



**2424 & 2500 Falcon Pass    Houston, Texas 77062    281-480-5626**

Dear Parents,

Texas Health and Human Services has passed House Bill 59 and Senate Bill 1098 that require licensed childcare centers to notify parents of these new requirements.

Amends Chapter 341 of Health and Safety Codes to:

- Establish water safety requirements for certain childcare facilities; and
- Subject an operation to disciplinary action if a requirement is violated.

Specifically, Licensed Childcare Centers & Before and After-school Programs.

#### **New Water Safety Requirements**

- Child’s parent or legal guardian must affirm in writing whether the child is able to swim or is at risk of injury or death when swimming or otherwise accessing a body of water; and
- Unless the child is actively participating in swim instruction or a competition and the operation ensures the child is closely supervised during this activity, the operation must:
  - Provide a properly fitted and fastened Type I, II, or III U.S. Coast Guard-approved personal floatation device for each child who is unable to swim or is at risk of injury or death when swimming or otherwise entering a body of water; and
  - Ensure the child is wearing the device.

#### **Adds Section 42.04271 to Human Resources Code to:**

- Expand the rights of a parent or guardian with a child in certain child-care facilities.
- Require these childcare facilities to provide a written copy of these rights to a parent or guardian by the child’s first day; and
- Require these childcare facilities to notify a parent or guardian with a currently enrolled child.

I, \_\_\_\_\_ certify that I have received the Provider’s Guide to Parent’s Rights.

Parent Printed Name: \_\_\_\_\_

Parent Signature: \_\_\_\_\_

Authorized Employee Printed Name: \_\_\_\_\_

Authorized Employee Signature: \_\_\_\_\_

# Provider's Guide to Parent's Rights

Senate Bill 1098 from the 88<sup>th</sup> Legislative Regular Session added Section 42.04271 to the Human Resources Code and states that a parent or guardian of a child at a child care facility has the right to:

- Enter and examine the child-care facility during its hours of operation and without advance notice;
- File a complaint against the child care facility;
- Review the child care facility's publicly accessible records;
- Review the child-care facility's written records concerning the parent's or guardian's child;
- Receive inspection reports and information about how to access the child care facility's online compliance history;
- Have the facility comply with a court order that prevents another parent or guardian from visiting or removing the child;
- Be given the contact information for the child care facility's local Child Care Regulation office;
- Inspect any video recordings of an alleged incident of abuse or neglect involving their child provided that:
  - Video recordings of the alleged incident are available;
  - The parent or guardian does not retain any part of the video depicting a child that is not their own; and
  - The parent or guardian of any other child in the video receives prior notice from the facility;
- Obtain a copy of the facility's policies and procedures handbook;
- Review the facility's staff training records and any in-house training curriculum; and
- Exercise these rights without receiving retaliatory action by the facility.

## Required Notifications

- The child care facility must provide written notice to the parent or guardian of any other child captured in a video before allowing a parent to inspect a recording.
- The child care facility must provide a parent or guardian with a written copy of the rights no later than the child's first day at the facility.

## Helpful Tips

Since a parent may perceive an action taken by a child care facility as retaliatory, keep in mind:

- Documentation is essential in supporting your actions; and
- Follow the suspension and expulsion policy outlined in your operational policies and update your policy, if needed.