

VII. GUIDE TO AGENCY PROGRAMS – CONTINUED

A. Provide the following information at the beginning of each program description.

Name of Program or Function	Child Care Licensing
Location/Division	701 West 51 st Street, Austin, Texas/ Child Care Licensing
Contact Name	Paul Morris, Interim Assistant Commissioner
Actual Expenditures, FY 2012	Day Care Licensing – \$19,240,991 Residential Child Care Licensing – \$9,642,694
Number of Actual FTEs as of June 1, 2013	Day Care FTEs – 363.3 RCCL FTEs – 173.0
Statutory Citation for Program	Chapters 40, 42, and 43 Human Resources Code

B. What is the objective of this program or function? Describe the major activities performed under this program.

Child Care Licensing (CCL) program protects the health, safety, and well-being of children, ages birth through 17 years of age, who attend daycare or reside in residential childcare operations. CCL consists of two program areas: Day Care Licensing and Residential Child Care Licensing.

Major program activities include the following:

- developing minimum standards which daycare and residential childcare operations must comply with in order to promote the health, safety, and well-being of children in out-of-home care;
- inspecting daycare and residential childcare operations to ensure compliance with minimum standards;
- investigating allegations of violations of minimum standards or licensing law to assess if child-care operations are in compliance;
- investigating allegations of abuse and neglect in daycare and residential childcare operations; and
- ensuring appropriate enforcement action is taken.

To oversee out-of-home daycare and residential childcare, CCL responsibilities and activities include, but are not limited to the following activities.

- Regulating childcare through the development and monitoring of statewide rules and minimum standards to regulate daycare and residential childcare operations. Minimum standards are the base-level health and safety requirements below which no regulated operations should fall.
- Processing applications and issuing permits to operations that meet minimum standards.
- Inspecting daycare and residential childcare operations for compliance with minimum standards.
- Investigating complaints alleging violations of minimum standards and reports of abuse or neglect in daycare and residential childcare operations.
- Ensuring criminal background checks (both FBI if applicable and DPS) and DFPS abuse and neglect Central Registry checks are conducted on all owners, directors and employees of daycare and residential childcare operations prior to permit issuance and every two years thereafter. These checks are also performed on anyone 14 years old or older who will regularly be present at an operation while children are in care.
- Educating parents and other caregivers on how to choose daycare through publications, public service campaigns, and by providing the specific compliance histories of daycare and residential childcare operations through the DFPS web site: www.txchildcaresearch.org and a toll-free information line: 1-800-862-5252.
- Providing technical assistance to daycare and residential childcare operations to help them comply with minimum standards.
- Licensing childcare administrators and child placing agency administrators who manage the different types of residential childcare operations.
- Taking remedial actions against daycare and residential childcare operations as necessary.

Day Care Licensing

The Day Care Licensing (DCL) program is responsible for protecting the health, safety, and well-being of children from birth through 13 years of age who attend childcare centers and childcare homes for part of the 24-hour day. This program regulates operations that care for children on a daily basis while their parents are working, going to school, etc.

In FY 2012, approximately 5.5 million children, from birth through 13 years of age, lived in Texas. Many of these children were in the care of a daycare provider on a regular basis for a substantial part of the day. The chart below provides a description of each type of setting for which DCL has statutory oversight.

DCL is responsible for regulating 9,601 licensed childcare centers (which includes before and after-school programs and school-age programs), 1,774 licensed childcare homes, 5,837 registered childcare homes, and 6,774 listed family homes, with a combined capacity to serve more than one million Texas children. CCL also issued a combined 4,488 new licenses, registrations, and listings and conducted 35,755 inspection visits in daycare operations.

Daycare Operations and Permit Type		
Daycare Operations	Description of Operation	Type of Permit
Licensed Childcare Center	An operation providing care at a location other than the permit holder's home, for seven or more children under 14 years of age, for less than 24-hours per day, but at least two hours a day, three or more days a week. A licensed childcare center is also referred to as a daycare center.	<p>License. Applicants for a license must complete an orientation on regulation, clear background checks, and have a DCL onsite inspection prior to permit issuance.</p> <p>DCL inspects licensed operations at least annually or more often if there are reports of alleged abuse, neglect or violations of minimum standards.</p> <p>Licensed providers have specific minimum standards they must follow and increased training requirements.</p>
Licensed Childcare Home	The primary caregiver provides care in the caregiver's own residence for children from birth through 13 years. The total number of children in care varies with the ages of the children, but the total number of children in care at any given time, including the children related to the caregiver, must not exceed 12. Licensed childcare homes are known in statute as group daycare homes.	License
Before or After-School Program	An operation that provides care before, and/or after the customary school day and during school holidays, for at least two hours a day and three days a week, to children who attend pre-kindergarten through grade six.	License
School-Age Program	An operation that provides supervision	License

	and recreation, skills instruction, or skills training for at least two hours a day and three days a week to children attending pre-kindergarten through grade six. A school-age program operates before or after the customary school day and may also operate during school holidays, the summer period, or any other time when school is not in session.	
Listed Family Home	A caregiver at least 18 years old that provides care in her own home for compensation, for three or fewer children unrelated to the caregiver, birth through 13 years, for at least four hours a day, three or more days a week, and more than nine consecutive weeks. The total number of children in care, including children related to the caregiver, may not exceed 12.	<p>Listing. Listed family home providers must be at least 18 years old and pass a criminal background check.</p> <p>These providers do not have to meet minimum standards or take training.</p> <p>While DCL does not inspect listed homes, it does investigate allegations or abuse, neglect, caring for too many children, or immediate risk to a child's health or safety.</p>
Registered Childcare Home	The primary caregiver provides care in the caregiver's own residence for not more than six children from birth through 13 years, and may provide care after school hours for not more than six additional elementary school children. The total number of children in care at any given time, including the children related to the caregiver, must not exceed 12.	<p>Registration. Applicants must complete an orientation on regulation, be cleared by background checks, and have a DCL onsite inspection prior to permit issuance.</p> <p>These providers have fewer minimum standards to meet and fewer training hours required.</p>

		DCL inspects these operations every one to two years and will conduct an investigation if there are allegations of abuse, neglect, or non-compliance with minimum standards.
Employer-Based Childcare	A small employer providing care for up to 12 of the employees' children that are under 14 years of age, for less than 24 hours per day. The care is located on the employer's premises and in the same building where the parents work.	<p>Compliance Certificate. Applicants must complete an application, clear background checks, and pass an onsite inspection conducted by DCL.</p> <p>These operations do not have to comply with minimum standards and are not inspected after receiving their certificate.</p> <p>DCL will investigate allegations of abuse, neglect or violation of statute or administrative rules.</p>
Temporary Shelter Childcare	A childcare program at a temporary shelter, such as a family violence or homeless shelter, providing care for seven or more children under 14 years of age while the resident parent is away from the shelter. The childcare program operates for at least four hours a day three days a week.	Compliance Certificate

Residential Child Care Licensing

The Residential Child Care Licensing (RCCL) program is responsible for protecting the health, safety, and well-being of children birth through 17 years of age who reside in residential childcare operations. This program regulates operations responsible for the care, custody, supervision, assessment, training, education, or treatment of an unrelated child or children through 17 years of age, for 24 hours a day in a place other than the child's own home across the State of Texas.

In FY 2012, the number of Texas children ages birth through 17 years was over seven million. Some of these children lived in residential childcare operations due to being abused, neglected, or because of other family circumstances that didn't permit the child to live in his or her own home. The chart below provides a description of each type of setting for which DCL has statutory oversight.

Texas has the capacity to serve over 41,000 children needing placement in residential childcare operations regulated by RCCL. The RCCL program was responsible for regulating 237 general residential operations, 209 child placing agencies (plus 153 branch offices), and five independent foster or foster group homes. RCCL issued 41 new permits and conducted 4,736 total inspection visits.

Residential Childcare Operations and Permit type		
Residential Childcare Operations	Description of Operation	Type of Permit
General Residential Operation	An operation that provides childcare for 13 or more children up to the age of 18 years. The care may include treatment or emergency services. Residential treatment centers and emergency shelters are examples of general residential operations.	<p>License. Applicants for a license must complete an orientation on regulation, clear background checks, and have an RCCL onsite inspection prior to permit issuance.</p> <p>RCCL inspects licensed operations at least annually or more often if there are reports of alleged abuse, neglect or violations of minimum standards.</p> <p>Licensed providers have specific minimum standards they must follow and increased training requirements.</p>
Child Placing Agency	A child placing agency is a business that places or plans for the placement of a child in agency foster or agency adoptive homes that are studied, verified/approved, and monitored by the child placing agency. A child placing agency is responsible for ensuring that its agency foster and/or	License

	agency adoptive homes comply with all applicable licensing laws and minimum standards. Child placing agencies may be licensed to provide any type of services, except emergency care and therapeutic camp services. A child placing agency is the only facility type licensed to provide adoption services.	
Independent Foster and Foster Group Homes	Independent Foster Homes are independent businesses licensed by RCCL that care for children in a home-like setting. Independent foster homes may offer childcare, treatment, and/or programmatic services, except for emergency care and therapeutic camp services. They may not provide adoption services. Most independent foster homes are staffed by employees rather than foster parents that live in the home. There are two categories of foster homes: (1) foster <i>family</i> homes that may care for up to six children, and (2) foster <i>group</i> homes that may care for up to 12 children. There are very few of these operations as the vast majority of foster homes in Texas are verified and monitored by child placing agencies.	License

Licensed Administrators:

In addition to licensing entities, RCCL also licenses individuals known as licensed administrators. Licensed child placing administrators manage child placing agencies and licensed childcare administrators manage general residential operations.

Child Placing Administrators and Permit Type		
Person Licensed	Description of Person Licensed	Type of Permit
Licensed Childcare Administrator	A licensed childcare administrator is an individual who manages a general residential operation.	License. Applicants must meet higher education requirements, clear a background check, pass an exam, maintain 15

		training hours annually, and renew the license every two years.
Licensed Child Placing Agency Administrator	A licensed child placing agency administrator is an individual who manages a child placing agency.	License

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and performance measures that best convey the effectiveness and efficiency of this function or program.

In addition to the LBB-required performance measures, both the DCL and RCCL programs use additional measures to review performance and provide quality assurance.

Surveys

To improve the inspection process, DCL and RCCL solicit feedback from caregivers about the most recent licensing inspection at their operation. Questions relate to the professionalism, fairness, and helpfulness of the inspector. Respondents may include general comments about the inspector or inspection process. In addition, the survey provides an outlet, other than the administrative review process, for caregivers to document any non-regulatory concerns about an inspection or investigation. Results are monitored on a monthly basis and comments about specific inspectors are shared with their managers. The survey is located on the DFPS Public Website and caregivers are provided with the web address on each inspection report and may complete the survey at their convenience after each inspection. The raw data for FY 2012 shows that, for both programs, caregivers are generally satisfied with their inspector or investigator and that inspections and investigations are positive experiences.

Unique to RCCL and as required by statute, in addition to inspecting general residential operations, child placing agencies, and independent foster homes, RCCL inspects a random sample of foster homes affiliated with a child placing agency. The Human Resources Code directs RCCL to periodically conduct inspections of a random sample of child placing agency foster homes, and this gives RCCL the opportunity to assess the child placing agency’s effective oversight of its foster homes. RCCL asks foster home caregivers to fill out a survey, which is different than the survey for all operations described above, and includes such questions as whether the inspection helped improve an understanding of minimum standards, whether the inspector was professional, and whether the provider feels the inspector assessed the foster home fairly. For FY 2012, a total of 2,470 surveys were sent out. Of the 2,470 surveys sent, 586 surveys were returned and of those, 570 reported positive experiences.

Statewide Review

In November 2012, the DCL and RCCL programs expanded efforts to look at program outcomes at both a regional and statewide perspective. Each month, field staff provides specific information designed to help identify trends and patterns related to the LBB measures,

performance compliance, and quality. Examples of these reports include timely initiation and completion of investigations, average time spent by staff conducting inspections, and percent of technical assistance provided. These reports are now compiled by field staff monthly with the results sent to CCL State Office staff. CCL is currently developing a process for how results from these monthly reports can be rolled up on a regular basis to allow for an on-going, thorough assessment of statewide performance-related trends and patterns.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.

1997

With legislative approval, DCL begins “listing” family homes. The Legislature also approves using administrative penalties or fines as if an operation is deficient in meeting minimum standards or violates administrative rules or statute.

1998

DCL begins conducting criminal background and Central Registry (abuse/neglect) history checks on all licensed daycare staff and persons living in a registered childcare home. The new law requires name-based criminal background checks every two years and providers must pay for the cost of the new background checks unless otherwise exempted.

2003

DFPS revises several hundred minimum standards for daycare operations. The rules in the Texas Administrative Code (TAC) were written in plain language using a question and answer format. Relevant administrative codes are: TAC Chapter 746 *Minimum Standards for Licensed Childcare Centers* and TAC Chapter 747 *Minimum Standards for Registered Childcare Homes*.

2005

Senate Bill 6 adds the requirement for RCCL to license child placing agency administrators. Prior to this, only administrators of general residential operations were required to be licensed.

2006

Congress enacts the Adam Walsh Child Protection and Safety Act of 2006, prohibiting child placing agencies from placing a child in DFPS conservatorship in a foster or adoptive home until the foster or adoptive parents and all adult (18 years old and older) residents of the home complete a Federal Bureau of Investigations (FBI) fingerprint check.

2007

Senate Bill 758 strengthens RCCL oversight of residential childcare operations through more thorough, objective, and specialized monitoring and investigations.

RCCL completes the first major evaluation and revisions of minimum standards for residential childcare in more than 18 years.

2008

The Legislature revises the Human Resources Code to require FBI fingerprint checks, in daycare operations, for each person required to have a name-based check.

CCL implements its weighted enforcement system along with its mobile technology system. Each of the DFPS minimum standards were evaluated and assigned a weight (high, medium high, medium, medium low, or low) based on the risk to children.

2009 – 2011

CCL makes significant enhancements from 2009 through 2011 through a series of initiatives. CCL invested \$4,000,000 in federal economic stimulus funds to enhance high-quality daycare programs for infants and toddlers through the following initiatives.

- Technical Assistance (TA) Library – Topics include best practices and ways to comply with minimum standards and promote the health, safety, and well-being of children in childcare. CCL staff use tablet PCs to download helpful documents from the library and share them with providers during onsite inspections. The TA Library is continuously updated and is available to everyone via the DFPS public website. Tutorials: Working with AgriLife Texas Cooperative Extension (Texas A&M University system), CCL develops comprehensive online tutorials for childcare providers, parents, caregivers, and CCL staff on the health and safe care of infants. These tutorials are available on the Texas A&M University website.
- Public Awareness Campaigns – DFPS revamps two CCL campaigns featuring radio and TV public service announcements, social media, and news media coverage.
 - Don't Be in the Dark – Educates the public on the importance of selecting regulated daycare and improving communication with caregivers (www.DontBeInTheDark.org)
 - Baby Room to Breathe – Educates parents and caregivers on ways to minimize the risk of Sudden Infant Death Syndrome (SIDS) and co-sleeping deaths, and improve the health, safety, and development of infants and toddlers (www.BabyRoomToBreathe.org)
- Pre-Application Online Course – In July 2011, CCL releases an online pre-application course that is an introduction to becoming a daycare provider. The course is for prospective registered and listed family homes.

2010

The 81st Legislature passes S.B. 68 in 2009, DCL begins regulating three new care types:

- before and after-school care programs;
- school-age programs; and
- temporary shelters providing daycare services.

RCCL revises standards to:

- clarify that suspected abuse, neglect, or exploitation must be directly reported to DFPS; and
- specify that foster homes with lower risk can now have a safety evaluation conducted by child placing agency staff rather than a fire inspection by a certified fire inspector or local fire authority.

DCL conducts its statutorily required six-year review of minimum standards for licensed childcare centers and licensed childcare homes and revises numerous standards including:

- limiting the amount of screen time (which includes television, video, and computers) to no more than two hours a day for children two years old and older; and
- requiring all children younger than 8 years old (unless taller than 4'9") to be restrained in the appropriate child safety seat system when riding in a passenger vehicle.

The eApplication is a tool available on the DFPS website that lets a daycare applicant submit an online application to become a licensed daycare home, registered childcare home, or listed family home.

2011

The 82nd Legislature passes S.B. 1178, which expands “controlling persons” to apply to daycare operations. Until then, this only applied to residential childcare operations. A “controlling person” is the person at a daycare or residential childcare operation responsible for keeping children safe, complying with CCL standards and regulations, and accountable for actions that lead CCL to revoke a childcare permit.

2012

To better meet the statutory requirement to collect licensing fees and deposit the fees in the General Revenue fund, CCL creates new fee forms, enhances manual workflow processes and strengthens procedural controls to help ensure permits are not issued without a daycare or residential childcare operation paying their required fees.

RCCL responds to an emergency request from the federal Office of Refugee Resettlement (ORR) to increase the allowed capacity of ORR-contracted facilities due to an unforeseen influx in the number of unaccompanied and undocumented immigrant children into the United States.

RCCL participates as a key stakeholder in a united public/private effort to develop a redesigned foster care system to address problems with the current system and support improved outcomes for children, youth, and families.

2013

CCL receives funding from the 83rd Legislature for 40 additional staff to address the risk to children in unregulated care settings. Additional staff provides the resources needed to

proactively find, investigate, and regulate illegal childcare operations, as well as provide technical guidance to individuals wishing to become licensed, registered or listed.

The 83rd Legislature passes S.B. 427, and creates the possibility of biennial inspections for licensed daycare centers and daycare homes that have a good compliance history. This bill also allows CCL to immediately impose a fine on an operation for failing to take certain actions related to background checks, without first resorting nonmonetary administrative penalties.

E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.

DCL regulates the following categories of daycare operations: licensed childcare centers and licensed childcare homes, registered childcare homes, listed family homes, and operations with a compliance certificate (small employer-based childcare and temporary shelter daycare). Please see Section B for a description of each daycare operation and Section O for information on the scope of regulation.

Daycare Operations in Texas				
Daycare Operations	FY 2011 Count	FY 2011 Capacity	FY 2012 Count	FY 2012 Capacity
Licensed Childcare Centers	9,519	965,718	9,601	975,868
Licensed Childcare Homes	1,743	20,771	1,774	21,147
Listed Family Homes	7,477	14,124	6,774	12,831
Registered Childcare Homes	6,302	73,221	5,837	68,126
Small Employer-Based Childcare	4	48	6	72
Total Daycare Operations	25,045	1,073,882	23,992	1,078,044

RCCL regulates three categories of residential childcare operations:

- general residential operations;
- child placing agencies; and
- independent foster and foster group homes.

Please see Subsection B for a description of each residential childcare operation and Subsection O for information on the scope of regulation.

Residential Childcare Operations in Texas				
Licensed Residential Operations	FY 2011 Count	FY 2011 Capacity	FY 2012 Count	FY 2012 Capacity
General Residential Operations	245	11,007	237	11,268

Residential Childcare Operations in Texas				
Licensed Residential Operations	FY 2011 Count	FY 2011 Capacity	FY 2012 Count	FY 2012 Capacity
Independent Foster Family Homes	1	6	1	6
Independent Foster Group Homes	3	32	4	38
Total	249	11,045	242	11,314

Residential Childcare Operations in Texas				
Child Placing Agencies*	FY 2011 Count	FY 2011 Capacity	FY 2012 Count	FY 2012 Capacity
Main Offices	205	NA	209	NA
Branch Offices**	145	NA	153	NA
Total	350	NA	362	NA****

Residential Childcare Operations in Texas				
Child Placing Agencies Homes*	FY 2011 Count	FY 2011 Capacity	FY 2012 Count	FY 2012 Capacity
Agency Foster Homes ***	7,138	22,392	7,240	21,849
Agency Group Homes ***	429	3,781	404	3,547
CPS Foster Homes	1,822	5,300	1,525	4,525
CPS Foster Group Homes	20	116	12	73
CPS Adoptive Homes	758	NA	668	NA
Total	10,167	1,589	9,849	29,994

*Includes 11 DFPS Regional Child Placing Agencies.

** Branch Offices operate under the license authority of the main office.

*** Adoptive only homes are not included in the number of private agency homes.

****CCL does not capture total capacity for child placing agencies as the child placing agency verifies its own homes and determines capacity for each.

RCCL is also responsible for regulating licensed childcare administrators (individuals who manage general residential operations and independent foster homes), and licensed child placing agency administrators (individuals who manage child placing agencies). In FY 2012, there were 746 active licensed childcare administrators and 465 active licensed child placing agency administrators.

F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

Through two programs, Day Care Licensing and Residential Child Care Licensing, CCL regulates operations that care for children in out-of-home care. Both of these programs are supported

by three State Office divisions, which are the Policy and Program Operations division, the Performance Management unit, and the CCL Professional Development division.

Policy and Program Operations

The Policy and Program Operations division is responsible for overall leadership in promulgating minimum standards, developing policies and procedures, and providing oversight of program operations. Functions include the following.

- Promulgating minimum standards for all regulated operation types.
- Developing concise, user-friendly policies and procedures.
- Developing and maintaining forms and automated processes to facilitate the work of both direct delivery licensing staff and management staff.
- Acting as a liaison between CCL divisions and the DFPS Information Technology.
- Developing, maintaining, and sharing knowledge and expertise internally and with program stakeholders.
- Monitoring and providing oversight of program operations through quality assurance reporting, case reading, and solution-based approaches to program challenges.
- Developing technical assistance materials for childcare providers.
- Developing consumer education materials for parents, caregivers, and other stakeholders.

Performance Management Unit

The Performance Management Unit is dedicated to reducing risk to children in care through:

- assisting in program accountability;
- identifying issues with qualitative and quantitative program performance;
- conducting neutral assessments of operational compliance;
- making recommendations on actions in accordance with licensing policy and law;
- identifying gaps in CCL training or policy and procedures; and
- making recommendations for change.

CCL Professional Development Division

The CCL Professional Development division (PDD) is a centralized program designed to provide:

- standardized training practices to promote consistent program expectations statewide;
- quality, comprehensive training programs for CCL staff to ensure training material is consistent with the Licensing Policy and Procedures Handbook (LPPH); and
- opportunities to refresh or improve their job performance and professional skills.

Child Care Licensing Field Operations

Daycare and residential childcare operations must complete the following process in order to provide regulated childcare in Texas. More detail can be found in Subsection O of this section.

Permit Application and Issuance

DCL or RCCL inspectors evaluate the applicant's staffing and operational plans to determine if they meet required standards according to the type of childcare operation for which they are applying.

Unique to the residential child care program, certain applicants seeking a residential license in a county with a population of less than 300,000 are statutorily required to provide a public notice and comment period as well as hold a public hearing. The notice must include the following information.

- The name and address of the applicant or permit holder.
- The name and address of the childcare operation or where the applicant proposes to provide services.
- The date, time, and location of the public hearing.
- The name, address, and telephone number of the inspector to contact with comments.
- A statement that a person may submit written comments to the inspector concerning the application or the request to amend the permit to increase capacity.
- A description of the population to be served, the services to be provided, and the licensed capacity requested.

The applicant or permit holder subject to public notice and hearing requirements must:

- hold the hearing no later than one month after the date the application is accepted, if applying for a license. If the hearing is for a request to amend the permit to increase capacity, hold the hearing after RCCL has evaluated the request for an amendment;
- hold the hearing in a location in or easily accessible to the community where the services are or will be provided;
- schedule the hearing and open it for at least four hours during the normal business day (Monday through Friday) or early evening hours;
- facilitate the hearing;
- provide a copy of the notice to the school district superintendent, the governing body of the community, and the local law enforcement agency at least 10 work days before the hearing;
- publish the notice at least 10 days before the date of the public hearing in a newspaper of general circulation in the community where the childcare services are or will be provided; and

- notify the inspector of the time, date, and location of the hearing at least 10 days before the hearing.

Both DCL and RCCL programs conduct background checks, provide technical assistance to help the applicant understand applicable minimum standards, and conduct an inspection (for all types except the DCL program's listed family homes) to determine the applicant's compliance with minimum standards. CCL must either issue or deny the permit within 60 days from accepting the application.

When the applicant passes inspection, the DCL or RCCL program issues an initial permit for a period of six months. If the operation is still compliant with minimum standards, the DCL or RCCL program issues a non-expiring permit (which does not require renewal other than paying licensing fees as applicable). If the applicant is not compliant at the end of the six months, and depending on nature of the applicant's non-compliance, the Department may extend the initial permit period for an additional six months or deny the application and the operation must close.

Ongoing Monitoring

Inspectors in both programs conduct more frequent inspections of new operations, during the first 12 months after issuing a permit, offering technical assistance and establishing a record of compliance with minimum standards, rules and licensing laws. The DCL and RCCL programs continue to inspect operations to evaluate ongoing compliance with minimum standards. Minimum standards are assigned a weight, from low to high, based on the risk to children and this information is contained in CLASS, which is CCL's automated case management system. Inspectors then use a risk-based inspection schedule, based on the operation's ability to stay in compliance. The frequency for an operation's next inspection is recommended by CLASS based on the operation's violations from the most recent inspection as well as the operation's overall compliance record.

At minimum, DCL and RCCL inspectors conduct statutorily required annual inspections in their respective licensed operations. DCL inspectors conduct inspections of registered childcare homes every two years. When daycare or residential childcare operations are cited for serious or a significant number of deficiencies, cited for repeat deficiencies, or fail to make corrections in a timely fashion, DCL and RCCL inspectors conduct inspections more frequently to monitor the level of risk to children. In FY 2012, DCL conducted 35,755 total inspections and RCCL conducted 4,736 total inspections.

When operations are cited for deficiencies, DCL and RCCL inspectors provide a time frame to correct each deficiency based on reasonable judgment and direction from their supervisors as needed. After the time limit to correct a minimum standard deficiency expires, DCL and RCCL inspectors re-inspect the operation either in person, by phone, or by mail as appropriate, to determine if corrections were made. In FY 2012, the DCL program conducted over 9,000 follow-up inspections in regulated daycare operations. For this same time period, the RCCL program conducted 300 follow-up inspections in regulated residential childcare operations.

Investigations

The DCL and RCCL programs investigate reports alleging abuse, neglect, or alleged violations of minimum standards, administrative rules, or licensing law. In FY 2012, the DCL program conducted 13,127 investigations in regulated daycare operations. For this same time period, the RCCL program conducted 5,139 investigations in regulated residential childcare operations. Both programs have clear policies and procedures that specify timeframes for initiating investigations based on risk to children and for finishing investigations in a timely manner.

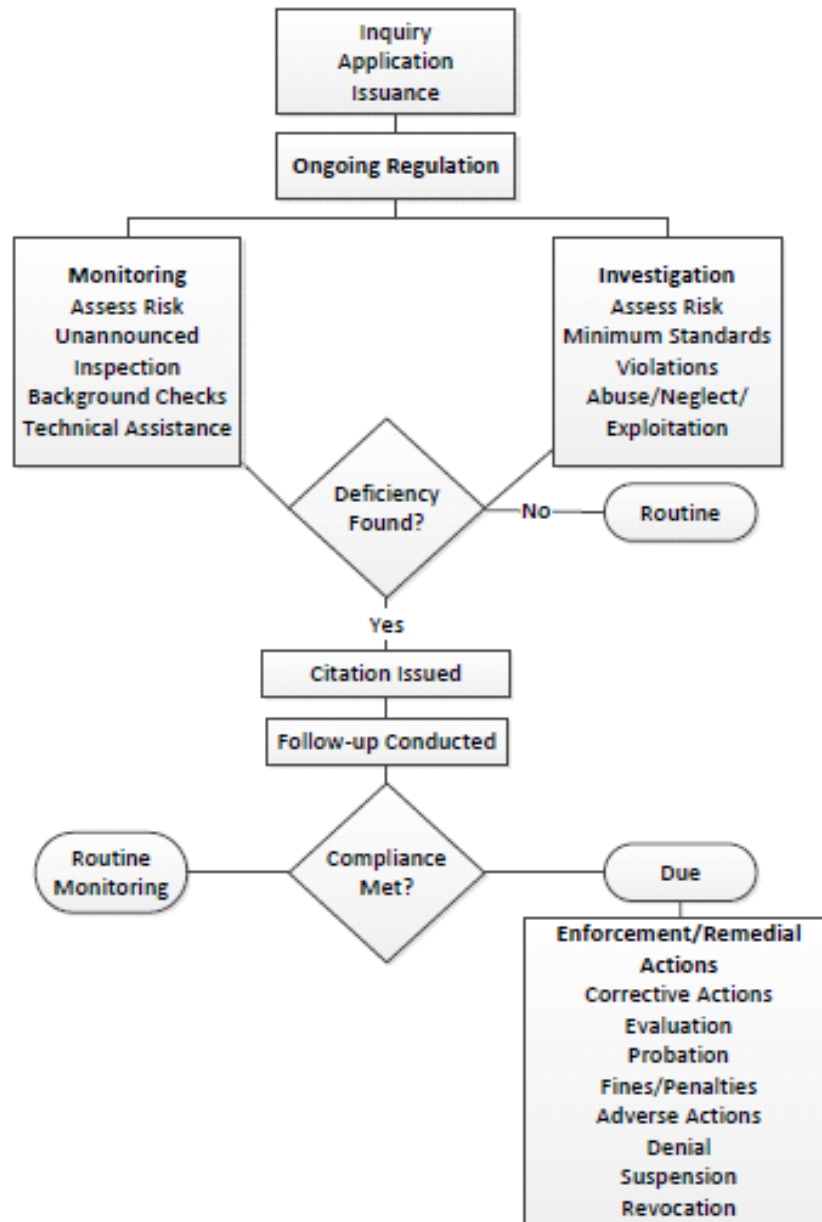
Enforcement Actions/Remedial Actions

Remedial Actions are actions the DCL or RCCL program may impose if an operation is deficient in complying with a minimum standard, administrative rule, statute, specific term of a permit, or conditions related to corrective or adverse action taken against the operation. Depending on the seriousness of the deficiencies and on the operation's compliance history, an operation may voluntarily make corrections or DCL and RCCL staff, in conjunction with the DFPS Legal division, may impose remedial actions. The Human Resources Code specifies a range of penalties.

Technical Assistance and Consumer Education

During the inspection and investigation process, DCL and RCCL inspectors and investigators provide ongoing technical assistance promoting long-term compliance by helping providers understand how to meet and exceed minimum standards requirements. In addition to offering explanations about the standards or suggestions for how to comply, DCL and RCCL staff relies on a Technical Assistance Library as a centralized source of approved technical assistance documents. DFPS also provides detailed results of inspections in daycare and residential childcare operations on the DFPS website (www.txchildcaresearch.org) along with more general information for consumers on how to search and choose appropriate and safe childcare.

The following flowchart shows the process that CCL uses to regulate childcare operations.



G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Please see Appendix A.

Alternate Exhibit Provided For Section VII. Item G.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

No other state or local programs regulate daycare and residential childcare operations. However, Texas children may also live in facilities regulated by other state agencies, such as the Texas Juvenile Justice Department or the Department of State Health Services (chemical dependency programs and programs for children with intellectual disabilities).

CCL staff does not monitor operations for compliance with minimum standards when another state agency or political subdivision has inspected it for compliance with equivalent or similar standards (for instance, a fire inspection conducted by a local fire authority). However, CCL always investigates reports of alleged violations of minimum standard rules, regardless of whether another state agency or local entity has inspected the operation.

The entities that may inspect daycare and residential childcare operations, as applicable, for compliance with standards that are similar to Licensing's minimum standards are as follows.

- The General Sanitation Program of the Department of State Health Services may inspect the kitchen areas in childcare operations that receive federal dollars for serving meals to children.
- The Child and Adult Care Food Program (CACFP) of the Texas Department of Agriculture, regarding whether nutritious food, subsidized by TDA, is being appropriately utilized by daycare programs participating in the program.
- Local Fire Marshal/Fire Authorities, regarding fire inspections conducted in daycare and residential childcare operations.
- The Texas Education Agency (TEA) regulates some educational aspects of a licensed childcare center, such as the curriculum being offered.
- The Texas Workforce Commission (TWC), when assessing the performance of TWC-subsidized childcare in daycare operations.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

In FY 2002, the Legislature amended the Human Resources Code §42.0442 to require that DFPS coordinate monitoring inspections that might be performed by another state agency to eliminate redundant inspections. As the law required, DFPS, the Department of State Health Services, and the Texas Workforce Commission formed an interagency task force and developed a protocol for the inspections, including fire and health inspections to eliminate the

redundancy. In FY 2003, the Legislature required DFPS to provide a data base of information collected by the Department to other state agencies regarding the inspections of childcare operations. This data base is available through the DFPS website (www.txchildcaresearch.org).

The RCCL program coordinates activities with other DFPS divisions to avoid duplication or potential conflict in the following ways.

- RCCL notifies Child Protective Services (CPS) if a child in CPS conservatorship is involved in a RCCL investigation.
- CPS Purchased Client Services (PCS) staff notifies RCCL of concerns found during contract monitoring inspections.
- RCCL coordinates with CPS and PCS regarding placement holds or removals, or the need to move children when serious minimum standard violations or abuse and neglect findings are made.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

CCL works with the following agencies on specific activities such as the following.

- *Local Law Enforcement* – collaboration and coordination of investigations involving allegations of abuse and neglect of children by a daycare or residential childcare operation.
- *Local Health Departments* – collaboration and technical assistance regarding local health codes and standards.
- *Local Fire Marshal/Fire Departments* – collaboration and technical assistance regarding local fire safety standards.
- *Texas Workforce Commission and Local Workforce Boards* – provide information regarding corrective or adverse actions taken by DCL against childcare operations receiving Texas Workforce Commission Childcare Management funds.
- *Department of State Health Services* – policies related to developing childcare training, TB elimination, immunizations, general sanitation and environmental health, childhood lead-prevention programs, infectious disease control, injury prevention, public awareness of infant co-sleeping and SIDS, and comprehensive disaster response.
- *Early Childhood Intervention* – collaboration and coordination on policies related to early childhood development and minimum standards.
- *Department of Public Safety* – car seat safety, bus, and multi-purpose bus safety.
- *Texas Department of Insurance/State Fire Marshal's Office* – coordination and collaboration on statewide policies related to fire inspections in daycare and residential childcare operations.

- *Texas Department of Agriculture* – collaboration and coordination of statewide policy and procedures related to daycare operations participating in the Child and Adult Care Food Program. CCL also provides information regarding corrective or adverse actions taken by DCL against childcare operations receiving funds from the Child and Adult Care Food Program.
- *Texas AgriLife Cooperative Extension* (a part of the Texas A&M University system) – developing childcare-related training and additional training opportunities for providers, staff, and parents.
- *Office of Attorney General* – represents both DCL and RCCL in litigated cases in which the Department took corrective or adverse action against a daycare or residential childcare operation.
- *Texas Education Agency* – Coordination and collaboration on standards and rules related to childcare operations in schools, school-age programs, and before and after-school programs.
- *HHSC Office of Early Childhood Coordination and HHSC Family Violence Program* – coordination and collaboration on standards and rules related to daycare operations in family violence shelters.
- *The federal government’s Office of Refugee Resettlement (ORR), Immigration and Customs Enforcement (ICE), or Division of Unaccompanied Children’s Services (DUCS)* – addressing the residential care needs of unaccompanied and undocumented children coming into the United States.

K. If contracted expenditures are made through this program please provide:

- **a short summary of the general purpose of those contracts overall;**
- **the amount of those expenditures in FY 2012;**
- **the number of contracts accounting for those expenditures;**
- **top five contracts by dollar amount, including contractor and purpose;**
- **the methods used to ensure accountability for funding and performance; and**
- **a short description of any current contracting problems.**

There were no contracted expenditures made through the DCL program in FY 2012.

In FY 2012, the RCCL program had two contracts with the University of Texas at Arlington (UTA), totaling \$29,091, for developing and administering licensed administrator exams.

Contract Oversight and Support (COS) is the DFPS division responsible for developing the infrastructure to support contract management staff and to promote compliance with spending federal and state dollars appropriately, in adherence to applicable statutes and rules. Contract management staff and CCL program staff are responsible for conducting ongoing contract

management and monitoring activities to promote accountability for funding and performance of DFPS purchased goods and services.

To ensure accountability, the CCL program support officer receives invoices submitted by UTA and verifies with RCCL staff that the service reflected in the invoice was delivered satisfactorily before authorizing payment for the service. Contract management staff are responsible for the ongoing management of the contract, assessing contractor performance, and completing amendments when needed. For example, in July 2012, contract management staff executed amendments to reflect new requirements for the contractor to inform applicants of their right to request reasonable modifications, if needed, to help the applicant in the examination process for the licensure or certification sought. The contractor has performed its responsibilities under the interagency contracts and there are no associated contracting problems.

L. Provide information on any grants awarded by the program.

CCL does not award grants.

M. What statutory changes could be made to assist this program in performing its functions? Explain.

Keeping Siblings in Foster Care Together and Close to Home. Federal and state laws generally require that children who must be removed from their homes be placed together, as close to their home as possible, because this minimizes trauma to children and promotes better permanency outcomes. Federal and state laws also require that a child be placed in the least restrictive, most family-like setting that can meet the needs of the child. However, CPS often has difficulty placing large sibling groups together in the desired location because there is no foster home or foster group home who can serve the group without exceeding their capacity limits, which are statutorily set in Section 42.002, Human Resources Code. Amendments to Chapter 42, Human Resources Code, could be made to specifically authorize foster homes and foster group homes to exceed capacity when approved to do so in order to accommodate placement of a sibling group. For additional discussion, see Section IX, Major Issue # 4.

Improved Revenue Generation and Fee Collection in Child Care Licensing. Chapter 42, Human Resources Codes, authorizes the collection of fees from childcare operations to help defray the costs of state regulation. DFPS sets the fees for conducting background checks by rule, per Section 42.056(c), but other fees are set by statute in Section 42.054 and have not been increased in over 25 years. Changes to Section 42.054 to increase these fees would provide needed revenue to the state to better fund childcare regulatory oversight. For additional discussion, see Section II, Subsection I, Opportunities.

Increasing Compliance with Background Check Requirements. Although statutory law and CCL minimum standards require the timely completion of background checks on persons present in childcare operations, some operations do not submit background checks timely or fail to submit checks on all persons who need them. Failure to comply with background check requirements poses significant risk to children in the care of the operation and carries the potential for significant federal financial penalties when the non-compliant operation is a residential childcare operation. Compliance could be enhanced with the use of an online tracking system that would alert childcare operations to resubmit required checks when due. Assuming sufficient resources for the development of an online tracking system, a statutory change to Chapter 42, Human Resources Code, would be needed to require childcare operations to utilize this tracking system.

Meeting Immediate Short-Term Demand for Child Care During an Emergency. Currently, CCL does not have statutory authority to issue temporary permits when a natural disaster or other emergency creates a critical, short-term need for additional daycare or residential childcare services. Chapter 42, Human Resources Code could be amended to authorize an expedited and streamlined process for issuing a temporary license that will enable providers to address immediate and urgent needs for child care that result from a hurricane or other unanticipated catastrophe. The streamlined process would allow the childcare provider to begin serving children after certain critical health and safety criteria are met - such as a fire inspection, staffing plan, and background checks - while the provider continues the regular application process and comes into full compliance with all minimum standards within a reasonable time frame.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

The expected state population growth presents a continuing challenge to CCL to support and improve capacity and quality, while maintaining availability and affordability of daycare and residential childcare services. It is vital that CCL continues to ensure stakeholder participation in the process of identifying licensing outcomes for children in out-of-home care and use these as guiding principles when proposing changes to minimum standards.

Unique to RCCL

RCCL is responsible for regulating the residential childcare operations it licenses. RCCL does not regulate or license the foster or adoptive homes that are verified or approved by child placing agencies. Each child placing agency is responsible for regulating the foster and adoptive homes it verifies (approves) for compliance with CCL minimum standards, law, and the child placing agency's own policies. However, RCCL is responsible for regulating licensed child placing agencies. This includes a child placing agency's oversight of its verified foster and adoptive homes. As part of regulating a child placing agency, RCCL:

- reviews foster and adoptive home records during child placing agency monitoring inspections;

- reviews foster and adoptive home records at other times deemed necessary; and
- conducts random inspections of child placing agency foster homes as required by law.

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:

- **why the regulation is needed;**
- **the scope of, and procedures for, inspections or audits of regulated entities;**
- **follow-up activities conducted when non-compliance is identified;**
- **sanctions available to the agency to ensure compliance; and**
- **procedures for handling consumer/public complaints against regulated entities.**

Why regulation is needed

Daycare has become part of the daily routine for families. Daycare is provided during a child’s most vulnerable developmental stages, so that the regulation of those providing this care is critical to ensuring healthy development. State regulation also protects the health and safety of children who are most vulnerable during early years to illness and injury.

Residential childcare providers have increased in numbers and in size, resulting in a capacity of 41,420 children to live in regulated, residential childcare in Texas at any given time. Therefore, the quality of that care is critical and many of the children in residential childcare are healing from past abuse and neglect.

Initial Inspections

- Human Resource Code Chapter 42 requires daycare operations to become licensed, certified, registered, or listed.
- Human Resources Code Chapter 42 requires residential childcare providers to be licensed.
- As part of the application process, CCL completes an inspection (for all operation types except listed family homes in the daycare program) to determine compliance with minimum standards. This must be done within 60 days of receiving a complete application.
 - DCL does not complete an inspection of listed family homes during the application process as the Human Resources Code does not grant DCL the authority to inspect these homes, only to investigate them.
- When the applicant passes inspection, CCL issues an initial permit for a period of six months. During those six months, CCL inspects the operation at least three times.
 - The exception to this is in the DCL program, as while DCL investigates allegations of abuse and neglect in listed family homes, it does not have authority to inspect them.
- If the operation is still compliant with minimum standards, CCL issues a non-expiring permit (which does not require renewal other than paying annual licensing fees unless otherwise exempt).

- If the operation is not in compliance, CCL may extend the initial permit period for an additional six months or deny the application and the operation must close.

Ongoing Inspections

- During the first 12 months of a non-expiring permit for a daycare or residential childcare licensed operation, statute requires the operation be inspected once every six months with all of the minimum standards evaluated within the 12-month period.
 - In the daycare program, these inspections are only done on licensed daycare centers and licensed daycare homes; and not Listed family homes, registered childcare homes, employer-based childcare, or temporary shelter-care operations.
- After the first 12 months, CCL must conduct at least one unannounced inspection annually and evaluate all standards within a two-year period for licensed operations.
 - The DCL program must conduct one unannounced inspection on registered childcare homes every two years and evaluate all standards within each two-year period.
- CCL determines the monitoring frequency based on the operation's history of deficiencies with minimum standards using the weighted standards enforcement recommendation contained in CLASS, the agency's automated case management system.
- CCL cites deficiencies when violations of minimum standards are found and provides a specific time frame in which to correct each deficiency. Follow-up inspections are made in person, phone, or by mail if appropriate, to determine if corrections were made.
- Both programs continually assess the daycare or residential childcare performance and the monitoring frequency is adjusted accordingly for the duration of the permit. If a daycare or residential childcare operation is not performing well and meeting minimum standards, they are inspected more frequently until performance improves.
- DCL staff must meet with the designated director of a licensed daycare or residential childcare operation at least once annually to determine if the director meets qualifications and complies with minimum standards. This requirement does not apply to the RCCL program.

Unique to the RCCL Program

Team Inspections of Residential Childcare Operations

RCCL is statutorily required to conduct an unannounced team inspection at least once annually, with at least two residential childcare monitoring staff.

Random Sample Monitoring of Child Placing Agency Foster Homes

- RCCL primarily inspects a child placing agency to determine if the child placing agency itself is complying with minimum standards. In turn, the child-placing agency is responsible for approving and monitoring its own foster and foster group homes to ensure the homes are complying with Licensing's minimum standards, applicable law, and the child-placing agencies own policies.

- The Human Resources Code requires the RCCL program to periodically conduct inspections of a random sample of child placing agency foster and foster group homes. The percentage of homes is not defined in statute, and RCCL inspects 25 percent of child placing agency foster homes each year to determine compliance with applicable law, administrative rules, and Licensing’s minimum standards.
- During these inspections, the RCCL inspector ensures the child placing agency has correctly determined that an agency foster home meets verification requirements and that the child placing agency has made appropriate decisions about the following issues.
 - Foster home’s ability to work with children of a certain age or gender.
 - Foster home’s ability to care for children who have special needs or supervision requirements.
 - Services the foster home is able to provide.
 - Foster home’s capacity.
- RCCL primarily inspects active homes, where children in foster care are currently placed. Beginning in FY 2011, the RCCL program inspects a percentage (up to, but not more than 10 percent) of inactive homes. RCCL conducted 3,125 agency home random sample inspections in FY 2011 and 2,470 in FY 2012.

Enforcement Team Conferences

- Enforcement team conferences are conducted on child placing agencies and residential treatment centers at least annually.
- The purpose of the conference is to monitor a child placing agency and residential treatment center’s compliance with the law, rules, and minimum standard rules.
- The team consists of the inspector and supervisor assigned to the residential treatment center or main child-placing agency, the inspector or supervisor assigned to each of the child-placing agency’s branch offices, and an investigation supervisor or investigator if there have been any investigations related to the residential treatment center or child-placing agency.
- The team conducts a comprehensive assessment based on a review of all inspections and investigations of the residential treatment center, main child-placing agency, the child-placing agency’s branch offices, and the foster homes it verifies. At the conclusion of the conference, the team recommends an enforcement plan for the residential treatment center or child placing agency based on the results of the assessment.

Investigations Overview

- CCL investigates reports alleging violations of the law, administrative rules, or minimum standard rules by inspecting operations, interviewing children, parents, childcare staff or any persons who may have knowledge of the situation. CCL monitoring representatives routinely conduct investigations of allegations of standard violations. CCL investigators,

who are trained in forensic investigation techniques, conduct investigations of allegations of abuse and neglect.

- CCL investigates complaints that allege abuse or neglect or contains allegations of minimum standards violations. The investigation determines whether a violation of rule or statute occurred and, if so, the degree of risk of further harm. Such reports alleging possible risk to children come from many different sources: parents, caregivers, children, the media, law enforcement, and the general public. Also, childcare operations are required by minimum standards to self-report serious incidents, such as when a child falls at a daycare or residential childcare operation and requires stitches.

Types of Complaints against Regulated Entities

Licensing investigates two types of reports that fall into two categories: allegations of abuse and neglect and reports of allegations of minimum standard violations. All reports are assigned a priority based on the severity and immediacy of alleged harm or risk to children. Specially trained investigators conduct abuse and neglect investigations in childcare operations. The following information details the prioritization schedule and maximum time allowed to respond to a report, according to CCL policy and administrative rule.

Priority 1 Reports

Priority 1 is assigned to any report about a regulated or illegal operation that alleges:

- a child's death;
- immediate risk of death, serious injury, or life threatening abuse or neglect of a child; or
- deficiencies in compliance with the law or minimum standard rules that pose an immediate risk to children.

Priority 1 reports are assigned for investigation after a supervisor's review. Licensing staff initiate Priority 1 investigations as soon as possible, but no later than 24 hours after the date and time on the intake. An unannounced inspection of the operation initiates the investigation. In an abuse/neglect investigation, the alleged victim must be observed or interviewed as soon as possible but within five days of the date on the intake. Other acceptable initiation methods include: face-to-face contact with a child, an interview by a local child advocacy center or law enforcement agency, or contact with a professional or individual who can provide additional information about the current state of the health and safety of the victim child. If the investigation starts without an inspection, then an inspection must be conducted within 15 days of the intake.

Priority 2 Reports

Assigned to any report about a regulated or unregulated operation that alleges one of the following scenarios.

- Abuse or neglect of a child that does not indicate an immediate risk of death or serious harm.
- Serious supervision problems that do not indicate an immediate risk of death or an immediate risk of serious harm. Example: Two children within 2 years of age were involved in a physical altercation with each other and one sustained a black eye as a result. The child that caused the injury has been moved to another setting and a safety plan has been implemented for the child.
- Serious accidental injury that does not indicate an immediate risk of death or an immediate risk of further serious harm. Example: A child has broken his leg from falling off of the slide on the playground, has received medical attention and there is no danger in any further harm occurring to the child.
- Serious safety or health hazards that do not indicate an immediate risk of death or serious harm, including that a person listed on the sex offender database has the same address as an operation or home. Example: when the address is that of an apartment complex but not the specific unit.
- Injury or serious mistreatment of a child that does not indicate an immediate risk of death or an immediate risk of serious harm. Example: A child was injured by the daycare provider in a non-vital area of the body, however, the child sustained a minor injury and the daycare

operation has placed the provider on administrative leave pending the outcome of the investigation.

After a supervisor's review, Priority 2 reports are assigned for investigation. CCL staff initiate Priority 2 reports that allege abuse or neglect as soon as possible but no later than 72 hours of the date and time of the intake report. Initiation should be made by an unannounced inspection to the operation. Licensing staff must observe or interview the alleged victim as soon as possible but within seven days of the date on the report. Other acceptable initiation methods include: face-to-face contact with a child, an interview conducted by a local child advocacy center or law enforcement agency, or contact with a professional or individual who can provide additional information about the current state of the health and safety of the victim child. If the investigation starts without an inspection, an inspection must be conducted within 15 days of the intake.

For Priority 2 reports that allege minimum standards violations and are assigned for investigation, the initiation must be as soon as possible but no later than five days of the date of the intake report. Initiation should be made by an unannounced inspection to the operation. Other acceptable initiation methods include face-to-face contact with a child, or contact with an individual who can provide additional information about the report. If the initiation is conducted by a method other than inspection, then an inspection of the operation must be conducted within 15 days of the intake.

Priority 3 Reports

Priority 3 is assigned to any report that alleges:

- minor violations of the law or minimum standard rules that involve low risk to children in care;
- illegal operations when there are no allegations of violations of minimum standard rules, nor any allegations or indications of abuse or neglect; or
- a person listed on the sex offender database lives within proximity of a childcare operation or home.

After a supervisor's review and assignment, a Priority 3 investigation is initiated as soon as possible but no later than 15 days of the date on the report. Initiation can be made by an unannounced inspection of the operation; however an inspection is not always required. If an inspection is required, the inspections must be completed within 30 days of the date of the intake report.

For Priority 1 and Priority 2 reports of both abuse/neglect and minimum standards violations, DFPS must complete investigation actions within 30 days and send notifications to the operation and any alleged perpetrator within 30 days. Investigators are expected to document the inspection and contacts related to the investigation within the following day. However, investigators must complete all investigation documentation within 45 days of the intake for

Priority 1 and Priority 2 reports. For Priority 3 reports, investigators must complete the investigation within 60 days of the date of intake and notify the operation and complete documentation of the investigation within 60 days of the date of the intake.

Risk Analysts

- The Texas Human Resources Code, Chapter 42, §42.0211 was revised by the 80th Legislature to require specially-trained investigation analysts to review and evaluate intakes with allegations associated with a higher risk of harm to children, and to consult with the investigator assigned to the case to provide specialized guidance to assist in the investigation.
- There is currently one lead investigation analyst housed in the CCL Policy and Program Operations division. Other analysts are located in the DCL and RCCL district offices who are responsible for consulting and reviewing higher risk investigations.

Sanctions to Ensure Compliance and Due Process

Before issuing a sanction, CCL gives all non-compliant operations an opportunity to comply. If operations continue to be non-compliant, CCL’s next action could range from asking the operation to voluntarily develop a plan for correcting deficiencies to imposing corrective or adverse actions for more serious deficiencies or failure to correct a deficiency within the given time limit. CCL may notify an operation of a corrective or adverse action when one of the following situations is found.

- A single serious deficiency, such as a child death or serious injury.
- Several deficiencies that create a risk to children.
- A repetition or pattern of deficiencies that demonstrate that compliance is not being maintained.
- An operation with an initial permit is cited for failure to comply with law or minimum standard rules.

Depending on the seriousness of the situation and the operation’s compliance history, an operation may voluntarily make corrections or CCL staff may recommend or impose remedial action. Actions and remedies include those listed in the table below.

Child Care Licensing Actions and Remedies	
Action Type:	Voluntary Actions by an Operation
Explanation:	CCL may recommend that an operation voluntarily take an action or develop a plan for correcting deficiencies to reduce the risk to the health and safety of children in care. There is no consequence for an operation not completing a voluntary action, however if the operation continues to experience non-compliance, corrective or adverse actions may follow.

Child Care Licensing Actions and Remedies	
Action Type:	Voluntary Actions by an Operation
Possible Outcomes:	Withdraw application – Applicant has the option to withdraw at any time before issuance.
	Temporary relocation – Operation moves to a temporary location.
	Voluntary suspension – Operation ceases operating for a limited time.
	Voluntary closure – Operation voluntarily closes.
	Operation plan of action – Voluntary plan to correct deficiencies.
Action Type:	Corrective Actions
Explanation:	Conditions placed on an operation when the operation is repeatedly deficient in complying with minimum standard rules that do not endanger the health and safety of children. If an operation does not comply with conditions imposed as part of evaluation CCL may seek to extend the evaluation period or may move to probation or adverse action. If the operation is on probation and fails to follow conditions, the operation may be subject to adverse actions.
Possible Outcomes:	Evaluation – Conditions placed on an operation for 30 days to six months with the possibility of renewing once for a maximum of one year.
	Probation – Conditions placed on an operation for 30 days to 12 months. Failure to follow the conditions could result in an adverse action.
Action Type:	Monetary Actions
Explanation:	Fines to operations that violate Chapter 42 of the Human Resources Code (HRC) or rule adopted under chapter 42 HRC. Administrative penalties do not apply to listed homes. If penalties are not paid the matter is referred to the Attorney General of CCL may revoke the permit or implement an adverse amendment.
Possible Outcomes:	Administrative penalty – Fines imposed for violation of minimum standards or law. Penalties range from \$1 to \$150 per a day.
	Civil penalty – Fines imposed on an individual ranging from \$50 to \$100 per a day.
Action Type:	Adverse Actions
Explanation:	Actions that CCL may impose on an operation due to violation of law, minimum standard rules or failure to correct a deficiency. This action removes an operation’s ability legally operate. If the operation continues to operate they are treated as an illegal operation.
Possible Outcomes:	Denial of permit – Permit is not issued to applicant due to concerns for the health and safety of children.
	Revocation of permit – Operations permit to operate legally is revoked.
	Suspension of permit – Operations permit to operate legally is suspended for a defined amount of time.

Child Care Licensing Actions and Remedies	
Action Type:	Voluntary Actions by an Operation
	Adverse amendment to permit – Operations permit is amended to affect its operating capacity or other factors such as age or gender.

Regulated entities may appeal an administrative penalty, adverse action of denial, revocation, suspension, or an adverse amendment to a license, certification, or registration, to the State Office of Administrative Hearings (SOAH). For cases involving abuse or neglect, the individual may request a Release Hearing, held by SOAH.

P. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency's practices.

Department of Family and Protective Services		
Exhibit 11: Information on Complaints Against Regulated Daycare Operations - Fiscal Year 2011 and 2012		
Measurement	FY 2011	FY 2012
Total number of regulated entities	25,045	23,992
Total number of inspections conducted	35,771	35,755
Abuse/Neglect Complaints (by the public)	3,309	3,132
Non Abuse/Neglect Complaints (by the public)	14,943	12,746
Abuse/Neglect Complaints (initiated by DCL)	2,754	2,475
Non Abuse/Neglect (initiated by DCL)	14,900	12,654
Number of complaints pending from prior years	1	1
Abuse/Neglect Complaints (found non-jurisdictional)	216	198
Non Abuse/Neglect Complaints (found non-jurisdictional)	432	365
Abuse/Neglect (jurisdictional complaints without merit)	1,822	1,516
Non Abuse/Neglect (jurisdictional complaints without merit)	7,516	7,271
Abuse/Neglect Complaints Resolved (citations and abuse/neglect)	2,061	1,799
Non Abuse/Neglect Complaints Resolved (citations and abuse/neglect)	14,276	12,147
Abuse/Neglect (Average # of days for complaint resolution)	109.7	107.8
Non Abuse/Neglect (Average # of days for complaint resolution)	31.4	30.7
Complaints Resulting in Disciplinary Action		
Administrative penalty	0	0
Reprimand	N/A	N/A
Probation	83	62
Evaluation	142	146

Department of Family and Protective Services		
Exhibit 11: Information on Complaints Against Regulated Daycare Operations - Fiscal Year 2011 and 2012		
Measurement	FY 2011	FY 2012
Suspension	2	1
Revocation	742	52
Other – denial of permit	198	122

Department of Family and Protective Services		
Exhibit 11: Information on Complaints Against Regulated by Residential Child Care Licensing		
Measurement	FY 2011	FY 2012
Total number of regulated persons with active Administrator Licenses	1,177	1,211
Total number of regulated entities	10,774	10,459
Total number of inspections conducted	5,374	4,736
Number of complaints pending from prior years	3	11
Abuse/Neglect Complaints (by the public)	3,689	3,447
Non Abuse/Neglect Complaints (by the public)	9,527	10,394
Abuse/Neglect Complaints (initiated by RCCL)	2,862	2,849
Non Abuse/Neglect (initiated by RCCL)	2,983	3,211
Abuse/Neglect Complaints (found non-jurisdictional)	288	240
Non Abuse/Neglect Complaints (found non-jurisdictional)	6,366	6,780
Abuse/Neglect (jurisdictional complaints without merit)	1,997	2,079
Non Abuse/Neglect (jurisdictional complaints without merit)	2,165	2,327
Abuse/Neglect Complaints Resolved (citations and abuse/neglect)	2,066	2,171
Non Abuse/Neglect Complaints Resolved (citations and abuse/neglect)	2,774	2,997
Abuse/Neglect (Average # of days for complaint resolution)	79.1	88.8
Non Abuse/Neglect (Average # of days for complaint resolution)	46.3	46
Complaints Resulting in Disciplinary Action		
Administrative penalty	0	0
Reprimand	NA	NA
Probation	3	3
Evaluation	13	13
Suspension	1	0
Revocation	0	0
Other – denial of permit	1	0