



Child-care Licensing

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In its first year as part of a new agency, the Child-care Licensing (CCL) program continued to build on and expand initiatives designed to develop strong working partnerships with child-care providers, consumers, and the general public.

Regulation of child care in Texas began in 1921 under the administration of the State Department of Health and focused on the regulation of maternity homes. Eight years later, the law was amended to include all children placed with families not related to them. This included children placed for part of the day in what are now recognized as day-care centers.

With the Texas Legislature's creation of the Child Welfare Division of the State Board of Control in 1931, maternity home regulation remained with the health department, but the regulation of child-care facilities and child-placing activities was transferred to the new Child Welfare Division. In 1939, the Texas Legislature created the State Department of Public Welfare, which was to include the Child Welfare Division.

In 1971, the Legislature added requirements for immunization records for children in care and for licensing staff to examine those records. In 1972, the administrators' licensing law required the licensure of people responsible for the administration of residential child-care institutions.

In response to public opinion, an interim legislative committee was established in July 1973 to study thoroughly all Texas child-care, education, and guidance facilities and laws and regulations pertaining to such facilities. In August 1973, the board of the Texas Department of Public Welfare created a separate Licensing division. The board also directed that the licensing of 24-hour facilities be a specialized function administered directly from the state office in Austin. Day-care licensing would remain decentralized with administrative responsibilities at the regional level.

In May 1975, the Texas Legislature passed the Child Care Licensing Act of 1975, which was codified in 1979 and is now known as Chapter 42 of the Human Resources Code, which provided for stringent criminal as well as civil penalties. Other major features were the recognition of specialized types of 24-hour care facilities, regulation of private schools not accredited by the Texas Education Agency, and a requirement that state-operated facilities be certified and meet the same requirements as private facilities of the same type.

Since its original enactment, the law has been amended on several occasions to include such provisions as:

- ◆ exempting religious-sponsored and non-religious private schools that do not provide custodial care for more than two hours a day;
- ◆ allowing the probation of a license;
- ◆ changing license issuance and certification from biennially to non-expiring;
- ◆ establishing an annual fee structure for licenses and registration;

- ◆ installing a criminal history check for child-care providers and facility owners;
- ◆ establishing qualification standards for family home caregivers; and
- ◆ exempting family homes caring for three or fewer children.

Under the provisions of House Bill 7 in 1991, the CCL program transferred from DHS to the newly created PRS, effective Sept. 1, 1992.

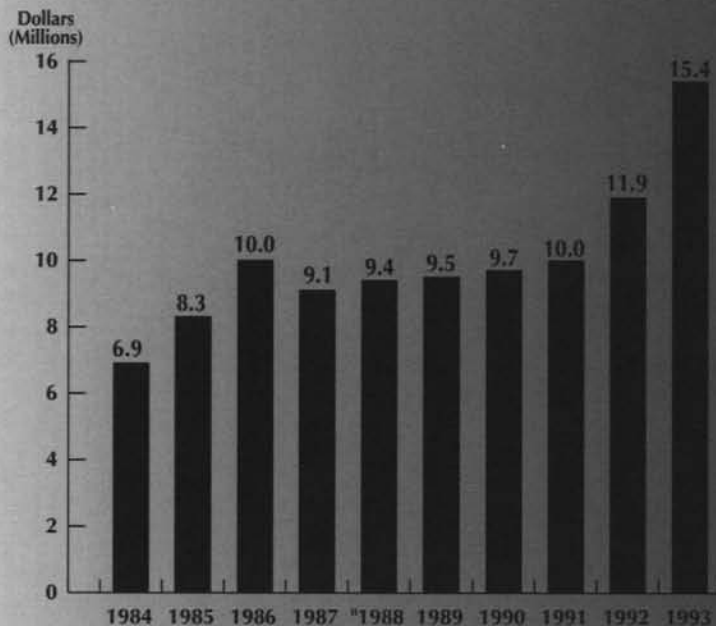
Today, CCL regulates facilities that provide out-of-home care for children, day care and residential care, agencies that place children in foster care, residential care, and adoption, and administrators of residential child-care facilities. CCL staff develop and enforce minimum standards for basic protection of the health, safety, and well-being of children in care and provide consultation, training, and referral services to improve the quality of child care.

In fiscal year 1993, CCL staff conducted 19 public forums across the state to discuss critical issues in the massive revision of minimum standards for licensed day-care facilities. The ad hoc work group, representing all stakeholders, continued its efforts to balance the impact of needed changes with concerns about costs to child-care providers and, ultimately, consumers. At the same time, an effort to engage parent-consumers in the dialogue took place. Data from an extensive survey of parents' opinions and concerns have been collected and analyzed. The results of these efforts will be reflected in

the next draft revision of the standards. The CCL program plans to propose revised minimum standards for licensed day-care facilities early in fiscal year 1994. The public comment and review period will include public hearings across the state to provide maximum opportunity for stakeholder input.

The registered family home orientation program was redesigned in fiscal year 1993. The program was developed to deliver essential information to caregivers about health, safety, nutrition, good child-care practices, and the minimum standards and includes a component on sound business practices and record keeping. The program fosters the stability of new registered family home facilities, which is critical to the well-being of children, and supports families. The program

Child-care Licensing Expenditures FY 1984-93





was revised and refined to make it less labor intensive for staff and more interesting and effective for participants, as well as improve consistency in training. The revised program includes self-paced learning alternatives for caregivers who are unable to participate in group sessions. Training materials are also available in Spanish and Vietnamese.

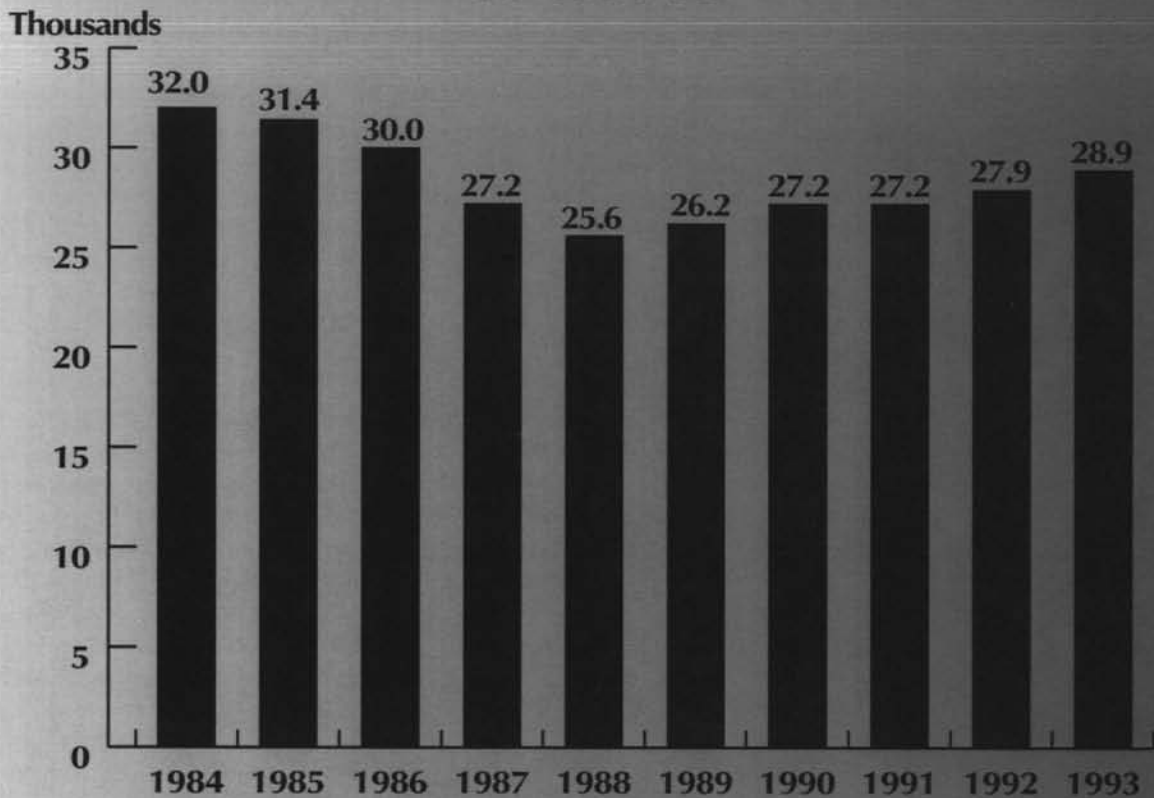
In fiscal year 1993, day-care licensing staff in certain areas began to make at least one "non-regulatory" visit. These visits are designed to ensure that CCL and facility staff have a common understanding of the facility's strengths and weaknesses and an agreed-upon plan for dealing with problem areas. The initiation of this practice was based on a concept developed by a committee of field staff (licensing representatives and supervisors) assembled by the CCL director to improve monitoring practices. It is also designed to foster ongoing compliance with minimum standards and develop quality child-care programs.

A major effort in day-care licensing during fiscal year 1993 centered on the use of volunteers throughout the program to improve effectiveness and efficiency, despite the limited resources that were available. Staff focused on developing meaningful and interesting activities for volunteers to increase overall community investment in the CCL program as well as expand services. Volunteer projects in fiscal year 1993 included the translation of materials for registered family homes into Vietnamese. In Austin, clients of the Brown School's Head Injury Rehabilitation Center volunteered their services to put together materials for the registered family home orientation program. The Campfire Boys and Girls program volunteered the services of their day-care laboratory school program in Fort Worth for training new staff who regulate day-care facilities and as an education resource for licensed and registered day-care providers. A total of 1,459 volunteers contributed 8,699 hours to the CCL program during fiscal year 1993.

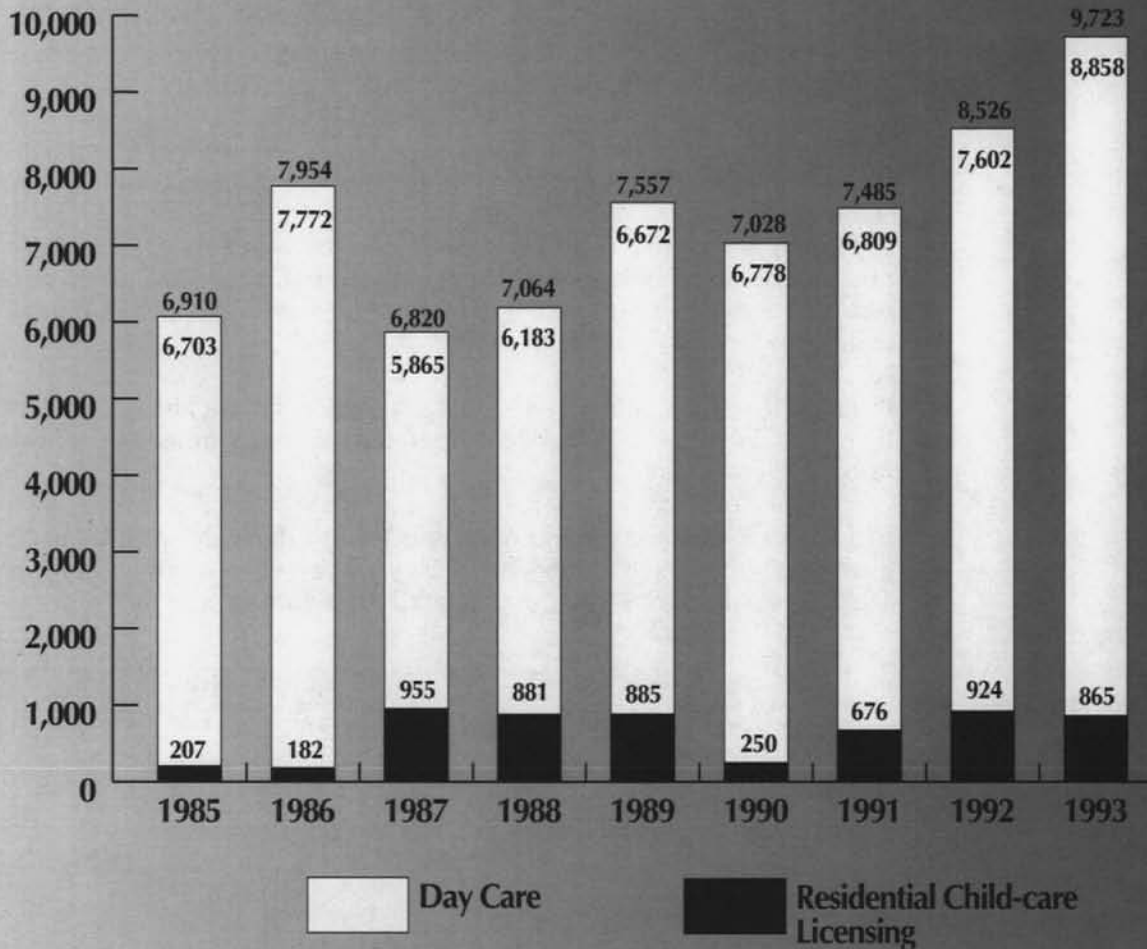


One pilot program involving volunteers, the mentoring project, was initiated in fiscal year 1992 and continued through fiscal year 1993. In this program, experienced child-care providers assist applicants and new licensees with all aspects of starting up new child-care facilities. Overall, both mentors and the new licensees reported positive results because of the program. The pilot project conducted in Houston was expanded to

Regulated Child-care Facilities FY 1984-93



Number of Complaints FY 1985-93



other parts of the state, and the program's applicability is being evaluated for use with new residential child-care facilities and child-placing agencies.

CCL's partnership with Nations Bank in parent education continued and expanded in fiscal year 1993. The focus of this program is to inform and empower parents to become better consumers of child-care services. Radio and television public service announcements continued in 1993, and billboards were added to the public information effort. The PSAs and billboards all featured the child-care information hotline telephone number, 1-800-862-5252. Parents directed 75 to 100 calls each month to the hotline requesting information about child care.

As part of day-care licensing's regulatory activities, staff monitored 30 percent of registered family homes during fiscal year 1993. Of the 4,033 homes inspected, only three registrations had to be revoked. Staff attribute the low revocation rate in part as a result of the required orientation and the initial visit by a CCL representative prior to registration.

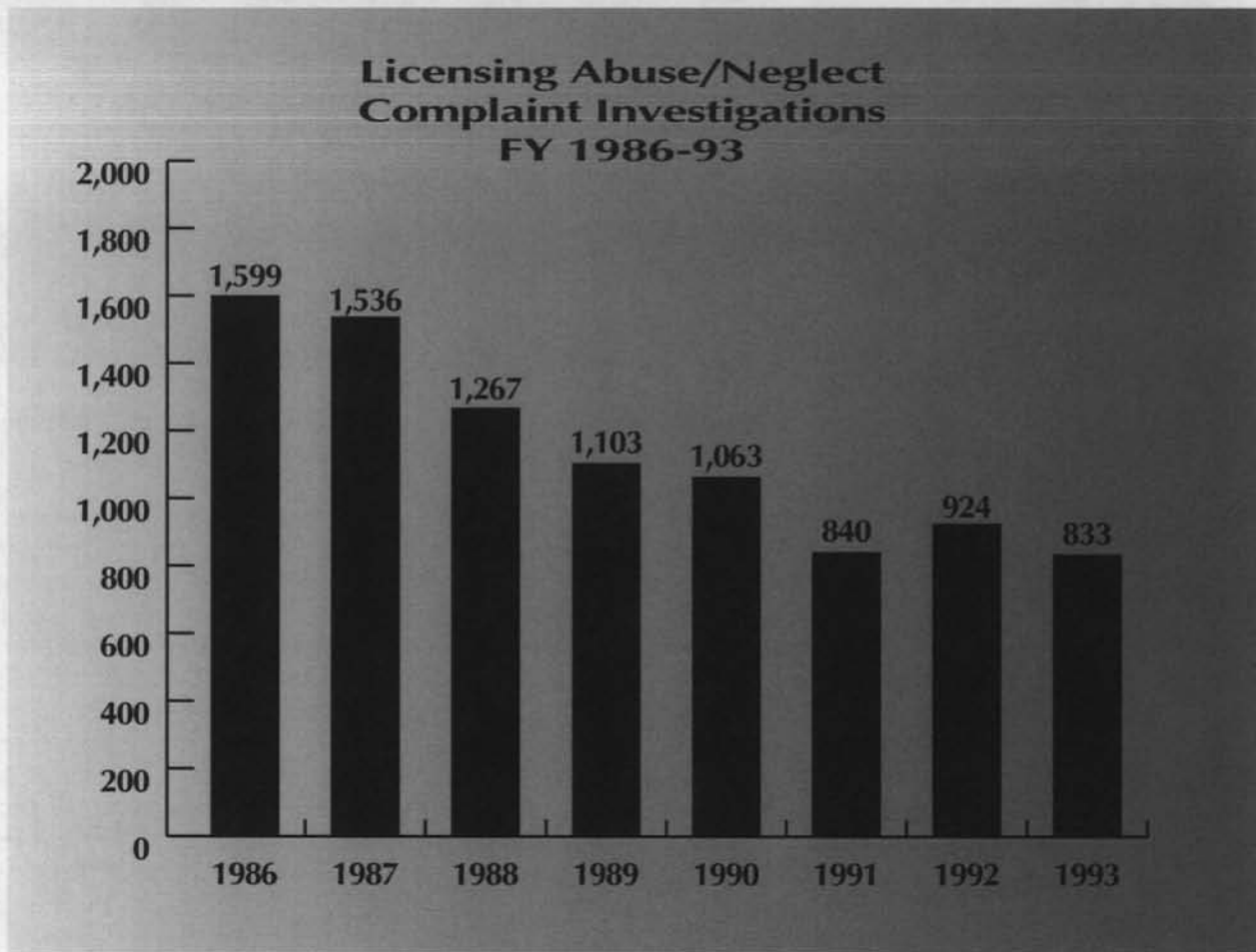
When reports of maltreatment or other violations of the standards and laws in child-care facilities are received, they are assigned a priority that determines how soon facilities will be investigated by CCL caseworkers.

In **Priority I reports**, a child is alleged to have died or be in immediate danger of death or serious injury in a regulated or unregulated child-care facility.

In **Priority II reports**, a child is alleged to be at risk of abuse or neglect, serious supervision problems, serious accidental injury, serious safety or health hazards, or excessive discipline or mistreatment in a regulated or unregulated child-care facility.

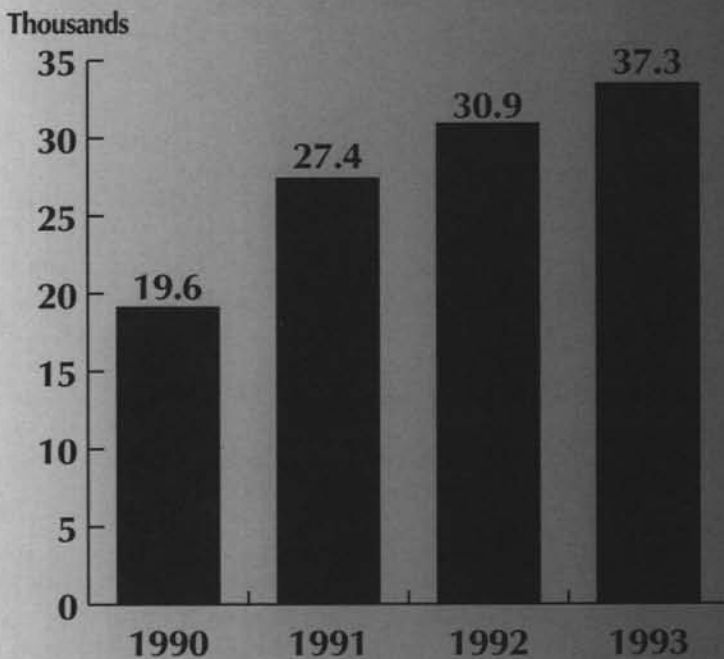
Priority III reports contain any other complaints not included in Priority I or II reports. A report of an illegal operation with no other allegations is a Priority III complaint.

CCL staff investigated 8,858 complaints against day-care facilities and registered family homes in fiscal year 1993, 16.5 percent more than in fiscal year 1992. Specialized day-care investigators handled a total of 567 reports of al-





Number of Child-care Inspections

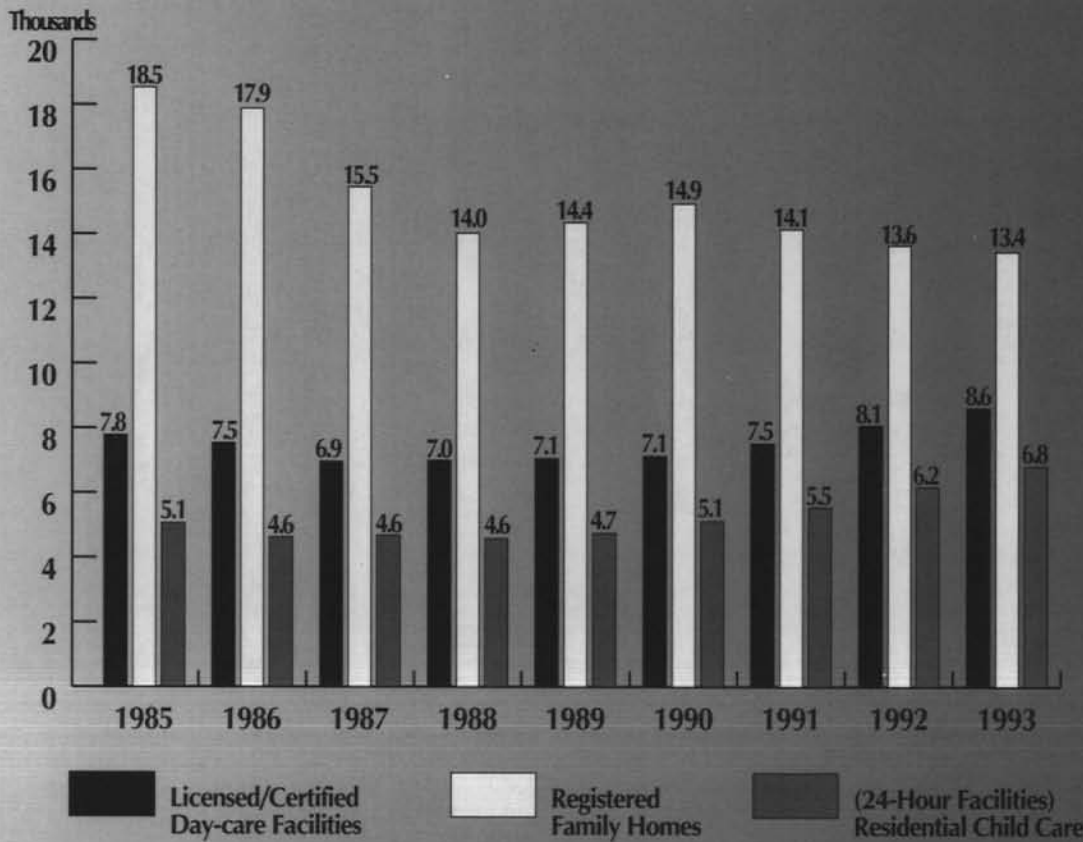


leged child abuse or neglect, 2.4 percent less than in fiscal year 1992.

At the end of the fiscal year, there were 8,611 licensed day-care facilities with a combined capacity of 603,161 children and 13,443 registered family homes caring for an estimated 80,658 children. These numbers reflect a 6.8 percent increase in licensed facilities and a 1.4 percent decrease in registered family homes.

In residential child-care licensing, there was significant progress in several partnership initiatives in fiscal year 1993. A self-monitoring pilot project was initiated in the Rio Grande Valley with several residential child-care facilities. In this program, the facility agreed to set up a quality assurance program

Licensed, Certified, and Registered Child-care Facilities FY 1985-93



or modify an existing program to track its compliance with minimum standards. Facility administrators then prepared reports on standards compliance for CCL representatives who performed random checks for validity. Participating facility administrators reported highly positive results for the project. The administrators and their staff reported a significant increase in knowledge and understanding of minimum standards. Most important, facilities without a systematic quality assurance program began to develop one as a result of the project. The impact of this was felt in all aspects of the facilities, involving children and all levels and types of staff in the evaluation effort. The self-monitoring project will continue in the Rio Grande Valley and will be expanded to other areas of the state and all types of facilities during the coming fiscal year.

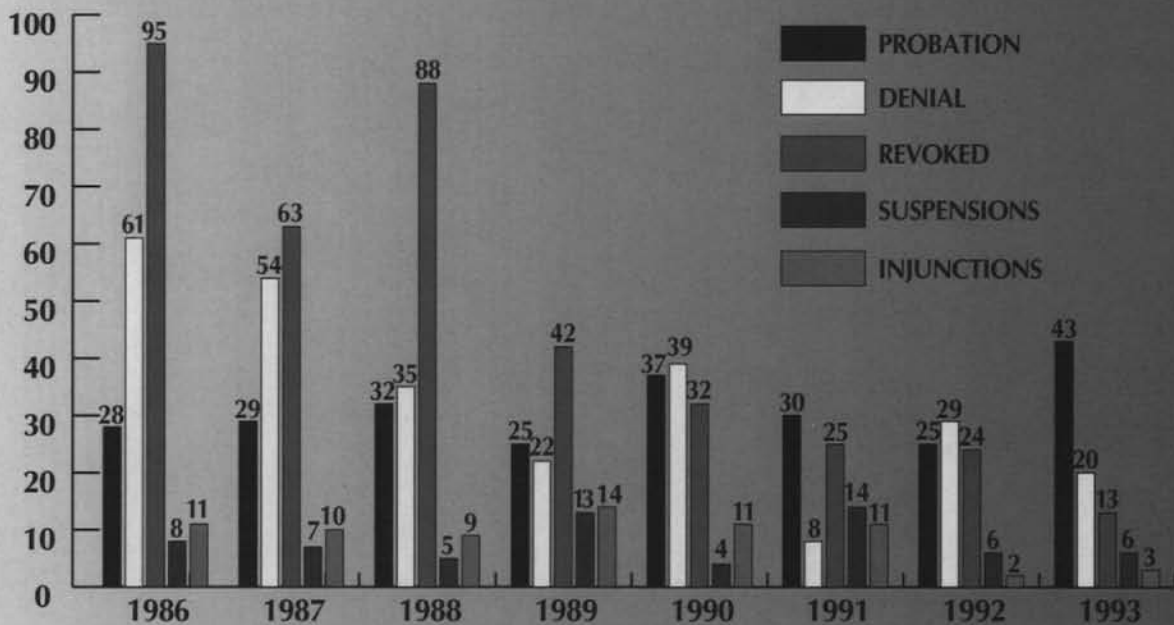
Last fiscal year, residential child-care licensing surveyed child-care facilities about automation, collecting data on the kinds of computers and software available. One result of this survey was the development of an electronic bulletin board. Many child-care facilities and child-placing agencies have equipment that is compatible with the agency's equipment, and the bulletin



board is a means of communication between facilities as well as between PRS and facilities. In addition to networking and information sharing, the bulletin board was used during fiscal year 1993 by facilities in the self-monitoring project to report their findings.

Medications are an important part of child care and treatment in many residential child-care facilities. Storage and administration of medications in non-hospital settings present many problems and risks. Medication errors pose a definite threat to the health and safety of children in care. To support child-care facilities in their efforts to develop and maintain good systems, CCL purchased a training program specifically oriented to medication storage and administration in child-care facilities. During fiscal year 1993, all CCL representatives were

Licensing Corrective/Adverse Actions FY 1986-93

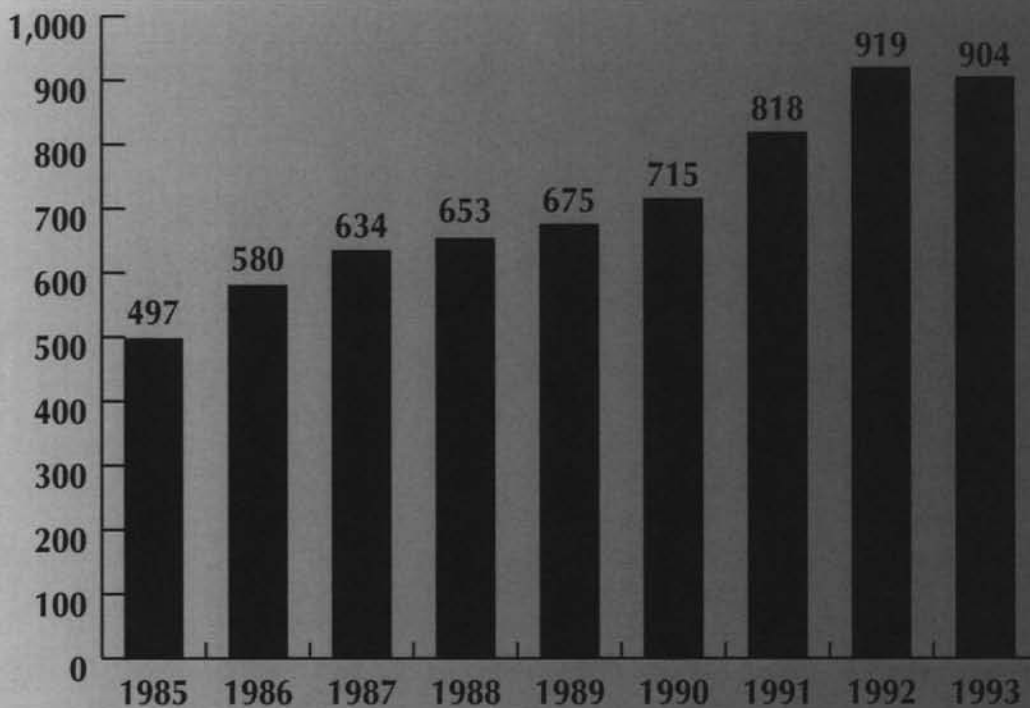


trained by this program, which was also made available to all facilities for use in staff training. Residential child-care licensing is systematically tracking the impact of this and other training programs on facility compliance status.

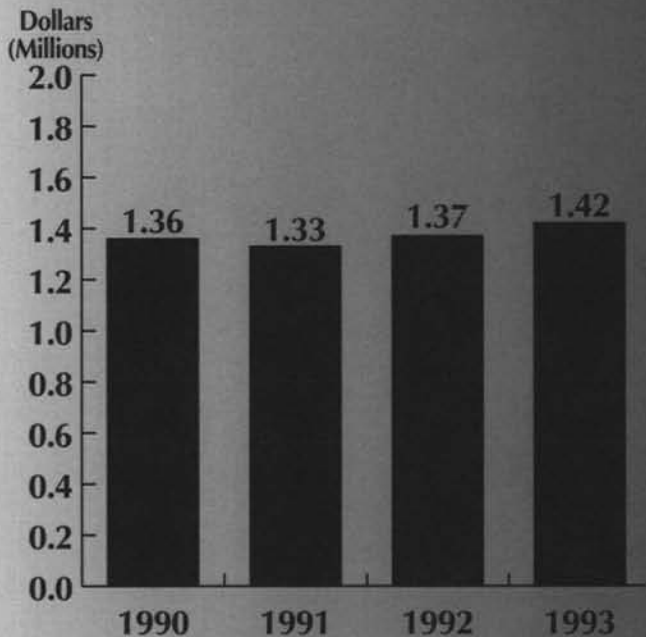
As part of the partnership effort, in fiscal year 1993, residential child-care licensing developed and distributed three brochures on issues of concern to facilities, child-placing agencies, and parents and managing conservators of children in residential care. Working with the Child Protective Services (CPS) program, CCL developed a brochure on the roles and responsibilities of CCL and CPS staff and programs. The brochure was designed to address concerns that arise when an agency, facility, or individual is working with the different PRS programs. CCL also developed brochures on the prevention of child abuse in residential child-care facilities and a guide for facilities when an investigation of alleged abuse or neglect occurs. The guide addresses investigations in day care and residential child care.

At the end of fiscal year 1993, the PRS board approved adoption of new minimum standards for child-placing agencies. The new standards represent more than three years of effort by an ad hoc work group that included child-

Number of Administrators Licensed



Licensing Fees Collected



placing agency staff and administrators, adoptive parents, birth parents, and adult adoptees. Almost the entire child-placing community in Texas participated in the various phases of developing these new standards. Organizations such as the Texas State Foster Parents Association, Adoptive Family Together, Adoption Knowledge Affiliates, and the Texas Association of Licensed Child-care Services played a major role in the standards development process. The new standards will become effective March 1, 1994. Prior to the effective date, training will be developed and delivered to child-placing agencies and CCL staff.

At the end of fiscal year 1993, 6,797 licensed or certified 24-hour care facilities in Texas were caring for about 31,362 children, a 10.1

percent increase over the previous year. Staff investigated 865 complaints and serious incidents this fiscal year, 6.4 percent less than last year. Among these, there were 261 allegations of abuse or neglect, handled by specialized investigators, 29 percent more than fiscal year 1992.

Under the administrators' licensing program, 65 new licenses were issued during fiscal year 1993. A total of 1,021 administrators were licensed by the end of the year. Fiscal year 1993 saw the 10th Administrators' Licensing Conference, an annual training conference sponsored by PRS for top administrators and key management staff of residential child-care facilities. The focus of the conference is to increase the knowledge and skills of licensed administrators. Participation in this conference has increased each year, with 423 participants attending this year's conference.

The administrators' licensing program is financed through applicant fees. In fiscal year 1993, PRS spent about \$15.4 million to regulate day care and residential child care for about 715,681 children. CCL staff collected \$1.42 million in licensing fees and conducted 133,201 criminal history checks during this fiscal year.