



August 30, 2021

Dear Child Care Provider:

The 87th Legislature, Regular Session, concluded on May 31, 2021. A number of bills passed during the session that will impact child care operations regulated by Child Care Regulation (CCR).

CCR has posted a chart on the [Minimum Standards](#) webpage that includes the following information for such bills:

- A brief summary of the changes in the law;
- Information on how to comply with the changes in the law; and
- Information on when to comply with the new law.

Please review the chart carefully, as not all bills may impact your specific type of operation. CCR will continue to communicate with you as additional decisions are made on how to implement this recent legislation.

We look forward to working with you as we implement these new requirements and continue to work toward our common goal of protecting the health, safety, and well-being of children in out-of-home care in Texas.

Sincerely,

Jean Shaw
Associate Commissioner
Child Care Regulation

Bill Number	Summary	How to Comply	When to Comply
<p>HOUSE BILL 1540 <i>This law applies to:</i></p> <ul style="list-style-type: none"> • Registered Child Care Homes • Licensed Child Care Homes • Licensed Child Care Centers • School-Age Programs • Before and After-School Programs <p>Effective 09/01/2021</p>	<p>Amends Human Resources Code §42.002 and §42.042 to:</p> <ul style="list-style-type: none"> • Require Child Care Regulation (CCR) to adopt minimum standards that ensure a child’s health, safety, and welfare are adequately protected on the grounds of a child-care facility and child care home; • Allow CCR to consider the grounds appurtenant to child-care facilities and child care homes when promulgating minimum standards (grounds appurtenant means something that is attached to, or belongs to, a building or piece of land in such a manner that it is part of the property, such as a shed, driveway, or yard). <p><u>Rules:</u> CCR will propose relevant rule amendments in the following chapters in 26 Texas Administrative Code (TAC):</p> <ul style="list-style-type: none"> • Chapter 744 (Minimum Standards for School-Age and Before or After-School Programs) • Chapter 746 (Minimum Standards for Licensed Child Care Centers) • Chapter 747 (Minimum Standards for Registered and Licensed Child Care Homes) <p>During the rule revision process, CCR will email you to notify you when:</p> <ul style="list-style-type: none"> • You have the opportunity to comment on proposed rule changes; and • Rules are adopted and will be effective. 	<p>You do not need to take any action until amended rules are adopted.</p>	<p>When CCR notifies you that rules have been adopted, CCR will communicate a date for compliance.</p>

Bill Number	Summary	How to Comply	When to Comply
<p>HOUSE BILL 3379 <i>This law applies to:</i></p> <ul style="list-style-type: none"> • Registered Child Care Homes • Licensed Child Care Homes • Licensed Child Care Centers • School-Age Programs • Before and After-School Programs • Small Employer-Based Child Care • Temporary Shelter Programs <p>Effective 09/01/2021</p>	<p>Amends Texas Family Code (TFC) §261.101 to:</p> <ul style="list-style-type: none"> • Clarify that the person or professional reporting abuse or neglect of a child must have "reasonable cause to believe" that the child's physical, mental health, or welfare has been adversely affected by the abuse or neglect. <p><u>Rule Changes:</u> Child Care Regulation (CCR) does not need to amend rules to implement this legislation because minimum standards related to reporting abuse, neglect, and exploitation simply reference the Texas Family Code statute.</p>	<p>You must continue to ensure that abuse, neglect, and exploitation are reported to the Texas Department of Family and Protective Services (DFPS) in accordance with Texas Family Code §261.101, as required by minimum standards.</p> <p>You should ensure any policies, procedures, orientation content, and training content related to the reporting of abuse, neglect, and exploitation are consistent with the change in the law.</p> <p>You can contact DFPS for additional information regarding the changes to this law.</p>	<p>09/01/2021</p>
<p>SENATE BILL 225 SECTION 3 <i>This law applies to:</i></p> <ul style="list-style-type: none"> • Registered Child Care Homes • Licensed Child Care Homes <p>Effective 09/01/2021</p>	<p>SECTION 3 adds Human Resources Code §42.04291 to:</p> <ul style="list-style-type: none"> • Require CCR to establish standards for the visual and auditory supervision of an infant engaged in time on the infant 's stomach while awake (tummy time). <p><u>Rule Changes:</u> CCR will propose relevant rule amendments to 26 TAC Chapter 747 (Minimum Standards for Registered and Licensed Child Care Homes).</p> <p>During the rule revision process, CCR will email you to notify you when:</p> <ul style="list-style-type: none"> • You have the opportunity to comment on proposed rule changes; and • Rules are adopted and will be effective. 	<p>You do not need to take any action until rules are adopted.</p>	<p>When CCR notifies you that rules have been adopted, CCR will communicate a date for compliance.</p>

Bill Number	Summary	How to Comply	When to Comply
<p>SENATE BILL 225 SECTIONS 5 and 9</p> <p><i>This law applies to:</i></p> <ul style="list-style-type: none"> • Licensed Child Care Homes • Licensed Child Care Centers • School-Age Programs that do not operate exclusively during the summer months or any other time school is not in session • Before or After-School Programs <p>Effective 09/01/2021</p>	<p>SECTIONS 5 and 9 Amend Human Resources Code §42.048(e) and §42.048(e-3) to:</p> <ul style="list-style-type: none"> • Delete the current requirement that a license is automatically revoked when the operation changes location; • Require the operation to inform CCR of the move before it happens; and • Allow the licensed operation to operate at the new location after CCR approves the location as meeting all minimum standards. <p><i>This change does not apply to the following because existing rules allow these operations to change locations without requiring the automatic revocation of the permit:</i></p> <ul style="list-style-type: none"> • Listed family homes; • Registered child care homes; and • School-age programs that operate exclusively during the summer months or any other time school is not in session. <p><u>Rule Changes:</u> CCR will propose relevant rule amendments to the following chapters in 26 TAC:</p> <ul style="list-style-type: none"> • Chapter 744 (Minimum Standards for School-Age and Before or After-School Programs); • Chapter 745 (Licensing); • Chapter 746 (Minimum Standards for Licensed Child Care Centers); and • Chapter 747 (Minimum Standards for Registered and Licensed Child Care Homes) <p>During the rule revision process, CCR will email you to notify you when:</p> <ul style="list-style-type: none"> • You have the opportunity to comment on proposed rule changes; and • Rules are adopted and will be effective. 	<p>If you are going to relocate your Licensed Child Care Home, Licensed Child Care Center, School-Age Program that does not operate exclusively during the summer months or any other time school is not in session, or Before or After-School Program, no later than 15 days prior to the move, you must:</p> <ul style="list-style-type: none"> • notify us of the move; and • provide us with your new address. <p>We will inspect your new location. If the new location complies with the minimum standards, we will amend the permit to reflect the new address. The issuance date that is on your original permit will remain in effect. There is no additional fee for your change in location.</p> <p>If you move without giving CCR timely notification of the move, your license may be revoked.</p> <p>If you are relocating a School-Age Programs that operates exclusively during the summer months or any other time school is not in session, you must continue to comply with existing rules in Texas Administrative Code §745.435(c).</p>	<p>09/01/2021</p>

Bill Number	Summary	How to Comply	When to Comply
<p>SENATE BILL 225 SECTIONS 2, 4, 5, 7 (in part), and 8</p> <p><i>This law applies to</i></p> <ul style="list-style-type: none"> • Registered Child Care Homes • Licensed Child Care Homes <p><i>Effective 09/01/2021</i></p>	<p>SECTIONS 2, 4, 5, 7 (in part), and 8 amend multiple sections of the Human Resources Code to:</p> <ul style="list-style-type: none"> • Permanently list on the Texas Child Care Search website licensed child care homes that CCR involuntarily suspended, revoked, or refused to renew a license; • Permanently list on the Texas Child Care Search website registered child care homes that CCR had refused to renew a registration; • Require the names of applicants for a listed family home or a licensed child care homes to be included on the application form and for the applicant's name to be associated with the name on the permit; and • Require CCR to collect information on employees of listed family homes, registered child care homes, and licensed child care homes who have had a license, registration, or other occupational authorization revoked by a license authority, and to collaborate with other licensing authorities to determine the most efficient method of identifying these employees. <p>The above-listed sections of this bill require appropriation of funds for implementation. SECTION 10 of the bill states that CCR may, but is not required to, implement these sections if the legislature did not appropriate money specifically for their implementation. Therefore, as funding permits, CCR will implement this section of the legislation.</p>	<p>You do not need to take any action unless CCR implements these sections of the Senate Bill 225.</p>	<p>If CCR implements these sections of Senate Bill 225, CCR will notify you of the requirements and timeframe for complying.</p>
<p>SENATE BILL 225 SECTIONS 6 and 7 (in part)</p> <p><i>This law applies to:</i></p> <ul style="list-style-type: none"> • Registered Child Care Homes • Licensed Child Care Homes • Licensed Child Care Centers • School-Age Programs • Before and After-School Programs <p><i>Effective 09/01/2021</i></p>	<p>SECTIONS 6 and 7 (in part) amend multiple sections of the Human Resources Code, Chapter 42 to:</p> <ul style="list-style-type: none"> • Require CCR to review the five-year compliance history for patterns of violations before renewing the permit of licensed and registered operations. <p>The above-listed sections of this bill require appropriation of funds for implementation. SECTION 10 of the bill states that CCR may, but is not required to, implement these sections if the legislature did not appropriate money specifically for their implementation. Therefore, as funding permits, CCR will implement this section of the legislation.</p>	<p>You do not need to take any action unless CCR implements these sections of the Senate Bill 225.</p>	<p>If CCR implements these sections of Senate Bill 225, CCR will notify you of the requirements and timeframe for complying.</p>

Bill Number	Summary	How to Comply	When to Comply
<p><u>SENATE BILL 764</u> <i>This law applies to</i></p> <ul style="list-style-type: none"> • Registered Child Care Homes • Licensed Child Care Homes • Licensed Child Care Centers • School-Age Programs • Before and After-School Programs <p>Effective 09/01/2021</p>	<p>Adds Human Resource Code §42.072 (d-1) to:</p> <ul style="list-style-type: none"> • Clarify that a facility or family home cannot operate pending the suspension or denial of a permit. <p>This was not a substantive change in the law, as §42.072(e) currently only allows an operation to operate pending appeal of a revocation or refusal to renew.</p> <p><u>Rule Changes</u> CCR will propose relevant rule amendments when CCR moves Subchapter M (Administrative Reviews and Due Process Hearings) from 40 TAC Chapter 745 to 26 TAC Chapter 745.</p> <p>During the rule revision process, CCR will email you to notify you when:</p> <ul style="list-style-type: none"> • You have the opportunity to comment on proposed rule changes; and • Rules are adopted and will be effective. 	<p>You do not have to take any action unless CCR notifies you that CCR is:</p> <ul style="list-style-type: none"> • suspending your permit; • denying your application for a listing or registration; • denying your application for an initial license; or • denying your application for a full license. 	<p>When CCR notifies you that CCR is suspending or denying your permit.</p>
<p><u>SENATE BILL 1061</u> <i>This law applies to:</i></p> <ul style="list-style-type: none"> • Small Employer-Based Child Care • Temporary Shelter Programs <p>Effective 09/01/2021</p>	<p>Amends Human Resource Code (HRC) §42.159 and §42.206 to:</p> <ul style="list-style-type: none"> • Require certain background check subjects at Small Employer-Based Child Care operations and Temporary Shelter Programs to submit to fingerprint-based criminal history background checks; and • Gives CCR access to changes in the subject's criminal history through the Federal Bureau of Investigation's (FBI) National RAP Back Service. <p><u>Rule Changes:</u> CCR will propose relevant rule amendments to 26 TAC Chapter 745 (Licensing) .</p> <p>During the rule revision process, CCR will email you to notify you when:</p> <ul style="list-style-type: none"> • You have the opportunity to comment on proposed rule changes; and • Rules are adopted and will be effective. 	<p>You do not have to take any action until rules are adopted.</p>	<p>When CCR notifies you that rules have been adopted, CCR will communicate a date for compliance.</p>

Below is information on bills that may impact your operation but do not require CCR to take any action to implement the requirements in the law.

Bill Number	Summary
<p><u>HOUSE BILL 567</u> <i>This law applies to</i></p> <ul style="list-style-type: none"> • <i>Registered Child Care Homes</i> • <i>Licensed Child Care Homes</i> • <i>Licensed Child Care Centers</i> • <i>School-Age Programs</i> • <i>Before and After-School Programs</i> • <i>Small Employer-Based Child Care</i> • <i>Temporary Shelter Programs</i> <p><i>Effective 09/01/2021</i></p>	<p>Amends Texas Family Code §261.001(4) to:</p> <ul style="list-style-type: none"> • Change the criteria outlined in the definition of “neglect” the Department of Family and Protective Services (DFPS) uses to determine findings for investigations involving allegations of neglect of a child.
<p><u>SENATE BILL 922</u> <i>This law applies to:</i></p> <ul style="list-style-type: none"> • <i>Registered Child Care Homes</i> • <i>Licensed Child Care Homes</i> • <i>Licensed Child Care Centers</i> • <i>School-Age Programs</i> • <i>Before and After-School Programs</i> • <i>Small Employer-Based Child Care</i> • <i>Temporary Shelter Programs</i> <p><i>Effective 09/01/2021</i></p>	<p>Amends Government Code §411.0865 to:</p> <ul style="list-style-type: none"> • Provide directive to the Texas Department of Public Safety (DPS) relating to contracts with vendors who provide fingerprinting services.

[SENATE BILL 1555](#)

This law applies to the following operation types that participate in the TWC subsidy program:

- *Registered Child Care Homes*
- *Licensed Child Care Homes*
- *Licensed Child Care Centers*
- *School-Age Programs*
- *Before and After-School Programs*

Effective 09/01/2021

Amends Government Code, Chapter 2308 to:

- Require TWC to establish graduated reimbursement rates for the subsidized child care program that align with CCR's child-to-caregiver ratios and group sizes.