

## Summary of New Laws

Bill Number	Summary	How To Comply	When To Comply
<p><b>House Bill 434</b></p> <p><i>This law applies to: Licensed Child Care Centers Before/After-School Programs School-Age Programs Licensed Child Care Homes Registered Child Care Homes</i></p>	<p>This law requires licensed and registered child care operations to follow the directions of a child's health care professional when providing specialized medical assistance needed by children in care.</p> <p>This law requires the operation to maintain a copy of directions from the child's health care professional in the child's record, if the parent provides a copy.</p> <p>Minimum standard rules related to this law will be proposed in October 2011 and, if adopted, will become effective March 2012.</p>	<p>If a child in your care requires specialized medical assistance, you must:</p> <ul style="list-style-type: none"> <li>• Ask the parent for a copy of the directions from the child's health care professional</li> <li>• Familiarize yourself with the child needs</li> <li>• Ensure that staff who work with the child understand the child's needs</li> <li>• Follow the directions of the health care professional and</li> <li>• Keep a copy of the directions in the child's file</li> </ul> <p>Medical assistance is any medical assistance other than medication that a child needs. Examples: apnea monitor, protective helmet, leg brace.</p>	<p>This law went into effect as of June 19, 2011, so you should immediately begin following these new requirements.</p> <p>Licensing staff will be evaluating compliance with the law and offering technical assistance to operations until the minimum standards become effective.</p>
<p><b>House Bill 1615</b></p> <p><i>This law applies to: Licensed Child Care Centers, Before After-School Programs School-Age Programs Licensed Child Care Homes Registered Child Care Homes Listed Family Homes</i></p>	<p>This law requires parental consent for any medication given to a child, other than over-the-counter ointments:</p> <ul style="list-style-type: none"> <li>• Written consent is valid for up to one year, including consent given via email or fax</li> <li>• Allows a single dose of medication to be given if the child's parent gives consent by phone</li> <li>• Expands who may amend medication dosage to any health care professional providing health care to the child within the scope of his license</li> </ul> <p>Minimum standard rules related to this law will be proposed in October 2011 and, if adopted, will become effective March 2012.</p>	<p>You should continue to comply with current minimum standard rules regarding medication.</p> <p>The law defines medication as "a drug that may be obtained with or without a prescription, excluding a topical ointment obtained without a prescription".</p>	<p>This law goes into effect on September 1, 2011.</p> <p>Licensing staff will be evaluating compliance with the law and offering technical assistance to operations until the minimum standards become effective.</p>

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<p><b>Senate Bill 260</b></p> <p><i>This law applies to: Licensed Child Care Centers Before/After-School Programs School-Age Programs Licensed Child Care Homes Registered Child Care Homes</i></p>	<p>This law increases training hours for employees, directors, and operators of licensed centers, licensed homes, and registered homes. Specifically:</p> <ul style="list-style-type: none"> <li>• Pre-service training increases to 24 hours within 90 days of hire for new employees in centers who have less than two years experience in regulated child care; eight of the hours must be completed before the employee may be counted in the child/caregiver ratio;</li> <li>• Annual training for employees in child-care centers and licensed child-care homes increases to 24 hours (remains the same for registered child-care home employees); and</li> <li>• Annual training for directors of licensed child-care centers and primary caregivers in licensed and registered child-care homes increases to 30 hours.</li> <li>• Pre-service and annual training for before/after school and school-age programs remains the same.</li> </ul> <p>In addition this law:</p> <ul style="list-style-type: none"> <li>• requires employees to complete orientation within 7 days of employment;</li> <li>• specifies that DFPS may not require more training hours than what is prescribed in law.</li> </ul> <p>Minimum standard rules related to this law will be proposed in October 2011 and, if adopted, will become effective March 2012.</p>	<p><b>Licensed Child-Care Centers, Licensed and Registered Homes</b></p> <ul style="list-style-type: none"> <li>• Employees, directors and primary caregivers hired <b>before</b> September 1, 2011 will continue to follow current annual training requirements for a training year that ends on or before August 31, 2012. For training years that end on or <i>after</i> September 1, 2012, the new number of hours will be required.</li> <li>• Employees, directors and primary caregivers hired <b>beginning</b> September 1, 2011, must meet the new requirements: <ul style="list-style-type: none"> <li>○ Orientation within 7 days of hire</li> <li>○ 24 hours of pre-service training within 90 days; 8 hours completed before being counted in ratio</li> <li>○ Annual Training: <ul style="list-style-type: none"> <li>▪ 30 hours for directors and primary caregivers;</li> <li>▪ 24 hours for caregivers in licensed centers and homes</li> </ul> </li> </ul> </li> </ul> <p><b>Before or After-School Programs and School-Age Programs</b> Employees hired <b>on or after</b> September 1, 2011, will be required to complete orientation within 7 days of employment.</p>	<p>This law goes into effect on September 1, 2011.</p> <p>Licensing will begin evaluating for compliance as of September 1, 2011 for those hired on or after this date.</p> <p>Licensing staff will offer technical assistance to centers and homes on annual training requirements and will begin evaluating for compliance with the new annual training hours requirements on September 1, 2012.</p>

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<p><b>Senate Bill 265</b></p> <p><i>This law applies to: Licensed Child Care Centers Before/After-School Programs School-Age Programs Licensed Child Care Homes Registered Child Care Homes</i></p>	<p>This law requires that all training is appropriate and relevant to the age of the children cared for by a provider and must be delivered by a trainer who meets one of seven qualifications.</p> <p>This law also specifies that the director of a licensed center or primary caregiver of a licensed or registered child care home may provide training to his/her staff as long as DFPS has <b>not</b> placed the operation on probation, suspension, emergency suspension, revocation or has assessed an administrative penalty in the two years preceding the training.</p> <p>Minimum standard rules related to this law will be proposed in October 2011 and, if adopted, will become effective March 2012.</p>	<p>You will need to continue to ensure that training you and your staff receive is relevant to the age of the children in your care. For example, if a caregiver only cares for infants and toddlers, it would not be acceptable to count training focused on school-age children.</p> <p>You will need to ensure that training you and your staff take after January 1, 2012 is delivered by a trainer who meets one of the new criteria. To demonstrate compliance with this new requirement, keep documentation in personnel training records that shows how the trainer for each course meets one of the criteria. Examples of acceptable documentation include the trainer's Texas Trainer Registry number (this is often listed on the training certificate), a letter from the trainer, or the trainer's resume.</p> <p>See the attached "<i>New Child Care Trainer Requirements</i>" for additional information.</p>	<p>This law goes into effect on January 1, 2012.</p> <p>Licensing staff will be evaluating compliance with the law and offering technical assistance to operations until the minimum standards become effective.</p>

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Bill Number	Summary	How To Comply	When To Comply
<p><b>Senate Bill 1178</b></p> <p><i>This law applies to: Licensed Child Care Centers, Before/After-School Programs School-Age Programs Licensed Child Care Homes Registered Child Care Homes</i></p>	<p><b><u>Automatic Actions - Fees</u></b> Adds to law the automatic suspension of an operation's permit if fees are not paid on time. Also, the permit is automatically revoked after 6 months if the fees remain unpaid. An automatic suspension or revocation under these circumstances is not considered an adverse action, so there are no due process rights and the permit holder is not banned from reapplying.</p> <p><b><u>Background Checks</u></b></p> <ul style="list-style-type: none"> <li>• Clarifies in law that FBI checks are required for employees of before and after-school programs and school-age programs.</li> <li>• Clarifies in law that providers who use substitute caregivers employed by agencies not regulated by DFPS must verify that the employee is eligible to begin work.</li> </ul> <p><b><u>Controlling Persons</u></b></p> <ul style="list-style-type: none"> <li>• Expands the definition of a controlling person to include all child care facilities and family homes.</li> <li>• Limits who may serve as a controlling person based on previous permit/controlling person history.</li> </ul> <p>Rule changes to Chapter 745 of the Texas Administrative Code (Child Care Licensing's administrative rules) will be proposed in October and, if adopted, will be effective March 2012.</p>	<p><b><u>Automatic Actions - Fees</u></b> Continue to pay your operation's annual fee on time. This means that payment has been received by DFPS prior to your operation's anniversary date. Your operation name and number should be included with your payment, so that it can be credited to your operation.</p> <p><b><u>Background checks</u></b> Before and after-school programs and school-age programs will continue to submit background checks for prospective and new employees, including FBI fingerprint checks.</p> <p>If your operation uses substitute caregivers, you must verify that the employee is eligible to work by viewing and keeping a copy of the employee's background check results on file.</p> <p><b><u>Controlling Persons</u></b> Once rules are effective, Child Care Licensing will ask you to identify each controlling person for your operation and to inform Licensing of changes or additions to your controlling persons.</p>	<p>This law goes into effect on September 1, 2011.</p> <p>Licensing staff will be evaluating compliance with sections of this law regarding automatic actions and background checks beginning September 1, 2011.</p>
<p><b>Senate Bill 436</b></p>	<p>This law allows a county with a</p>	<p>This law does not require you or your</p>	<p>This law went into effect on</p>

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<p><i>This law applies to: Licensed Child Care Centers Licensed Child Care Homes</i></p>	<p>population of at least 700,000 to designate a county health officer or official that could contract with a municipality to conduct inspections of licensed centers and homes that the municipality requires.</p>	<p>staff to do anything new.</p>	<p>June 19, 2011.</p> <p>Continue to comply with the current minimum standard rules regarding health practices.</p>
<p><b>House Bill 3547</b></p> <p><i>This law applies to: Licensed Child Care Homes Registered Child Care Homes</i></p>	<p>This law allows a municipality or a county to enforce state law and rules adopted under state law concerning fire safety standards at a licensed or registered child-care home. In addition, a municipality or county must report to DFPS any violation of fire safety standards observed by the municipality or county at a licensed or registered child-care home.</p>	<p>This law does not require you or your staff to do anything new.</p>	<p>This law goes into effect on September 1, 2011.</p> <p>Continue to comply with the current minimum standard rules regarding fire safety.</p>
<p><b>Senate Bill 471</b></p> <p><i>This law applies to: Licensed Child Care Centers</i></p>	<p>This law requires licensed child care centers to offer one hour of annual training for their staff in prevention techniques for and the recognition of symptoms of abuse and neglect as well as the responsibility and procedure for reporting suspected abuse and neglect.</p> <p>This law also requires licensed child-care centers to adopt and implement a policy addressing sexual abuse and other abuse/neglect of children.</p> <p>Minimum standard rules related to this law will be proposed in October 2011 and, if adopted, will become effective March 2012.</p> <p>See the attached "New Abuse &amp; Neglect Requirements" for additional information.</p>	<p>You and your staff will need to complete one clock hour of annual training as required by the law. You will also need to cover this information during employee orientation for new employees.</p> <p>In addition, you will need to create and implement policy for your center that addresses sexual abuse and other abuse/neglect of children. The policy will need to be shared with employees and included in your center's written operational policies.</p> <p>You may visit the DFPS website at <a href="http://www.dfps.state.tx.us">www.dfps.state.tx.us</a> and go to the <i>Child Care Licensing</i> page for information regarding community-based organizations that may offer the required training at no cost. You may also contact your local Licensing office for this information.</p>	<p>This law went into effect on June 19, 2011.</p> <p>Licensing staff will be evaluating compliance with the law and offering technical assistance to centers until the minimum standards become effective.</p>

## **New Child Care Trainer Requirements**

The passage of Senate Bill 265 by the 82<sup>nd</sup> Legislature requires that all training must be relevant to the age of the children in care and be provided by a trainer who meets certain criteria.

### **Trainer Requirements** beginning January 1, 2012

All training must be delivered by a trainer who meets one of the following requirements:

1. Is currently listed on the Texas Trainer Registry (online at <http://www.uth.tmc.edu/tececds/>);
2. Is an instructor at a high school, college or university who teaches early childhood development or another relevant course;
3. Works for a state agency with relevant expertise (such as Child Care Licensing, Department of Agriculture, Department of State Health Services);
4. Is a physician, psychologist, licensed professional counselor, social worker, or registered nurse;
5. Holds a generally recognized credential or possesses documented knowledge relevant to the training the person will provide (such as an individual who has a current Child Care Professional credential, a firefighter who offers training on fire safety, a county health employee who offers training on immunizations);
6. Is a director or primary caregiver of a registered or licensed child-care home in good standing with DFPS and who:
  - A. Has demonstrated core knowledge in child development and caregiving and
  - B. Is only providing training at the center or home in which the director or primary caregiver and the persons receiving training are employed; or
7. Has at least two years of experience working in a child development program and
  - A. Has a current Child Development Associate (CDA); or
  - B. Has at least an associate's degree in child development, early childhood education, or a related field.

### **What Does This Mean for My Program?**

- You will need to ensure that all training you and your staff receive beginning January 1, 2012, is provided by a trainer who meets the new trainer criteria.
- You will need to verify that the trainer meets the criteria.
- Appropriate documentation must be kept on file in each employee's personnel record available for review by Licensing.
- Examples of acceptable documentation may include the trainer's Texas Trainer Registry number (this is often listed on the training certificate), a letter from the trainer, or the trainer's resume.

## **FAQs**

### **Does self-instructional training count?**

If the training is created by an individual who meets one of the new trainer criteria, then yes it does count. For example, the series of online courses aimed at improving infant and toddler care that Child Care Licensing developed with Texas Agrilife Extension Service, The Texas A&M System counts since the courses were developed by individuals who work for a state agency and have relevant expertise.

### **As the director or primary caregiver may I continue to train my staff?**

Yes, you may offer training to your staff as long as you have a current director's certificate from Licensing (if applicable), are only providing the training to staff employed at your program, and your program has not been on probation, suspension, emergency suspension, or revocation in the two years preceding the training or been assessed an administrative penalty in the two years preceding the training.

### **What does "has demonstrated core knowledge in child development and caregiving" mean?**

This means that you have a current director's certificate from Licensing if you are the director of a licensed center or primary caregiver of a licensed home. If you are a primary caregiver of a registered home, this means you have a minimum of one year of experience as a registered provider.

### **What does "appropriately targeted and relevant to the age of the children"?**

This means that the training you and your staff receive applies to the age of children you or your staff care for at your program. For example, if a caregiver only cares for infants and toddlers, it would not be acceptable to count training that focuses on school-age children.

## **Prevention of Child Abuse and Neglect Training and Policy For Child-Care Centers and Child-Placing Agencies (CPAs)**

### **Background**

The passage of Senate Bill 471 by the 82<sup>nd</sup> Legislature requires that CPAs and licensed child care centers:

- Offer one hour of annual training for staff members in prevention techniques for and the recognition of symptoms of abuse and neglect as well as the responsibility and procedure for reporting suspected abuse and neglect.
- Adopt and implement a policy addressing sexual abuse and other abuse/neglect of children.

### **Who must complete training?**

**Child-placing agencies:** Child-placing agency administrators, treatment directors, child placement staff, child placement management staff, and full-time professional service providers

**Child-care centers:** Directors and caregivers

### **When**

The law went into effect as of June 19, 2011. Licensing staff will provide technical assistance until minimum standard revisions are effective, anticipated to be March 2012.

### **How to Comply**

- Training must include:
  - Factors indicating a child is at risk for abuse or neglect;
  - Warning signs indicating a child may be a victim of abuse or neglect;
  - Internal procedures for reporting child abuse or neglect; and
  - Community organizations that have training programs available to staff, children, and parents.
- You may contact your local licensing office for information regarding community-based organizations that offer the training at no-cost or go online to [www.dfps.state.tx.us](http://www.dfps.state.tx.us) to research training resources in your area.
- Policy must include:
  - Required annual training for employees;
  - Methods for increasing employee and parent awareness of issues regarding child abuse and neglect, including warning signs that a child may be a victim of abuse or neglect;
  - Methods for increasing employee and parent awareness of prevention techniques for child abuse and neglect;
  - Strategies for coordination between the operation and appropriate community organizations; and
  - Actions that the parent of a child who is a victim of abuse or neglect should take to obtain assistance and intervention.