

SUBJECT: Licensing standards for child-care facilities

COMMITTEE: Human Services — favorable, with amendment

VOTE: 5 ayes — Hilderbran, Denny, J. Jones, Park, Wohlgemuth
2 nays — Naishtat, Maxey
2 absent — Davila, Krusee

SENATE VOTE: On final passage, May 1 — voice vote

WITNESSES: *(On House companion, HB 2506):*

For — Ester Wynn and Dorothy Johnson, Educare Learning Center Inc., Karla Cantu, Gingerbread Academy; Rafael Vargas, Mrs. Irene's Christian Home Day Care and Penney's Early Learning Center; Cindy Robertson, Armarillo Community Center; Mya Johnson, Little Lambs Child Care Center; Max Taylor, Advance Child Care, Inc.; Mae Beck, Black Coalition of Concerned Citizens for Child Care; Barbara Holoway and 22 others.

Against — Loretta Redwine Robertson and nine others; Rose Lancaster, League of Women Voters of Texas; Sue McCormick, Texas Association for the Education of Young Children; Pamela Wilder, Texas Association for Young Children; Phyllis Jack, Corporate Champions; Shannon Noble, Texas Women's Political Caucus; Carol Hare, Panhandle Association for the Education of Young Children.

On — Rita Powell, Texas Association of Licensed Children's Services

BACKGROUND: The Department of Protective and Regulatory Services (PRS) licenses child care centers. Centers are required to comply with certain minimum standards to protect the health and safety of children. PRS, by law, must review these standards at least once every six years to ensure that the standards protect children's health and safety. The current standards were last revised in 1985.

In 1991 the PRS board began a review of minimum standards in place for Texas' licensed child-care facilities. These changes would affect more than 6,800 licensed child-care centers serving more than 500,000 children. The initial revision process began with focus groups and the formation of an ad hoc committee. The ad hoc committee consisted of 37 child-care providers, parents, and advocates to help identify those changes to current minimum standards that were necessary to protect children. The ad hoc committee considered the results of hundreds of research studies on child care, child development, child safety and other related topics. Health and safety experts reviewed and commented on possible revisions considered by the ad hoc committee.

The committee over the next three years conducted 53 town meetings across Texas attended by nearly 5,000 people. About 5,500 individuals commented via mail. In March 1994 the board published the proposed revisions with a 60-day public comment period required by law beginning on May 6, 1994. The one legally required hearing and four others, taking place in Dallas, McAllen, Lubbock, San Angelo and Houston, were held during the first six months of 1994. These hearings were attended by 417 people. Of the 142 people who testified, 51 percent favored the proposed revisions and 31 percent opposed the revisions.

In October 1994 the board adopted new minimum standards by a 3-2 vote. Most of these minimum standards will go into effect in June 1995. Some other minimum standards regarding more controversial areas such as child/staff ratios, group size and square footage will take effect in June 1997. The following chart shows the PRS recommendations on child/staff minimum ratios and maximum group size:

COMPARISON OF CURRENT AND PROPOSED CHILD CARE CENTER STANDARDS

Child Age	CHILD/STAFF RATIO		MAXIMUM GROUP SIZE	
	Current Standard ¹	Proposed Standard	Current Standard	Proposed Standard ²
0-12 months	5	4	12	10
13-17 months	6	5	14	12
18-23 months	9-10	7	18	15
2 years	11-13	9	35	18
3 years	15-17	13	35	26
4 years	18-20	16	35	28
5 years	22-24	20	35	30
6-8 years	26	22	35	35
9-12 years	26	25	35	35

¹ For 0-12 month olds, 12 children may be in care when two caregivers are present. For children 13-17 months olds, 14 children may be in care when two caregivers are present. Numbers after the dash in this column are the ratios for groups where many of the children are a year or more older than the specified age group.

² The recommended maximum group size is also the child/staff ratio allowed when two staff are present.

Source: PRS

DIGEST: CSSB 1226 would prohibit PRS from enforcing new minimum standards adopted by the PRS board relating to staff-child ratios, group size and square footage that are more stringent than standards imposed on September 1, 1985. The prohibition would expire on September 1, 1997.

In determining a future consideration of minimum standards for child-care facilities, which care for children for less than a 24-hour period, PRS would be required, subject to the availability of funds, to conduct a comprehensive cost-benefit analysis and economic impact study that includes costs as they relate to families and licensed child-care providers.

Prior to the 60th day before the date the PRS board adopted revisions to the minimum standards provisions, the board would be required to present the revision for review and comment to the appropriate legislative oversight committees that have jurisdiction over child-care facilities.

Any facility minimum standards applicable to child-care facilities that relate to staff-child ratios, group sizes or square footage and that conflict with the September 1, 1985 standards would be repealed on September 1, 1995.

CSSB 1226 would change the composition of the State Advisory Committee on Child-Care Administrators and Facilities to 12 members appointed by the board. The terms of the current members of the committee would expire on the date the majority of new members have been appointed. On September 1, 1995, or as soon as possible after that date, PRS would be required to appoint new members to the committee. These members would be required to include:

- two parents, guardians or custodians of the parents who use child care facilities;
- two representatives of child advocacy groups;
- two operators of nonprofit child-care facilities that are licensed;
- two experts in the field relating to child care and development;

- two members of the public; and
- two operators of proprietary for profit child-care facility licensed under this chapter.

The board in making its appointments to the committee would be required to consider race, ethnicity, age of the residents of the state and whether the committee provided representation of the geographic regions of the state.

CSSB 1226 would amend language authorizing the department to promulgate minimum standards that apply to licensed child-care facilities covered by this chapter.

The bill would take effect September 1, 1995.

**SUPPORTERS
SAY:**

The costs associated with implementing the new minimum standards for child/staff ratios, group sizes and square footage will disproportionately affect low and middle income working parents, particularly the working poor and single parents. These families now spend on average \$61.23 per child per week on child care.

Agency studies estimate that tuition costs in Texas day care centers could increase an average of \$4.32 per week per child if the recommended changes are implemented, while studies by the child care industry estimate that these changes could cost as much as \$10 to \$15 more per child per week. Whatever the increase, many families will be forced to choose less safe and less desirable forms of child care if these standards are implemented. Less desirable alternatives could include leaving the child in an unlicensed child care facility, leaving children at home unsupervised, or forcing a parent to quit work because child care costs have become prohibitive. Studies have shown that if the proposed minimum standards are implemented, approximately 93,000 children in Texas could be placed at risk by their parents' choice of less desirable alternatives and the closing of child care centers in certain areas, worsening the state's shortage of child care facilities.

PRS has offered no empirical evidence that the benefits of lower staff/child ratios will offset the adverse impact on availability and affordability. The

decrease in the child/staff ratios, groupings and square footage increases for floor space will force centers with one full class in each age group to eliminate 21 children or increase staff by at least 38 percent. Most centers licensed for 50 children or less probably would not survive under the new standards.

Current Texas standards have kept Texas a national leader in the choices parents have about available child care. Parents now can choose the quality and level of child care they desire and can afford. Most parents are happy with the choices they have made, and PRS has failed to offer empirical data to show that the present standards have hurt Texas children.

The new minimum standards proposed by PRS are another example of the government attempting to regulate the lives of working parents. These individuals do the best they can to provide for their families and they alone should determine what constitutes suitable day care for their children. If parents are unhappy with their children's day care environment, they can select another provider. The minimum standards proposed in 1985 relating to staff/child ratios, group sizes and square footage have served children and parents well over the last 10 years.

Rather than making changes that will result in higher day-care costs for parents, PRS should instead do a better job of inspecting and licensing child care facilities under the current rules in place.

Increased tuition fees for child care will impact the resources of the Child Care Management Program (CCMS) under the authority of the Department of Human Services, which assists those qualified with child care financial assistance. Currently, the federal or state government does not pay for child care for all poor, low income families. Middle income families seldom receive any type of child care financial support. Now, even without the new minimum standards, the state CCMS continues to drop children from child care because budget constraints cannot meet the demand for the program. This leaves many single mothers, in particular, with few options except turning to public assistance. Texas only provides for approximately 3 percent of the eligible child population through the CCMS program. The strains on this program will be further exacerbated if the new standards

affecting child/staff ratios, group size and square footage requirements are implemented.

PRS has said that 69 percent of the licensed child care centers in the state would already be in compliance if the new minimum standards were to go into effect. In the PRS-commissioned study by Austin Data Management Associates, the researchers found that a "large number of centers would experience direct cost impact from the change." Their best estimation would be that more than "half of the centers would experience cost increases and that some centers would experience large cost increases." The researchers also concluded that some poor families would be unable to afford licensed day care and that this would impact the CCMS budget.

OPPONENTS
SAY:

The Legislature should support the new minimum standards and not circumvent the board's authority. These minimum standards were carefully developed over a long period, would protect children as they deserve and would bring the state closer to the level of care required in other states. In the last 10 years, new scientific evidence about what children need and the effects of child-care on children, along with changes in the child-care industry have compelled many states to upgrade their minimum standards for child care facilities. These changes include increasing training, smaller child/staff ratios and group sizes to help minimize factors that increase the risks to health, safety and well-being of children. Texas' child-care standards rank consistently among the country's lowest. For example, no state has the same or higher child/staff ratio as Texas in five of the eight recognized age groupings: 18-23 months; 2 years; 3 years; 4 years; and 6 years and older. The new minimum standards were set after years of study and countless hours of testimony throughout the state. Even if the new standards were to be adopted, Texas would still rank in the bottom third of states when it comes to minimum standards for child care facilities.

The changes in adult/child ratios and group ratios would not even go as far as many experts recommended. The number of children cared for by one person and the size of the group are considered by experts to be the two most important factors in determining the quality of children's care. Child/staff ratios at the levels recommended by health and safety experts and child development specialists were considered too extreme given the financial impact such reductions could have on the child-care industry in

Texas. For example, well-respected organizations including the American Public Health Association, the American Academy of Pediatrics and the National Fire Protection Association all recommended infant ratios of three infants to one adult. Texas' current level is 5:1 and the proposed change would only decrease the ratio to 4:1.

The Texas House of Representatives has already recognized the importance of teacher/student ratios while considering the public education reform bill by voting to retain the requirement that for grades 1 through 4 the ratio should be one teacher to every 22 students. This same recognition should take place with kids in child care. Having fewer children per adult to care for will increase the chances of more attentive care.

Centers that maintain higher standards than now required, such as maintaining well-trained staff and lower adult-child ratios, experience less employee turnover. That stability is important to a child's development. If child care in Texas is to evolve far beyond workday warehousing, the state should implement the minimum standards as they relate to adult/child ratios, group sizes and square footage increases.

Texas children need a healthy and safe environment to nurture and grow. Quality day care costs money, but poor quality day care costs children. Although child-care costs will rise somewhat for parents, the benefits of more supervision and attention to children is a plus. Scientific studies recently conducted by the Carnegie task force concluded that young children's brains develop according to the kind of sensory experiences they receive, and that a failure to achieve proper development in childhood is practically irreversible. This is why it is critical that adult/child ratios and group sizes be reduced in child care settings. If the Texas Legislature is truly concerned about the increase in juvenile violence and why the state is building more prisons than any other state, it should look at the attention that many of children receive as young children.

Opponents of these standards largely come from the for-profit child care centers that fear a decrease in their profit margins. Parents have been scared into believing that their day care costs will soar by as much as \$20 a week if these standards are implemented, when realistically the increase

would be likely be about \$5 a week, well worth the cost for the extra benefit received.

Increased staff ratios would make it safer for children in an emergency situation, such as a fire or tornado. Under current standards, one staffer could be in charge of 11-13 two-year-olds. Under the proposed standards, the new ratio would be 1 to 9, a much more manageable number.

The state could provide additional assistance to parents who need it through the CCSM program, if the state were to appropriate more money. One million dollars in federal assistance that could have gone to help families was turned back to the federal government at the end of the last fiscal year because Texas did not put up the necessary matching funds.

NOTES:

The committee amendment would delete a requirement for a PRS cost-benefit study and would repeal of the minimum standards for child/staff ratios, group size and square footage effective September 2, 1995.