care with the
 2-8 department or with a residential child-care facility ~~[provider]~~
 2-9 regulated under Chapter 42, Human Resources Code, the following
 2-10 information:

2-11 (A) the date the substitute care provider with
 2-12 whom the child was residing at the time of death or near fatality
 2-13 was licensed or verified;

2-14 (B) a summary of any previous reports of abuse or
 2-15 neglect investigated by the department relating to the substitute
 2-16 care provider, including the disposition of any investigation
 2-17 resulting from a report;

2-18 (C) any reported licensing violations, including
 2-19 notice of any action taken by the Health and Human Services
 2-20 Commission ~~[department]~~ regarding a violation; and

2-21 (D) records of any training completed by the
 2-22 substitute care provider while the child was placed with the
 2-23 provider; and

2-24 (5) for a case in which the child's death or near
 2-25 fatality occurred in a day-care center, group day-care home,
 2-26 before-school or after-school program, school-age program, or
 2-27 family home, the following information:

2-28 (A) whether the day-care center, group day-care
 2-29 home, before-school or after-school program, school-age program,
 2-30 or family home was licensed, registered, or listed at the time of
 2-31 the child's death or near fatality;

2-32 (B) a summary of any previous reports of abuse or
 2-33 neglect investigated by the department relating to the day-care
 2-34 center, group day-care home, before-school or after-school
 2-35 program, school-age program, or family home, including the
 2-36 disposition of any investigation resulting from a report;

2-37 (C) any reported licensing, registration, or
 2-38 listing violations, including notice of any action taken by the
 2-39 Health and Human Services Commission regarding a violation; and

2-40 (D) records of any training completed by the
 2-41 day-care center, group day-care home, before-school or
 2-42 after-school program, school-age program, or family home.

2-43 (b-1) The department shall release the information
 2-44 described by this section in the most cost-efficient manner
 2-45 possible.

2-46 (g) In this section, "residential child-care facility,"
 2-47 "day-care center," "group day-care home," "before-school or
 2-48 after-school program," "school-age program," and "family home"
 2-49 have the meanings assigned by Section 42.002, Human Resources Code.

2-50 SECTION 2. Section 42.04425, Human Resources Code, is
 2-51 amended to read as follows:

2-52 Sec. 42.04425. INSPECTION INFORMATION DATABASE. (a) If
 2-53 feasible using available information systems, the commission
 2-54 ~~[department]~~ shall establish a computerized database containing
 2-55 relevant inspection information on licensed day-care centers,
 2-56 licensed group day-care homes, and registered family homes from
 2-57 other state agencies and political subdivisions of the state.

2-58 (b) The commission ~~[department]~~ shall make the data
 2-59 collected by the commission ~~[department]~~ available to another state
 2-60 agency or political subdivision of the state for the purpose of
 2-61 administering programs or enforcing laws within the jurisdiction of
 2-62 that agency or subdivision. If feasible using available
 2-63 information systems, the commission ~~[department]~~ shall make the
 2-64 data directly available to ~~[the Department of State Health~~
 2-65 ~~Services, the Department of Aging and Disability Services, and]~~ the
 2-66 Texas Workforce Commission through electronic information systems.
 2-67 The commission ~~[department, the Department of State Health~~
 2-68 ~~Services, the Department of Aging and Disability Services,]~~ and the
 2-69 Texas Workforce Commission shall jointly plan the development of

3-1 child-care inspection databases that, to the extent feasible, are
 3-2 similar in their design and architecture to promote the sharing of
 3-3 data.

3-4 (c) The commission [~~department~~] may provide inspection data
 3-5 on licensed day-care centers, licensed group day-care homes, or
 3-6 registered family homes to the public if the commission
 3-7 [~~department~~] determines that providing inspection data enhances
 3-8 consumer choice with respect to those facilities.

3-9 (d) The inspection data the commission provides to the
 3-10 public under Subsection (c) regarding a licensed day-care center,
 3-11 licensed group day-care home, or registered family home must
 3-12 include:

3-13 (1) information on any violation by the center or home
 3-14 that is related to the sexual abuse of a child attending the center
 3-15 or home and details of the violation;

3-16 (2) information on any incident at the center or home
 3-17 that the commission determines violates the minimum standards for
 3-18 the center or home or results in abuse or neglect of a child
 3-19 attending the center or home; and

3-20 (3) a sufficient amount of detail in the information
 3-21 provided under Subdivision (1) or (2) for the public to understand
 3-22 the circumstances surrounding a violation, including any action
 3-23 taken by the center or home to remedy the violation.

3-24 (e) The commission may collaborate with parents and other
 3-25 interested parties in determining the type of information provided
 3-26 to the public under this section. The commission shall protect a
 3-27 child's identity in all information provided to the public under
 3-28 this section.

3-29 (f) The commission shall retain in the inspection data the
 3-30 information required under Subsection (d) until at least the fifth
 3-31 anniversary of the date the information is added to the data.

3-32 SECTION 3. Subchapter C, Chapter 42, Human Resources Code,
 3-33 is amended by adding Section 42.0552 to read as follows:

3-34 Sec. 42.0552. REQUIRED NOTICE OF CERTAIN VIOLATIONS RELATED
 3-35 TO SEXUAL ABUSE. (a) If the commission determines that a
 3-36 child-care facility or family home has violated a statute or rule
 3-37 and the violation results in the sexual abuse of a child attending
 3-38 the facility or home, the commission shall provide written notice
 3-39 of the violation to the facility or home.

3-40 (b) On receipt of the notice described by Subsection (a), a
 3-41 child-care facility or family home shall provide written notice of
 3-42 the violation described by the commission's notice to each parent
 3-43 or legal guardian of a child attending the facility or home.

3-44 SECTION 4. Section 302.0042, Labor Code, is amended by
 3-45 amending Subsection (b) and adding Subsection (c) to read as
 3-46 follows:

3-47 (b) The commission's evaluation must assess:

3-48 (1) the use of current federal child care funds by each
 3-49 local workforce development board;

3-50 (2) the ability of each local workforce development
 3-51 board to meet child care performance measures;

3-52 (3) the estimated [~~average~~] cost incurred by child
 3-53 care providers [~~of child care~~] in each local workforce development
 3-54 area as stated in the report required under 45 C.F.R. Section
 3-55 98.45(f)(1);

3-56 (4) the average price charged by child care providers
 3-57 for child care in each local workforce development area as stated in
 3-58 the market rate survey conducted under 45 C.F.R. Section 98.45(c);

3-59 (5) the poverty rate of each local workforce
 3-60 development area compared to the state's poverty rate;

3-61 (6) [~~(5)~~] the number of children on waiting lists for
 3-62 child care in each local workforce development area; [~~and~~]

3-63 (7) [~~(6)~~] the number of places that are reserved for
 3-64 participants in the child care subsidy program out of the total
 3-65 number of children enrolled with a provider on a full-time basis
 3-66 categorized by age of the child for each provider [~~vacant slots~~
 3-67 ~~available for child care placement~~] in each local workforce

3-68 development area that is certified as a 2-star, 3-star, or 4-star
 3-69 provider in the Texas Rising Star Program or that does not

4-1 participate in the Texas Rising Star Program;

4-2 (8) the total number of child care providers
4-3 participating in the Texas Rising Star Program in each local
4-4 workforce development area and the number of 2-star, 3-star, and
4-5 4-star rated child care providers in the local workforce
4-6 development area;

4-7 (9) the number of child care providers participating
4-8 in the Texas Rising Star Program in each local workforce
4-9 development area as a percentage of the total number of subsidized
4-10 child care providers in the local workforce development area and
4-11 the number of 2-star, 3-star, and 4-star rated child care providers
4-12 in the local workforce development area as a percentage of the total
4-13 number of subsidized child care providers in the local workforce
4-14 development area;

4-15 (10) the total number of children enrolled in
4-16 subsidized child care providers participating in the Texas Rising
4-17 Star Program in each local workforce development area and the
4-18 number of subsidized children enrolled in 2-star, 3-star, and
4-19 4-star rated child care providers in the local workforce
4-20 development area; and

4-21 (11) the number of subsidized children enrolled in
4-22 child care providers participating in the Texas Rising Star Program
4-23 in each local workforce development area as a percentage of the
4-24 total number of subsidized children enrolled in child care
4-25 providers in the local workforce development area and the number of
4-26 subsidized children enrolled in 2-star, 3-star, and 4-star rated
4-27 child care providers in the local workforce development area as a
4-28 percentage of the total number of subsidized children enrolled in
4-29 child care providers in the local workforce development area.

4-30 (c) For the purposes of evaluation under this section, the
4-31 commission shall annually update the information described by
4-32 Subsections (b)(6)-(11).

4-33 SECTION 5. Section 42.0552, Human Resources Code, as added
4-34 by this Act, applies only to a violation occurring on or after the
4-35 effective date of this Act.

4-36 SECTION 6. This Act takes effect September 1, 2019.

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