

Chapter 969

S.B. No. 708

AN ACT

1
2 relating to collection and use of child safety data for licensed
3 day-care centers.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subchapter C, Chapter 42, Human Resources Code,
6 is amended by adding Section 42.0412 to read as follows:

7 Sec. 42.0412. COLLECTION OF LICENSED DAY-CARE CENTER DATA.

8 (a) In this section, "group of children" and "specified age" are
9 determined by the formula provided in the commission's minimum
10 standards for child-care centers.

11 (b) The commission, in collaboration with the department
12 and using existing resources, shall collect, compile, and publish
13 on the commission's Internet website the following data aggregated
14 by child age on reported incidents in licensed day-care centers
15 that threaten or impair the basic health, safety, or welfare of a
16 child:

17 (1) the number of incidents investigated by the
18 commission or department and assigned the commission's highest
19 priority;

20 (2) the number of incidents investigated by the
21 commission or department and assigned the commission's
22 second-highest priority;

23 (3) the number of violations;

24 (4) the number of confirmed serious injuries to

1 children; and

2 (5) the number of child fatalities.

3 (c) During each monitoring inspection of a licensed
4 day-care center the commission conducts, the commission, using
5 existing resources, shall collect the following data for each group
6 of children four years of age and younger in the day-care center:

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

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

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

11 (c-1) The commission, using existing resources, shall
12 collect and publish on the commission's Internet website data on
13 the total number of employees who left employment with each
14 licensed day-care center during the preceding calendar year.

15 (d) The commission shall make the data collected under this
16 section available to persons researching the factors related to
17 child injury, maltreatment, and death in licensed day-care centers
18 on request.

19 (e) The commission, using existing resources, shall provide
20 an annual report to the legislature that includes:

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

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

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

1 (2) the priority assigned to the investigation
2 conducted by the commission or department in response to an
3 incident that resulted in a serious injury or child fatality;

4 (3) the number of investigations conducted by the
5 commission or department at each licensed day-care center involving
6 a child four years of age or younger that were assigned the highest
7 priority or second-highest priority, aggregated by the age of the
8 youngest affected child;

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

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

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

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

27 (2) the number of child fatalities.

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1 (g) The commission may collaborate with one or more state
2 agencies to perform a duty under Subsections (e) and (f).

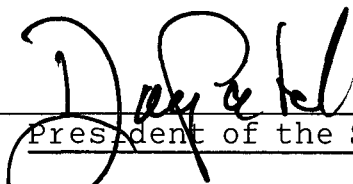
3 SECTION 2. Section 42.042, Human Resources Code, is amended
4 by adding Subsection (m-1) to read as follows:

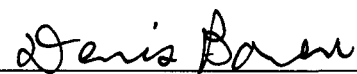
5 (m-1) Not later than January 1, 2021, the executive
6 commissioner shall review the data collected under Section 42.0412
7 and prepare and submit to the legislature a report that includes
8 legislative and regulatory recommendations by age group to enhance
9 child safety. This subsection expires September 1, 2023.

10 SECTION 3. Notwithstanding Section 42.0412(d), Human
11 Resources Code, as added by this Act, the Health and Human Services
12 Commission is not required to comply with that subsection until
13 January 31, 2020.

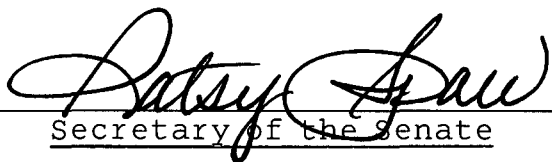
14 SECTION 4. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2019.

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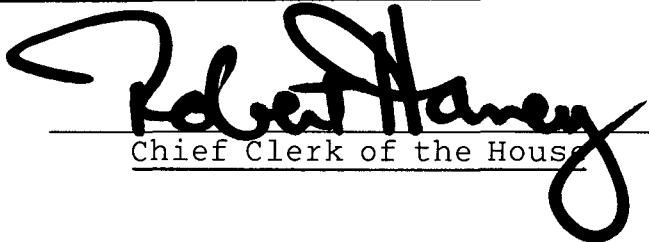

President of the Senate


Speaker of the House

I hereby certify that S.B. No. 708 passed the Senate on May 1, 2019, by the following vote: Yeas 30, Nays 1; and that the Senate concurred in House amendments on May 23, 2019, by the following vote: Yeas 28, Nays 3. _____


Secretary of the Senate

I hereby certify that S.B. No. 708 passed the House, with amendments, on May 17, 2019, by the following vote: Yeas 137, Nays 9, one present not voting. _____


Chief Clerk of the House

Approved:

6-10-2019
Date


Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:00 am O'CLOCK

JUN 14 2019

Secretary of State