

# DCL

## Child Day Care Licensing Overview

The Texas Department of Family and Protective Services is granted its authority to regulate child-care facilities and child-placing agencies by the Texas Legislature in Chapter 42 of the Texas Human Resources Code.

The purpose of regulation is to protect a group or class of children by establishing and enforcing statewide minimum standards.

### Total Average Filled Full Time Equivalent (FTE) Staff

Caseworkers	255.4
Supervisors	36.5
Other Staff	110.1
<b>Total CCL Staff</b>	<b>402.0</b>

### Worker Demographics

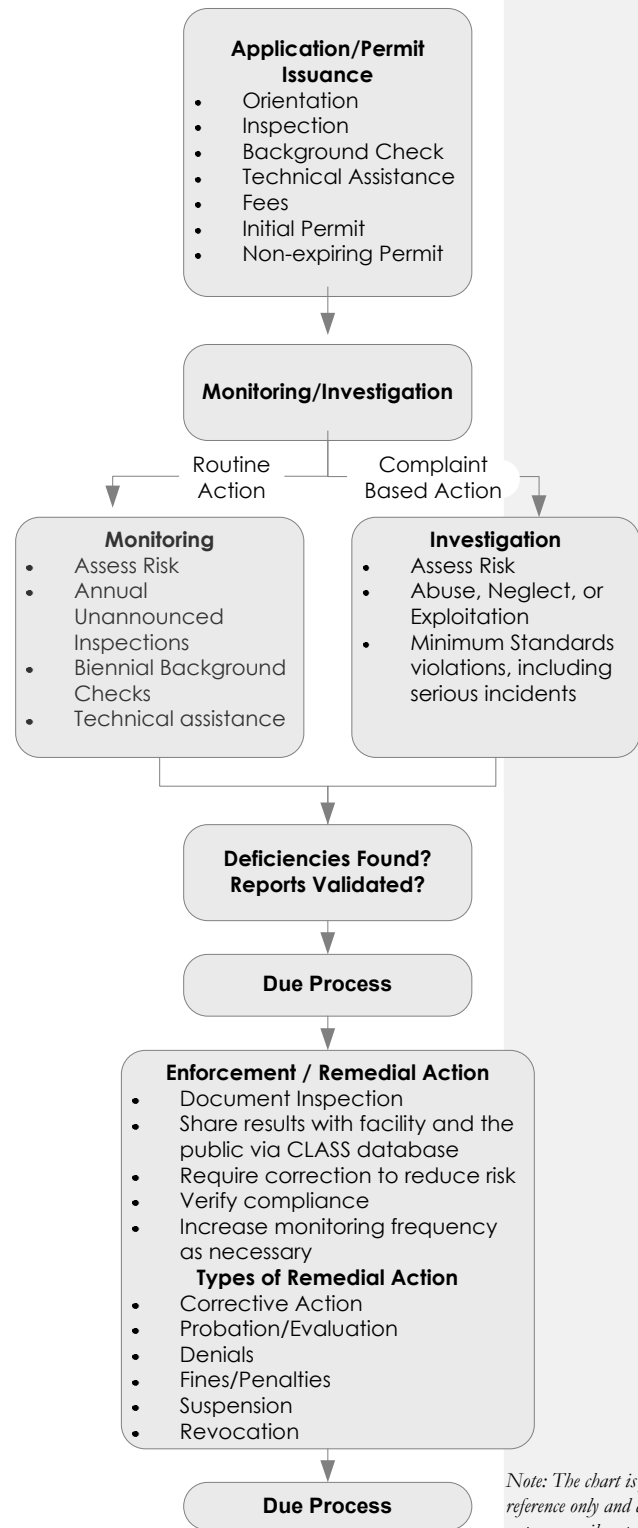
Turnover Rate	17.6%
Agency Tenure:	
Less Than 1 Year	12.8%
1 - 3 Years	15.6%
Greater than 3 Years	71.6%
Entry Salary (Inv)	\$31,728.96
Entry Salary (Non-Inv)	\$28,239.00
Average Age	40.8
Race/Ethnicity:	
African-American	26.8%
Anglo	44.0%
Hispanic	24.0%
Other	5.2%

### Supervisor Demographics

Turnover Rate	2.7%
Agency Tenure:	
Less Than 1 Year	0.0%
1 - 3 Years	0.0%
Greater than 3 Years	100.0%
Entry Salary	\$38,145.96
Average Age	48.5
Race/Ethnicity:	
African-American	21.6%
Anglo	45.9%
Hispanic	32.4%
Other	0.0%

### DCL Expenditures

DCL Staff	\$23,604,100
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*Note: The chart is for reference only and does not necessarily represent the flow of a case.*

### Statistics FY 2012

Daycare Operations/Homes	23,992
Capacity	1,078,044
Abuse/Neglect Investigations	1,802
Non-Abuse/Neglect Investigations	12,147
Inspections	35,755
Adverse Actions	175

## Legal Responsibility for Child-Care Licensing

**Day Care and Residential Care: Statutory References**  
**Social Security Act**  
**Human Resources Code, Chapters 40, 42, and 43**  
**Texas Family Code, Title 5**  
**Texas Government Code**  
**Texas Health and Safety Code, Chapter 249**  
**Texas Administrative Code, Title 40**

### Major Provisions:

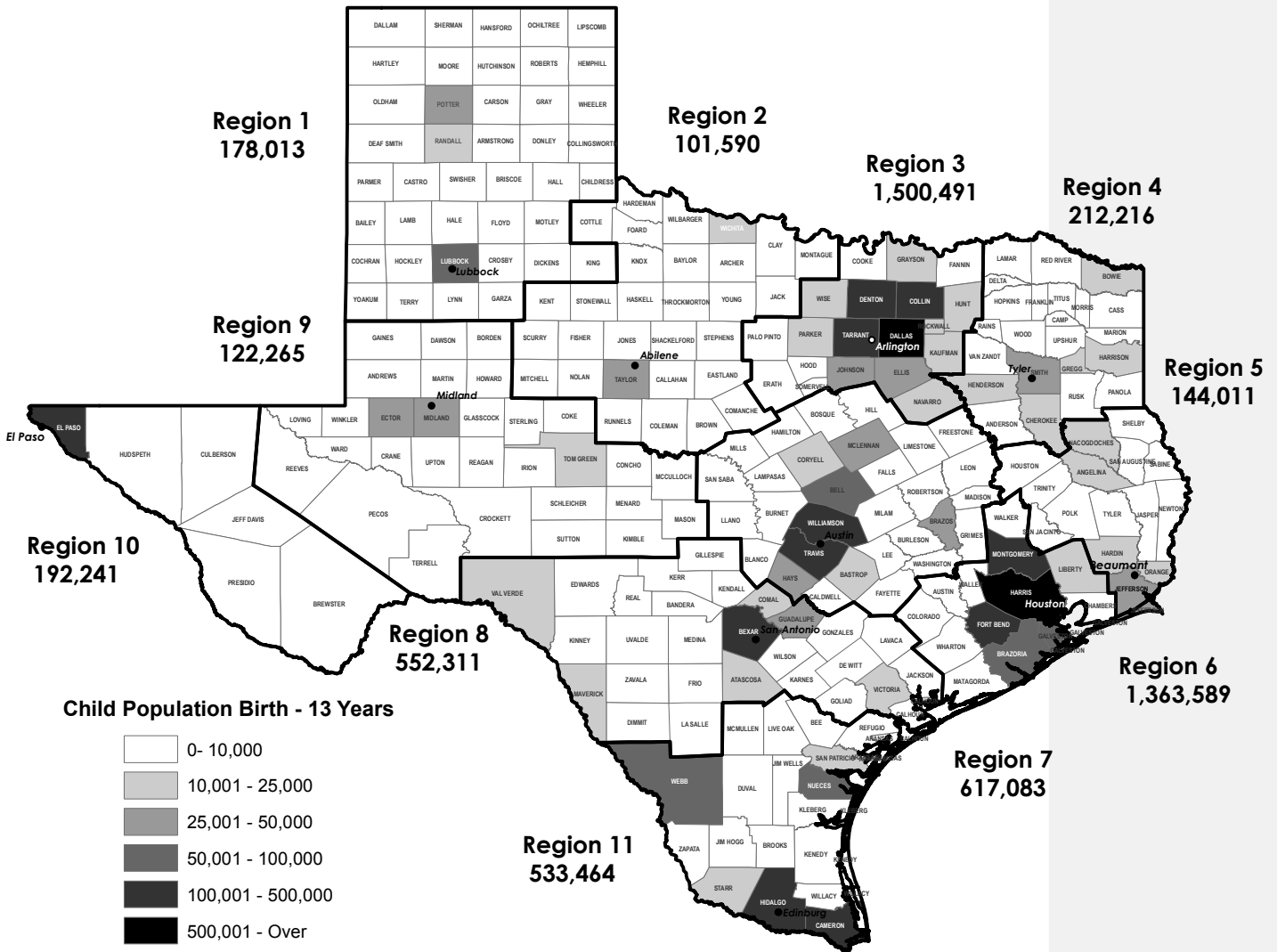
- Develop minimum standards to promote the health, safety, and well being of children in out-of-home care.
- Inspect child-care operations to ensure they maintain compliance with minimum standards.
- Investigate allegations of abuse/neglect, investigate violations of standards or the law and ensure appropriate enforcement actions are taken.
- Conduct criminal background checks and DFPS Central Registry checks on all adult staff or caregivers, other adults and youth ages 14 to 18 who will be in regular or frequent contact with children in child-care operations.
- Take corrective and adverse actions when necessary.
- Offer consultation to potential applicants and permit holders about meeting and maintaining compliance with Licensing standards.
- Educate the general public about choosing regulated child-care and inform them of the child-care options in Texas through media campaigns and by maintaining an online database of child-care providers, including information regarding each operation's compliance history.
- Enforce regulatory requirements for all child-care providers, including illegally operating child-care providers.

### Other Programmatic Information: Challenges

- Consistently enforcing adherence to minimum standards across the state.
- Developing cooperative, professional, and effective relationships with child-care operations resulting in increased compliance and stronger protection for children.
- Providing technical assistance to all child care operations, especially focusing on those struggling to maintain compliance with standards.
- Providing thorough, efficient and timely background check results to over a quarter of a million people each year seeking to work in child care, provide foster care or adopt a child.
- Maximizing technology resources to improve the efficiency and effectiveness of regulatory practices and allow licensing staff to become an increasingly mobile workforce.
- Creating standards that protect the health and safety of children in care without impacting the affordability and availability of that care.

**Texas Child Population  
Ages Birth through 13 Years  
Fiscal Year 2012**

State Total: 5,517,274



Population Data Source: Texas State Data Center, University of Texas (San Antonio). Based on Census 2010 data.

### Child Day Care Operations in Texas as of August 31

Year	Licensed Child Care Centers	Licensed Child Care Homes	Listed Family Homes	Registered Child Care Homes	Small Employer Based Child Care	Total Day Care Operations
2008	9,309	1,564	8,257	6,895	1	26,026
2009	9,342	1,617	7,305	6,700	1	24,965
2010	9,436	1,684	7,589	6,537	4	25,250
2011	9,519	1,743	7,477	6,302	4	25,045
2012	9,601	1,774	6,774	5,837	6	23,992

*Note: Counts do not include Applicants*

### Child Day Care Operations in Texas as of August 31

Day Care Licensing Operation Type	2011		2012	
	Count	Capacity	Count	Capacity
Licensed Child Care Centers				
Before/After School Program	696	49,675	728	53,088
Child Care Program	8,019	844,572	8,104	854,572
School Age Program	733	64,463	756	67,400
Temporary Shelter Program	2	125	6	306
No Care Type	69	6,883	7	502
Subtotal	9,519	965,718	9,601	975,868
Licensed Child Care Homes				
Licensed Child Care Homes	1,743	20,771	1,774	21,147
Listed Family Homes	7,477	14,124	6,774	12,831
Registered Child Care Homes	6,302	73,221	5,837	68,126
Small Employer Based Child Care	4	48	6	72
<b>Total Child Day Care Operations</b>	<b>25,045</b>	<b>1,073,882</b>	<b>23,992</b>	<b>1,078,044</b>

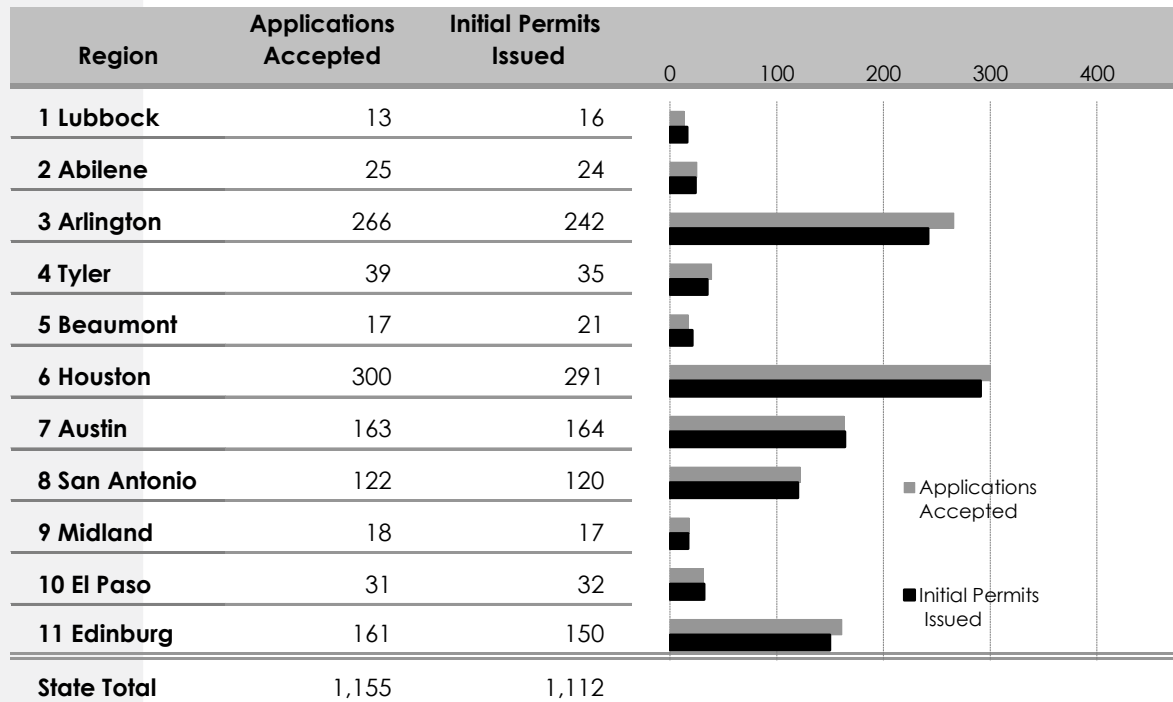
## Child Day Care Operations and Homes Regulated by Fiscal Year

Region	Licensed Child Care Centers		Licensed Child Care Homes		Listed Family Homes	
	2011	2012	2011	2012	2011	2012
1 Lubbock	299	291	69	75	422	314
2 Abilene	218	213	66	60	177	140
3 Arlington	2,355	2,390	473	505	2,204	2,101
4 Tyler	355	346	68	67	386	337
5 Beaumont	219	217	28	28	86	82
6 Houston	2,326	2,354	255	270	1,481	1,323
7 Austin	1,337	1,342	242	254	880	944
8 San Antonio	917	908	115	113	632	447
9 Midland	214	221	48	43	239	186
10 El Paso	283	285	148	148	399	368
11 Edinburg	996	1,034	231	211	571	532
Unknown/ Out of State	0	0	0	0	0	0
<b>Total</b>	<b>9,519</b>	<b>9,601</b>	<b>1,743</b>	<b>1,774</b>	<b>7,477</b>	<b>6,774</b>

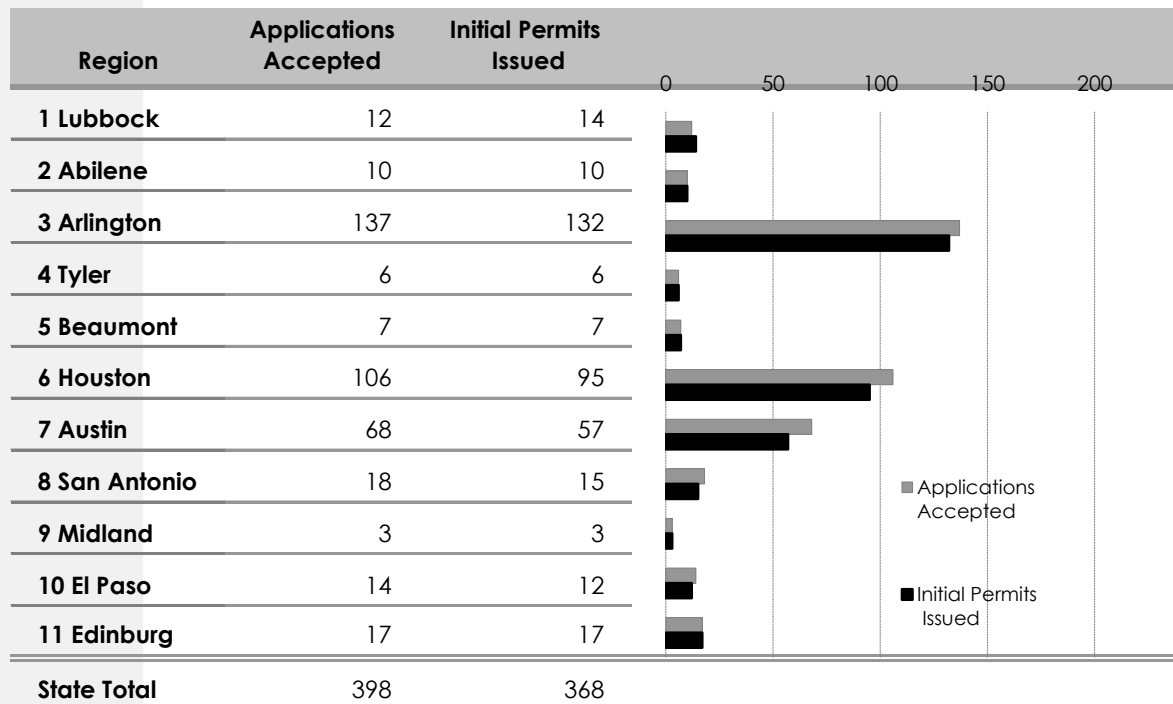
Region	Registered Child Care Homes		Small Employer Based Child Care		Total	
	2011	2012	2011	2012	2011	2012
1 Lubbock	162	155	0	0	952	835
2 Abilene	149	142	0	0	610	555
3 Arlington	2,116	1,935	1	3	7,149	6,934
4 Tyler	82	85	0	0	891	835
5 Beaumont	65	57	0	0	398	384
6 Houston	2,089	1,910	0	0	6,151	5,857
7 Austin	604	583	1	1	3,064	3,124
8 San Antonio	595	560	2	2	2,261	2,030
9 Midland	48	44	0	0	549	494
10 El Paso	100	96	0	0	930	897
11 Edinburg	292	270	0	0	2,090	2,047
Unknown/ Out of State	0	0	0	0	0	0
<b>Total</b>	<b>6,302</b>	<b>5,837</b>	<b>4</b>	<b>6</b>	<b>25,045</b>	<b>23,992</b>

## Licensing of Child Day Care Operations by Region Fiscal Year 2012

### Licensed Child Care Centers

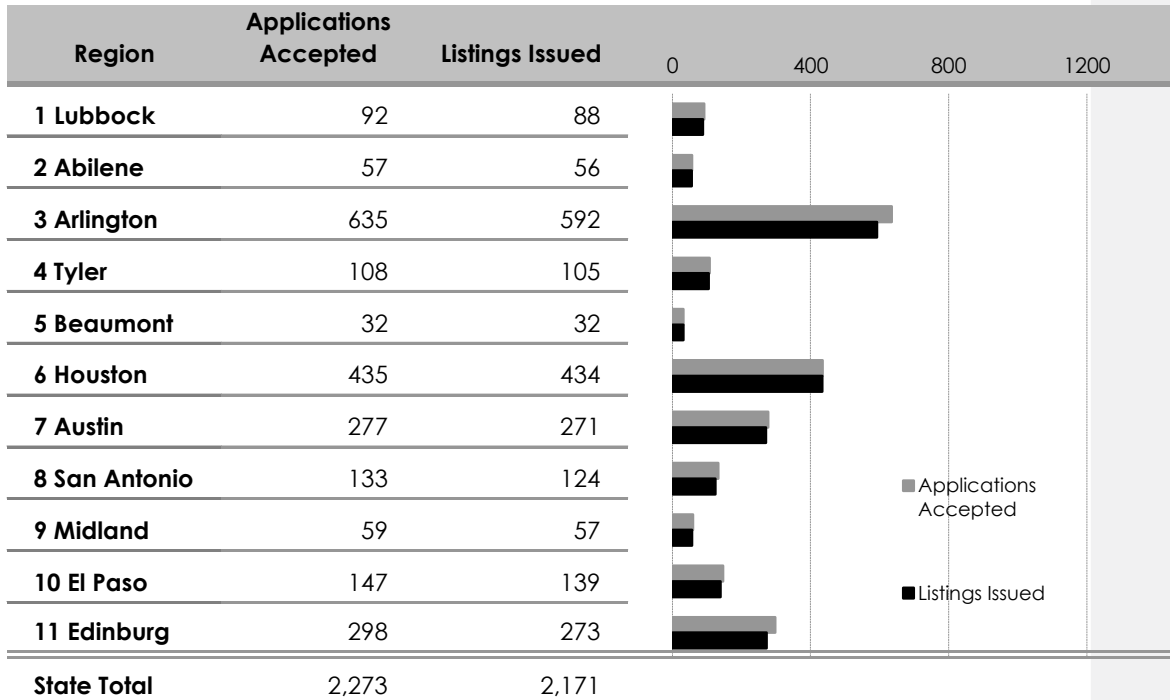


### Licensed Child Care Homes

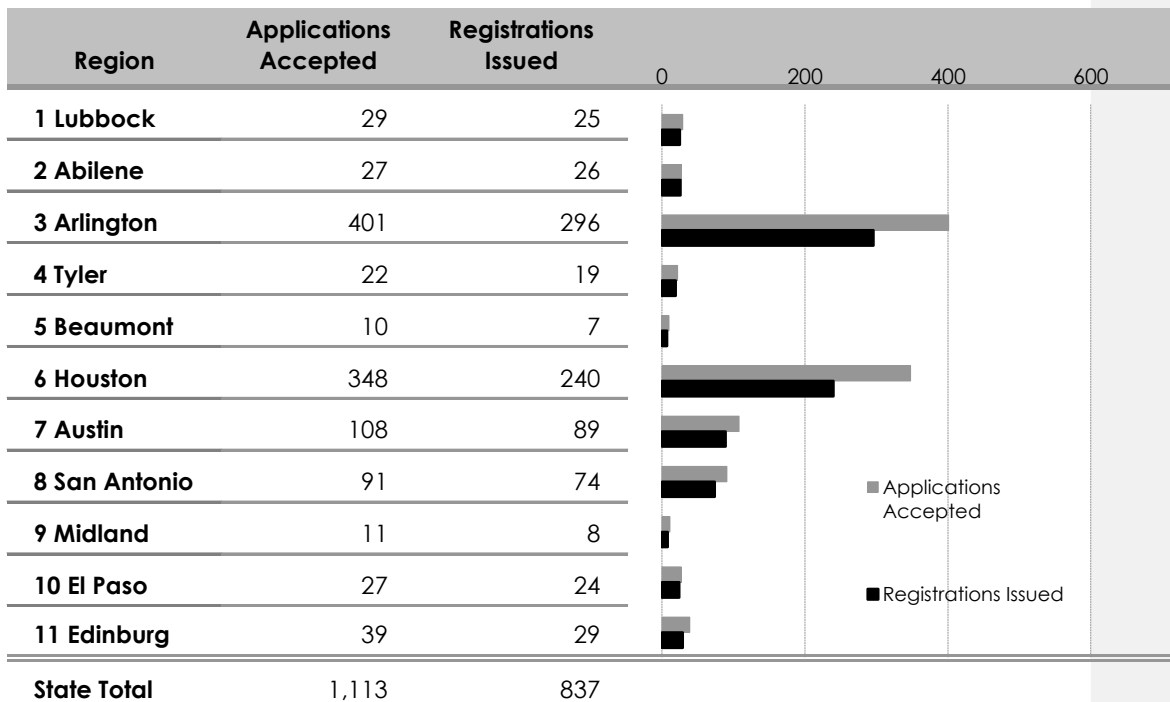


**Licensing of Child Day Care Operations by Region  
Fiscal Year 2012**

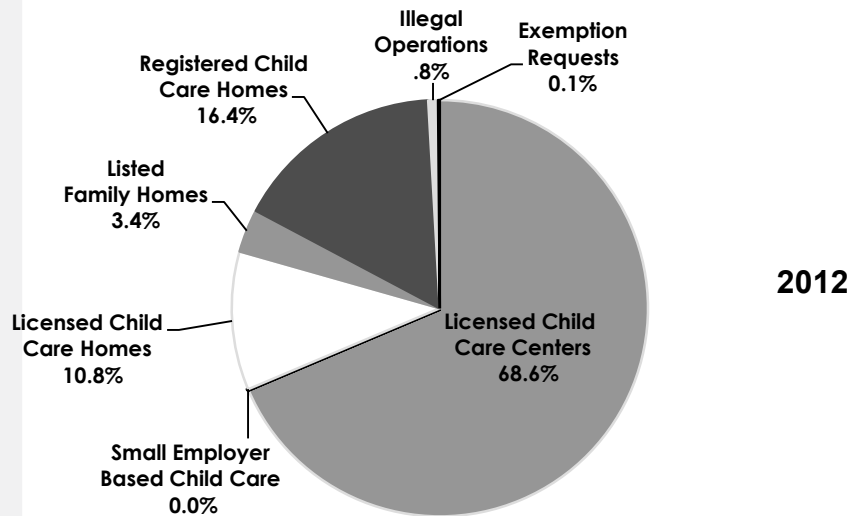
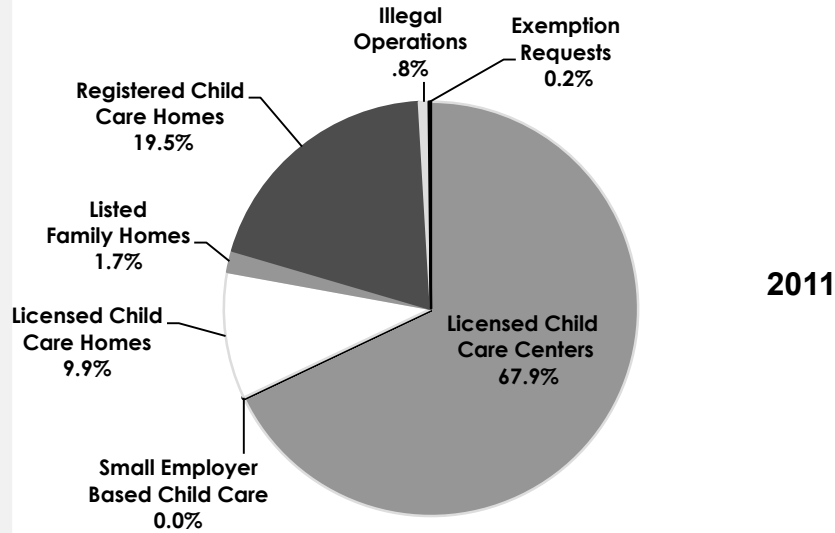
**Listed Family Homes**



**Registered Child Care Homes**



**Inspections\* in Child Day Care Operations**



Facility Type	2011	2012
Licensed Child Care Centers	24,305	24,538
Licensed Child Care Homes	3,544	3,849
Listed Family Homes	602	1,200
Registered Child Care Homes	6,986	5,846
Small Employer Based Child Care	3	3
Illegal Operations	270	270
Exemption Requests	61	49
<b>Total</b>	<b>35,771</b>	<b>35,755</b>

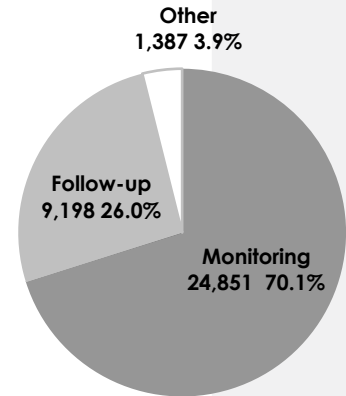
\* Beginning in FY12 the LBB Performance Measure definition of Inspections does not include Inspections done as part of an Abuse/Neglect Investigation.



**Inspections\* in Child Day Care Operations by Type of Inspection  
Fiscal Year 2012  
Total Inspections: 35,755**

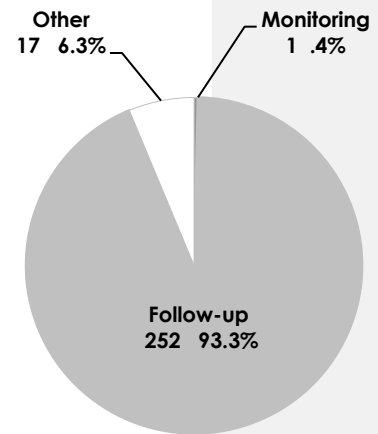
**Child Day Care Operations**

Inspection Type	Number
Monitoring	24,851
Follow-up	9,198
Other	1,387
<b>Total</b>	<b>35,436</b>



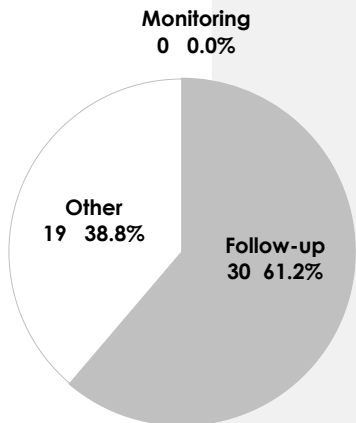
**Illegal Operations**

Inspection Type	Number
Monitoring	1
Follow-up	252
Other	17
<b>Total</b>	<b>270</b>



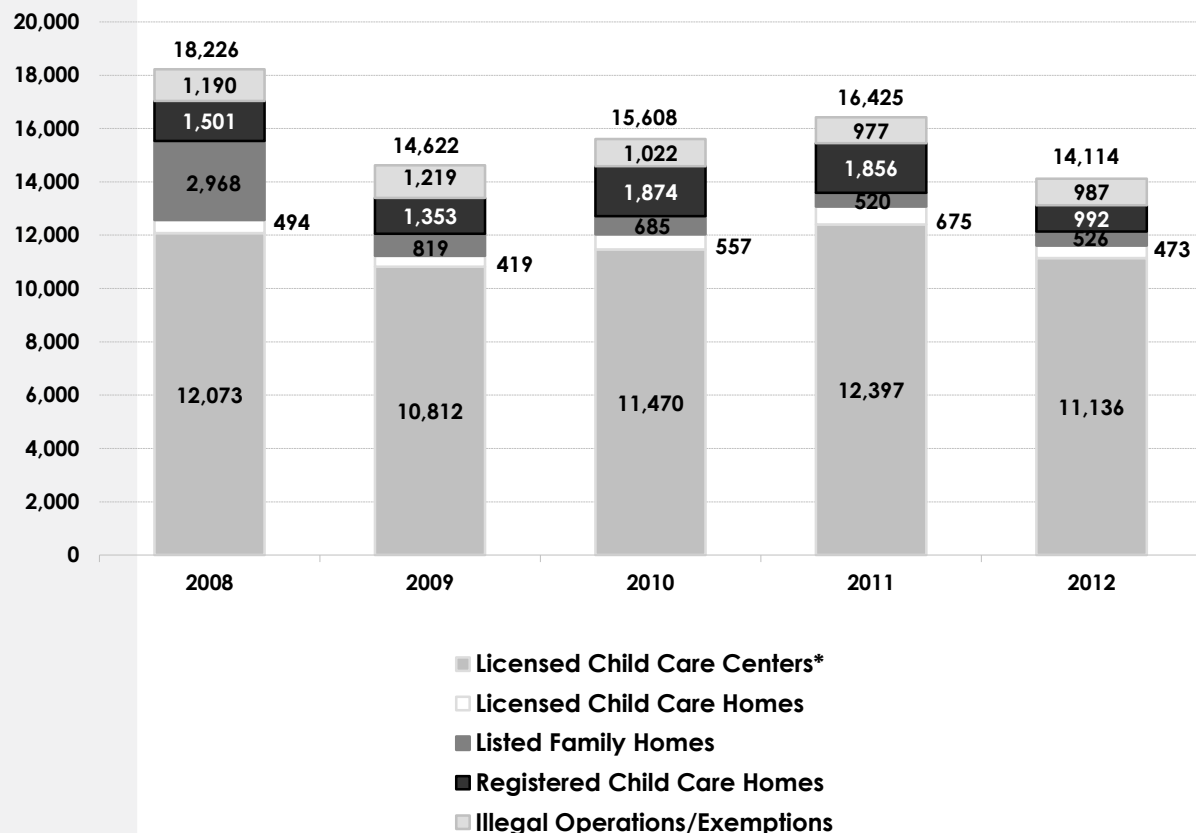
**Exemption Requests**

Inspection Type	Number
Monitoring	0
Follow-up	30
Other	19
<b>Total</b>	<b>49</b>



\* Beginning in FY12 the LBB Performance Measure definition of Inspections does not include Inspections done as part of an Abuse/Neglect Investigation.

## Investigations in Child Day Care Operations



\*Includes Small Employer Based Child Care

Investigations in Child Day Care Operations  
Fiscal Year 2012

Region	Licensed Child Care Centers*	Licensed Child Care Homes	Listed Family Homes	Registered Child Care Homes	Illegal Operations Exemptions	Day Care Total
1 Lubbock	497	7	29	24	35	592
2 Abilene	260	14	18	21	30	343
3 Arlington	3,111	145	101	272	282	3,911
4 Tyler	386	5	28	10	43	472
5 Beaumont	178	4	8	16	13	219
6 Houston	2,239	74	96	225	132	2,766
7 Austin	1,488	57	42	108	141	1,836
8 San Antonio	1,493	49	59	198	115	1,914
9 Midland	247	2	14	6	21	290
10 El Paso	231	21	15	8	15	290
11 Edinburg	1,006	95	116	104	54	1,375
Other/Unknown	0	0	0	0	106	106
<b>Total</b>	<b>11,136</b>	<b>473</b>	<b>526</b>	<b>992</b>	<b>987</b>	<b>14,114</b>

\*Includes Small Employer Based Child Care

## Investigations in Child Day Care Operations Fiscal Year 2012

Operation Type	Total Number Operations as of 8/31/12	Investigations	Number of Abuse/Neglect Investigations			Number of Non Abuse/Neglect Investigations	
			Total	Valid	Percent Validated	Total	Deficiency Cited
<b>Child Day Care Operations</b>							
Licensed Child Care Centers	9,601	11,136	1,263	145	11.5%	9,874	2,958
Licensed Child Care Homes	1,774	473	61	13	21.3%	410	74
Listed Family Homes	6,774	526	85	16	18.8%	445	151
Registered Child Care Homes	5,837	992	117	23	19.7%	873	191
Small Employer Based Child Care	6	0	0	0	0.0%	0	0
<b>Subtotal</b>	<b>23,992</b>	<b>13,127</b>	<b>1,526</b>	<b>197</b>	<b>12.9%</b>	<b>11,602</b>	<b>3,374</b>
<b>Unlicensed Operations</b>							
Illegal Operations	458	943	275	87	31.6%	502	121
Exemption Requests	157	44	1	0	0.0%	43	28
<b>Subtotal</b>	<b>615</b>	<b>987</b>	<b>276</b>	<b>87</b>	<b>31.5%</b>	<b>545</b>	<b>149</b>
<b>Total</b>	<b>24,607</b>	<b>14,114</b>	<b>1,802</b>	<b>284</b>	<b>15.8%</b>	<b>12,147</b>	<b>3,523</b>

*Note: The number of Investigations and the number of Non Abuse/Neglect Investigations are based on the date that the worker completed the investigation. The number of Abuse/Neglect Investigations uses the date that the investigation stage closed. Therefore, the sum of Abuse/Neglect Investigations and Non Abuse/Neglect Investigations will not match the total Investigations.*

## Adverse Actions and Corrective Actions Initiated in Child Day Care Operations by Region Fiscal Year 2012

Licensed Child Care Centers							
Region	Adverse Actions				Corrective Actions		
	Permits Denied	Permits Revoked	Permits Suspended	Total Adverse Actions	Evaluation	Probation	Total Corrective Actions
1 Lubbock	0	1	0	1	7	2	9
2 Abilene	0	0	0	0	3	0	3
3 Arlington	3	2	0	5	32	12	44
4 Tyler	0	0	0	0	4	0	4
5 Beaumont	0	0	0	0	3	2	5
6 Houston	14	3	0	17	38	17	55
7 Austin	2	3	0	5	15	9	24
8 San Antonio	4	1	0	5	15	9	24
9 Midland	1	0	0	1	1	0	1
10 El Paso	0	0	0	0	2	1	3
11 Edinburg	2	1	0	3	12	4	16
<b>State Total</b>	<b>26</b>	<b>11</b>	<b>0</b>	<b>37</b>	<b>132</b>	<b>56</b>	<b>188</b>

Licensed Child Care Homes							
Region	Adverse Actions				Corrective Actions		
	Permits Denied	Permits Revoked	Permits Suspended	Total Adverse Actions	Evaluation	Probation	Total Corrective Actions
1 Lubbock	0	0	0	0	0	0	0
2 Abilene	0	1	0	1	0	0	0
3 Arlington	0	2	0	2	0	0	0
4 Tyler	0	0	0	0	0	0	0
5 Beaumont	0	0	0	0	0	0	0
6 Houston	1	0	0	1	1	1	2
7 Austin	2	0	0	2	0	0	0
8 San Antonio	0	1	0	1	0	0	0
9 Midland	0	0	0	0	0	0	0
10 El Paso	0	0	0	0	1	0	1
11 Edinburg	0	0	0	0	3	1	4
<b>State Total</b>	<b>3</b>	<b>4</b>	<b>0</b>	<b>7</b>	<b>5</b>	<b>2</b>	<b>7</b>

*Note: Adverse actions are determined by the date the facility was sent the letter of intent. Finalizing adverse action through due process is lengthy. Corrective actions begin after the due process is completed. Voluntary Suspensions are not counted in the number of suspensions.*

**Adverse Actions and Corrective Actions Initiated in Child Day Care Operations by Region  
Fiscal Year 2012**

Region	Listed Family Homes Adverse Actions				Corrective Actions		
	Permits Denied	Permits Revoked	Permits Suspended	Total Adverse Actions	Evaluation	Probation	Total Corrective Actions
1 Lubbock	8	1	0	9	0	0	0
2 Abilene	3	1	0	4	0	0	0
3 Arlington	17	0	0	17	0	0	0
4 Tyler	5	1	0	6	0	0	0
5 Beaumont	0	1	0	1	0	0	0
6 Houston	8	3	0	11	0	0	0
7 Austin	12	2	0	14	0	0	0
8 San Antonio	12	3	0	15	0	0	0
9 Midland	1	0	0	1	0	0	0
10 El Paso	5	0	0	5	0	0	0
11 Edinburg	12	0	0	12	0	0	0
<b>State Total</b>	<b>83</b>	<b>12</b>	<b>0</b>	<b>95</b>	<b>0</b>	<b>0</b>	<b>0</b>

*Note: Beginning in FY12, due to a statutory change, suspensions related to Listed Family Homes that did not pay fees are no longer considered to be Adverse Actions.*

Region	Registered Child Care Homes Adverse Actions				Corrective Actions		
	Permits Denied	Permits Revoked	Permits Suspended	Total Adverse Actions	Evaluation	Probation	Total Corrective Actions
1 Lubbock	0	1	0	1	0	0	0
2 Abilene	0	2	0	2	0	0	0
3 Arlington	1	3	0	4	1	0	1
4 Tyler	0	1	0	1	0	0	0
5 Beaumont	0	0	0	0	1	0	1
6 Houston	4	7	0	11	7	4	11
7 Austin	0	5	0	5	0	0	0
8 San Antonio	2	5	1	8	0	0	0
9 Midland	0	1	0	1	0	0	0
10 El Paso	2	0	0	2	0	0	0
11 Edinburg	1	0	0	1	0	0	0
<b>State Total</b>	<b>10</b>	<b>25</b>	<b>1</b>	<b>36</b>	<b>9</b>	<b>4</b>	<b>13</b>

Grand Total	Child Day Care Operations Adverse Actions				Corrective Actions		
	Permits Denied	Permits Revoked	Permits Suspended	Total Adverse Actions	Evaluation	Probation	Total Corrective Actions
<b>Grand Total</b>	<b>122</b>	<b>52</b>	<b>1</b>	<b>175</b>	<b>146</b>	<b>62</b>	<b>208</b>

*Note: Adverse actions are determined by the date the facility was sent the letter of intent. Finalizing adverse action through due process is lengthy. Corrective actions begin after the due process is completed. Voluntary Suspensions are not counted in the number of suspensions.*

## Background Checks for Day Care Licensing Child Care Operations Fiscal Year 2012

Operation Type	Central Registry Checks	DPS Checks	FBI Checks *
<b>Day Care Licensing</b>			
Licensed Child Care Center	190,244	190,242	154,261
Licensed Child Care Home	5,313	5,312	883
Listed Family Home	8,064	8,064	688
Registered Child Care Home	10,676	10,679	1,150
Small Employer Based Child Care	16	16	15
Total	214,313	214,313	156,997

\* Represents the number of FBI checks that were requested, not the number that were actually processed.

Note: Does not include background checks conducted on individuals in an illegal child-care operation or exemption request. Review the definition section for details on who is required to have Central Registry, DPS and FBI checks.

## State's Top 10 Standards Deficiencies for Child Day Care Operations

### Fiscal Year 2010

Rank	Standard Rule*	Description**	Deficiencies	Percent of Total Deficiencies
1	746.1203(4)	Responsibilities of Caregivers- Supervision of Children	1,516	1.7
2	746.3701	Safety - Areas Free From Hazards	1,493	1.7
3	746.1201(1)	Responsibilities of Employees and Caregivers -Demonstrate Competency, Good Judgment, Self-control	1,354	1.5
4	746.3407	Maintenance of Building, Grounds and Equipment	1,287	1.4
5	745.615(a)(2)	Required background checks - each person employed	1,172	1.3
6	746.5101(a)	Annual Fire Inspection - Before Initial Permit Issued and Every 12 Months	1,119	1.3
7	746.1601	Child/ Caregiver Ratio - 13 or More Children	918	1.0
8	746.605(6)	Required Admission Information - Emergency Contact	906	1.0
9	747.3501	Safety - Areas Free From Hazards	839	0.9
10	746.1315(a)	One Caregiver per Group of Children Must Have Current Training in First Aid with Rescue Breathing and Choking. Pediatric First Aid is Preferred	829	0.9

### Fiscal Year 2011

Rank	Standard Rule*	Description**	Deficiencies	Percent of Total Deficiencies
1	745.625(7)	Background checks submitted - Every 24 months after each person's background check was first submitted	2,346	2.5
2	745.615(a)(2)	Required background checks - each person employed	1,842	2.0
3	746.3701	Safety - Areas Free From Hazards	1,613	1.7
4	746.1203(4)	Responsibilities of Caregivers- Supervision of Children	1,544	1.6
5	745.615(b)(2)	Required FBI check -Persons at child care center, before/after-school, or school-age program required to have name-based check unless only meet (a)(7)	1,411	1.5
6	746.3407	Maintenance of Building, Grounds and Equipment	1,378	1.5
7	746.1201(1)	Responsibilities of Employees and Caregivers -Demonstrate Competency, Good Judgment, Self-control	1,157	1.2
8	746.5101(a)	Annual Fire Inspection - Before Initial Permit Issued and Every 12 Months	1,084	1.1
9	747.3501	Safety - Areas Free From Hazards	1,032	1.1
10	746.1601	Child/ Caregiver Ratio - 13 or More Children	871	0.9

## State's Top 10 Standards Deficiencies for Child Day Care Operations

### Fiscal Year 2012

Rank	Standard Rule*	Description	Deficiencies	Percent of Total Deficiencies
1	745.625(7)	Background checks submitted - Every 24 months after each person's background check was first submitted	1,827	2.1
2	745.615(a)(2)	Required background checks - each person employed	1,583	1.8
3	746.1203(4)	Responsibilities of Caregivers- Supervision of Children	1,369	1.6
4	746.3701	Safety - Areas Free From Hazards	1,289	1.5
5	746.3407	Maintenance of Building, Grounds and Equipment	1,182	1.3
6	745.615(b)(2)	Required FBI check -Persons at child care center, before/after-school, or school-age program required to have name-based check unless only meet (a)(7)	1,180	1.3
7	746.1201(1)	Responsibilities of Employees and Caregivers -Demonstrate Competency, Good Judgment, Self-control	1,037	1.2
8	746.5101(a)	Annual Fire Inspection - Before Initial Permit Issued and Every 12 Months	976	1.1
9	747.3501	Safety - Areas Free From Hazards	918	1.0
10	746.1601	Child/ Caregiver Ratio - 13 or More Children	832	0.9
10	747.501(10)	Written Operational Policies- Emergency Preparedness Plan	832	0.9

\* Only includes deficiencies where administrative review was upheld or waived.

\*\* As described in FY 2012.

Note: Does not include assessment deficiencies.