



Child Care Licensing (CCL)

Responsibilities

- ◆ Regulate all child-care operations and child-placing agencies to protect the health, safety, and well-being of children in care, largely by reducing the risk of injury, abuse, and communicable disease.
- ◆ Establish and monitor operations and agencies for compliance with minimum standards of care.
- ◆ Inform parents and the public about child care and about the histories of specific homes, child care operations, and child-placing operations in complying with minimum standards of care.
- ◆ Provide technical assistance to providers on meeting minimum standards of care.

Continued Response to CCL Reform

In 2006, Child Care Licensing (CCL) continued to transform its operations and policies in response to Senate Bill 6, the sweeping protective services reform bill passed by the Texas Legislature and signed into law by Governor Rick Perry in 2005. These initiatives included a number of measures design to better ensure child safety and improve regulations.

Ensuring Child Safety

Child Care/Child-Placing Administrator License

Senate Bill 6 adds the requirement for each child-placing agency to have a licensed child-placing administrator. This ensures consistency of licensure requirements across all types of 24-hour, out-of-home care and enhances the safety of children. In 2006, CCL created a test instrument and began testing child-placing administrators.

Reports of Abuse and Serious Incidents

Senate Bill 6 added a requirement to Chapter 42 of the Texas Human Resources Code that requires residential child care operations and child-placing agencies to report certain serious incidents involving children to DFPS. Serious incidents include:

- ◆ a critical injury to a child;
- ◆ an illness that requires hospitalization of a child; and
- ◆ arrest, abuse, neglect, exploitation, runaway, suicide attempt, or death of a child.

As a result, in 2006, CCL implemented corresponding rules to the minimum standards.

Background Checks

Based on changes to Chapter 42 of the Texas Human Resources Code, new rules went into effect on Dec. 1, 2005, regarding background check requirements for all child-care operations. These rules changed several requirements that affect the way in which both day care and residential operations request and receive background check results.

Drug Testing

Senate Bill 6 requires residential child care operations to have a drug testing policy for new and existing employees. In addition, the law required these operations to inform DFPS within 24 hours after becoming aware that a person who directly cares for or has access to a child in the operation has abused drugs. On December 1, 2005, these new rules in Chapter 42 of the Texas Human Resources Code went into effect and CCL implemented the change.

Behavior Intervention Training

Senate Bill 6 requires residential child care operations to provide DFPS approved behavior intervention training to their personnel. The training must include the risks associated with prone restraint of



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children. CCL notified residential child care operations in August 2005 to revise their training curriculum and rules in order to fulfill this requirement by March 1, 2006. After that date, residential child care licensing staff began reviewing child care operations for compliance.

Regulatory Action

Random Inspections

In 2005, the Texas Legislature amended Section 42.044 of the Texas Human Resource Code to require Child-Care Licensing to inspect a random sample of agency foster homes. In response, CCL conducted a focus group with representatives from the foster care community to gain insight into the concerns that foster parents and child-placing agencies may have about these inspections. As a result of this meeting, a variety of topics were identified and included in CCL staff training and inspection procedures. In January 2006, staff began to conduct random sampling of the foster homes. Following the process, CCL conducted a survey of those inspected. Feedback from the survey process was positive. Staff will continue random sampling in FY 2007.

Adverse Actions

In the past, there have been concerns that residential child care operations with adverse actions taken against them in another state were able to apply and be licensed to provide child care in Texas. As required by Senate Bill 6, CCL proposed new rules to prevent that from happening. DFPS expects the DFPS Advisory Council will pass the new rules in early FY 2007.

Exit Conference

Senate Bill 6 requires CCL staff to conduct an exit conference with a facility's representative after completing an inspection of a residential child care operation. In addition, the CCL representative must

provide a copy of the inspection checklist. In 2006, CCL implemented new policy and procedures requiring exit conferences.



Supporting Quality Casework

Interviewing and Investigations

Senate Bill 6 requires DFPS to provide new advanced training in investigative techniques and protocols to residential child care licensing investigators. In 2006, CCL began training those investigators on forensic interviewing, investigation techniques and collection of physical evidence.

Rollout of Tablet PCs

Senate Bill 6 requires DFPS to explore the strategic use of technology to improve effectiveness of operations. After a successful 2005 implementation of Tablet PCs in the agency's Adult Protective Services program, DFPS conducted a statewide rollout of about 50 Tablet PCs to Residential Child Care Licensing (RCCL) investigators in 2006. The Tablet PC is a lightweight, portable computer that is a caseworker's mobile office and it provides immediate assistance to caseworkers managing high caseloads. The device provides remote access to case documentation, client history checks, and even a route-mapping tool for caseworkers on the go.

Additional Staff

In 2006, DFPS hired 60 additional Residential Child Care Licensing staff to ease caseloads,



improve investigations, conduct random sample reviews of foster homes, and thus better ensuring child safety.

Additional Accomplishments

- ◆ In 2006, CCL completed the process for revising minimum standards for residential child-care. These operations include general residential operations, residential treatment centers, child-placing agencies, and foster homes. The revision process included the gathering of information from providers, licensing staff, and provider associations. In addition, the changes were based on reviews of the minimum standards of other states, available research and literature relating to residential child care, and health and safety practices recommended by experts. After a public comment period, the DFPS Advisory Council recommended the final rules at the end of FY 2006.
- ◆ The regulation of child-care facilities and child-placing agencies routinely presents two challenges for CCL staff and permit holders alike: consistency in interpretation of minimum standards and consistency in enforcement decisions and actions. In an effort to address these challenges, CCL initiated a project in 2006 to develop a system that assigns a weight to each minimum standard regulation, based on the risk to children. For example, failure to supervise a child presents a much greater risk than failure to document the name of a child's school in the child's record. The department assigned preliminary weights to the residential minimum standards that will become effective Jan. 1, 2007, using input from Licensing staff, statewide advisory committee members, and external stakeholders.
- ◆ In 2006, DFPS unveiled a statewide public awareness campaign to educate Texas parents about the dangers of illegal child care and encourage unlicensed operators to seek proper authorization. The focus of the "Don't Be in the Dark About Child Care" campaign is to discourage parents from placing children in unregulated child care, and with good reason. 10 Texas children died in unregulated care in 2005, and 8 in 2004.
- ◆ In 2006, a large number of Texas children drowned, especially in the Houston area. In response, the Child Care Licensing division took the lead with a statewide public awareness campaign to remind parents and caregivers to be vigilant when it comes to children and water safety. The campaign, called "See and Save" (www.seeandsave.org), included billboards, paid radio advertisements, and news conferences and other earned media efforts. CCL worked with Child Protective Services, Prevention and Early Intervention (PEI), and the DFPS Office of Communications to hold events across the state with child care providers, law enforcement, emergency medical staff, and others.
- ◆ Following preliminary work in 2005, Licensing staff worked with the department's Information Technology department to launch an improved version of the Texas Child Care Search at www.txchildcaresearch.org. This web-based tool allows the public to search for facilities by type of care and by ZIP code in order to learn about a facility's compliance record with the state's minimum standards.
- ◆ In 2006, Child Care Licensing continued the department's statewide "Look Before You Leave" campaign to raise public awareness about the dangers of leaving unattended children in hot cars. Licensing staff worked with staff in Child Protective Services, Prevention and Early Intervention, and the Office of Communications to hold events across the state. For more information, visit www.lookbeforeyouleave.org.



Regional Vignettes

Northwest District (Regions 1, 2, 9, and 10)

Abilene, Brownwood, and Wichita Falls: In 2006, CCL played a vital role in creating four major training conferences for child care directors and their staff. These included conferences at Midwestern University in Wichita Falls, Howard Payne University in Brownwood, Be A Champion for Children in Abilene, and Building Bridges in Abilene. Each conference brought in more than 150 participants.

East Central District (Regions 3, 4, 5, and 7)

Various cities: In 2006, CCL specialists created, developed, and revitalized 9 child care associations in 9 cities across Region 4. These professional associations:

- ◆ provide high quality, monthly training to directors and teachers in child care facilities;
- ◆ ensure training meets requirements of the minimum standards for staff development;
- ◆ provide a forum for directors to network and improve compliance; and
- ◆ ensure that free or low cost training is available throughout the region, reducing the expense of traveling great distances to complete training.

Working with CCL, these associations provided quality training to more than 800 child-care professionals. (Note: Minimum standards require 15 - 20 hours of training for child-care staff each year.) In addition, CCL worked with local associations to hold five major child-care conferences, which provided training to about 2,500 early childhood professionals.

Houston District (Region 6)

Houston: In 2006, staff collaborated with the Houston and Harris County Health Departments to provide training to child care providers on

immunization requirements. This ongoing effort with health departments helped increase the immunization compliance rate and were well received by child care providers. The Health Department also developed and printed more than 5,000 copies of an easy-to-read chart that licensing staff distributed to the providers in the district.

South District (Regions 8 and 11)

San Antonio: Hurricane Katrina struck the Gulf region on August 29, 2005 causing unparalleled destruction in Louisiana and Mississippi and as a result brought many evacuees to Texas. In the San Antonio area, Kelly USA (formerly Kelly Air Force Base) and Windsor Park Mall set up housing for thousand of evacuees. Along with these shelters, emergency child-care operations emerged. Licensing staff visited temporary child care facilities to ensure they were well staffed and organized and the needed attention was given to the special needs of the traumatized children. Staff provided technical assistance on issues such as sanitation, feeding, and organization for drop off and pick up. Staff also collected funds, donated equipment, bought supplies, mopped floors, and performed other duties as needed. Licensing staff visited the facilities periodically to ensure ongoing safety and support.

CCL Services

Child Care Licensing is responsible for protecting the health, safety, and well-being of Texas children who attend or reside in regulated child care operations. These operations include child care centers, licensed and registered child care homes, residential care operations, emergency shelters, child-placing agencies, foster homes, adoptive homes, and maternity homes. CCL also licenses child care administrators and child-placing agency administrators.



Regulating Child Care Operations

Child Care Licensing regulates three categories of day care operations. They are Listed Family Homes, Registered Operations (Child Care Homes), and Licensed Operations (Day care and 24-hour care).

Listed Family Homes

Listed Family Homes provide child care on a regular basis (at least 4 hours per day, 3 or more days a week, for more than 9 consecutive weeks) in the providers' own homes for 1 to 3 unrelated children. Providers are required to go through an application process that includes a criminal background check and issuance of a certificate. Listed Family Home providers must be at least age 18. However, there are no minimum standards, orientation, or training requirements. Listed Family Homes are not inspected unless DFPS receives a report alleging child abuse or neglect. CCL would also investigate any facility that is reportedly not properly listed or registered.

Registered Child Care Homes

Registered Child Care Homes provide care in the providers' own homes for as many as 6 children younger than age 14. They may also take in as many as 6 additional school-age children. The number of children allowed in a home is determined by the ages of the children. No more than 12 children can be in care at any time, including the provider's children. Providers are required to go through an application process that includes completion of an orientation class and criminal background checks. DFPS issues a registration certificate after licensing inspectors complete an on-site inspection to ensure providers are meeting the minimum standards. Registered homes are inspected every one to three years. DFPS will also inspect them if we receive a report related to child abuse or neglect or standards violations.

Don't Be in the Dark about Child Care



When Linda Welty (right) decided she wanted to use her skills of taking care of children, the issue seemed simple enough. She had plenty of room in her home and energy and love in her heart. Welty didn't realize that providing care on a regular basis for children who are not related to you is an activity regulated by DFPS' Child Care Licensing division.

"I didn't know about rules and regulations," she says. "But having gone through the process, I can now say the whole thing has been very informative and helpful. There are a lot of issues relating to safety for kids that people may not think about. Everyone was there to help; everyone was interested in the safety of children. Now all the parents can see I'm registered and my child care business is listed on the state's child care search web site at www.txchildcaresearch.org."

In Texas, regulation of child care begins with listing or registration for very small operations located in homes. The degree of scrutiny increases with the size of the operation. Sharon Bolter (left), a Child Care Licensing worker in New Braunfels, helped Welty with the inspection and understanding the regulations.

Working with a variety of community partners throughout the state in 2006, DFPS set out to increase awareness of the dangers of unregulated child care. The focus of the "Don't be in the Dark About Child Care" campaign was to discourage parents from placing children in unregulated child care, and with good reason. 10 Texas children died in unregulated care in 2005, and 8 in 2004.



Licensed Operations

All licensed operations must follow published standards and are routinely monitored and inspected. To become a licensed operation, a prospective provider must complete an application process that includes completion of an orientation class and criminal background checks. DFPS issues a license after our staff completes on-site inspections to ensure providers are meeting minimum standards. Licensed Operations are inspected every 5 to 12 months or more often if there are reports of alleged child abuse or neglect or violations of state standards. Licensed Operations include Day Care and 24-Hour Care.

Day Care

- ◆ Child Care Centers care for 13 or more children younger than age 14 for less than 24 hours.
- ◆ Licensed Child Care Homes provide care for less than 24 hours per day for 7 to 12 children younger than age 14.

24-Hour Care

- ◆ Foster Family Homes provide 24-hour care for 6 or fewer children younger than age 18.
- ◆ Foster Group Homes provide 24-hour care for 7 to 12 children younger than age 18.
- ◆ Child Care Institutions provide 24-hour care for 13 or more children younger than age 18 and for the mentally fragile. These institutions include emergency shelters, residential treatment centers, halfway houses, maternity homes, and therapeutic camps.

Child Placing Agencies

A child placing agency (CPA) is a person, agency, or organization, other than the natural parents or guardian of a child, which places or plans for the placement of a child in a child-care facility, agency foster home, agency foster group home, or adoptive home. CPAs recruit and verify foster

family homes, foster group homes, and/or adoptive homes. A child-placing agency is also responsible for managing its verified homes and ensuring that they comply with all applicable laws and minimum standards.

Child placing agencies licensed by DFPS range in both size and the scope of their operations. Some are very small agencies that offer only private adoption services. Others are multi-office organizations that offer adoptions services, manage networks of foster parents, and provide treatment services to children placed in foster care. A large collection of licensed child placing agencies serve as the states foster care system, including privately licensed CPAs and Child Protective Services which is itself licensed as a CPA. These CPAs screen, approve, and manage foster homes as well as match children in the state's custody with foster homes and manage their care in those homes. Privately licensed CPAs play a critical role in the care of foster children.

Annual Report of Licensing Violations

Using regulations, licensing staff strive to protect the basic health and safety of children in out-of-home care. The goal of the Child Care Licensing program is the appropriate and consistent enforcement of minimum standards across operations types and across the state. As a result, the consistent enforcement of minimum standards should increase compliance from child-care operations and provide stronger protections for children in care.

The regulation of child care facilities and child placing agencies routinely presents two challenges for licensing staff and permit holders alike: consistency in interpretation of minimum standards and consistency in enforcement decisions and actions. In an effort to address these challenges, Child Care Licensing initiated a project in 2006 to develop a regulatory weighting system (see explanation above under "Accomplishments" section).



CCL analyzes trends in licensing violations cited statewide and regionally to get a better idea of the technical assistance needed by providers during the next fiscal year.

Day Care Violation Trends

The following statewide trends (see Chart, page 41) are derived from analysis of standard violations cited for day care operations during FY 2006. The most frequently cited violations have been categorized into three distinct groups for the purpose of trend analysis: safety violations, record keeping, and caregiver responsibilities. Safety violations represented the majority of violations cited at 55 percent of the total, caregiver responsibility viola-

tions accounted for 27 percent, and record keeping violations accounted for 18 percent of the total. Based on this data the majority of violations cited are safety and caregiver related. (Regional trend data is available upon request.)

Plan to Address Day Care Violation Trends through Technical Assistance

Licensing staff will place additional emphasis on providing technical assistance to providers concerning the most frequently violated minimum standards. In addition, the data will be shared with all management staff and field trainers to promote awareness of the need to provide targeted technical assistance to providers in an effort to improve compliance.

State's Top 10 Standards Deficiencies for Day Care Operations (FY06)

Standard	Description	Violations Cited	Category
746.3701	Safety - Areas Free From Hazards	1159	Safety
746.3407	Maintenance of Building, Grounds and Equipment	1135	Safety
746.1203(4)	Responsibilities of Caregivers- Supervision of Children	802	Caregiver
747.3501	Safety - Areas Free From Hazards	726	Safety
747.501	Written Operational Policies	696	Record Keeping
746.1201(1)	Responsibilities of Employees and Caregivers - Demonstrate Competency, Good Judgment, Self-control	682	Caregiver
746.605(11)	Required Admission Information - Physician Information	671	Record Keeping
746.3701(1)	Safety - Electrical Outlets Covered	660	Safety
746.5101(a)	Annual Fire Inspection - Before Provisional Issued and Every 12 Months	613	Safety
746.1601	Child/ Caregiver Ratio - 13 or More Children	599	Caregiver



Residential Care Violation Trends

The following trends (see chart page 42) are derived from analysis of standard violations cited for residential care operations during FY 2006. The most frequently cited violations have been categorized into four distinct groups for the purpose of trend analysis: safety violations, health, consumer protection and record keeping. Safety violations represented the majority of violations cited at 56 percent of the total, health related violations accounted for 21 percent, consumer protection violations accounted for 14 percent and record keeping accounted for the remaining 9 percent of the total.

Plan to Address Residential Care Trends through Technical Assistance

New minimum standards for residential operations were approved during FY 2006. The new standards were mailed to providers in October 2006 and training on the new minimum standards was offered to providers beginning in October and ending in December 2006.

From Jan. 1, 2007 until July 1, 2007, CCL will provide technical assistance with the enforcement of the new standards. CCL will map the violation trend data for 2006 to the new minimum standards and the data will be shared with all

State's Top 10 Standards Deficiencies for Residential Care Operations (FY06)

Standard	Description	Violations Cited	Category
745.4061(20)	Pre-Adoptive Home Screening-includes telephone numbers given to prospective adoptive parents for filing complaints about how screening was conducted	52	Consumer Protection
17202	Must keep Current Immunization Records and Tuberculosis Screening Records	42	Health
36302	Make and Document Supervisory Visits to Each Agency Home-at Least Quarterly	42	Safety
22007c	Personnel File- Tuberculosis Test Reports	37	Health
24303a	Infant/Child CPR, First Aid Training Required for Certification	37	Safety
24311	Annual Behavior Intervention Training Requirements-at least 4 clock hours annually	34	Safety
36201	Perform an Inspection Including Verification of Firearms and Precautions	34	Safety
745.4103	Health and Fire Inspections Current	32	Safety
745.4061(1)	Pre-Adoptive Home Screening-includes age of the prospective adoptive parents, who must be at least 18 years or older and documentation verifying age	32	Record Keeping
I62001	Environment-Buildings and Grounds	31	Safety



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management staff and field trainers. This will promote awareness of the need to provide targeted technical assistance to providers in an effort to improve compliance in the areas that were most frequently found in violation of minimum standards.

Beginning in July 2007, the standards will be enforced through citations and technical assistance will be provided to ensure compliance.

Training

District CCL representatives, investigators, supervisors, directors, and clerical staff received more than 30 hours of training and professional development on work-related issues like child development, using automation support, regulation and inspection of operations, and health and safety. CCL staff also provided more than 100 training events for more than 5,000 child care providers and caregivers. The topics included minimum standards, health and safety, infant and toddler needs, guidance, discipline, staff/child ratios, and child development. The training was

provided through conferences, licensing meetings and orientations, and technical assistance to centers. CCL workers provide training and collaborate with local associations to provide training for providers on a regular basis.

Child Care Facilities in Texas

Number of homes and percentage:

Registered Child Care Homes	7,488	23.0%
Listed Family Homes (LFH)	3,895	12.0%
CPS-Approved Foster Homes	2,761	8.5%
Private Agency Foster Homes	7,081	21.8%

Number of Child Care centers:

Licensed/Certified Facilities	10,695	32.9%
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Number of 24-hour care:

Residential Facilities & Child Placing Agencies	570	1.8%
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Totals	32,490	100%
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