

Licensing changes and the laws behind them

Effective September 1, 2017 the Child Care Licensing (CCL) program moved under a new regulatory division within Texas Health and Human Services (HHS). It regulates and monitors child care operations in Texas. For more information about child care licensing and its services, visit <https://hhs.texas.gov/doing-business-hhs/provider-portals/protective-services-providers/child-care-licensing>.

Jacob's Law

"Who comes up with these laws?" This is a question that all too often child care licensing staff find themselves in the position of answering. While many standards evolve out of best practices, current research, and recommendations, sadly many originate out of tragedy—preventable tragedy. During our present, 86th legislative session, several bills have been brought to our representatives in response to tragedies.

While it is too early to know which bills will pass, and require Child Care Licensing to create new rules for minimum standards, it is interesting to reflect on a previous session, looking at a specific law and its origin.

Jacob was 4 years old when he went on a field trip with his Dallas area child care program in 2006. Jacob was left in a van, in 103-degree heat, and did not survive. Leaving a child on a van is an occurrence that should never occur in Texas child care. This occurrence is not an *accident* because accidents often cannot be prevented. Texas child care providers are required to have multiple systems in place to protect against a tragedy like Jacob's, yet these acts of negligence continue to occur. If you are a child care provider that provides transportation regularly or for field trips, take a moment to review these talking points with your staff.

Jacob's Law, from SB 572 of the 81st legislature (2009), requires all staff that transport children to complete annual transportation training. As you embark on the busy summer season, take a moment and share Jacob's story with your team. Then consider the following minimum standards as you plan for summer and ongoing transportation activities.

Summary of standards and rule references

- Operational policies—transportation: 746.501(14)
- Admission information for each child—permission

- to transport: 746.605(8) and 747.605(8)
- Copy of current driver's license for each staff transporting: 746.901 and 747.901
- Orientation—precautions in transporting for all staff: 746.1303 and 747.1007(L), 747.1301(15)
- Transportation training for staff that transport and for directors: 746.1316 and 747.1314
- Ratios for transportation: 746.1805 and 747.1903
- Emergency plans: 746.3001 and 747.2901
 - Signed permission to transport
 - Emergency medical consent for each child
 - Written list of each child by name
 - Food allergy plans and medications
 - Current training in pediatric first aid and CPR
- Complete first-aid kits: 746.4001, 746.4003 and 747.3801, 747.3803
- Load and unload children at curbside: 746.5605 and 747.5405
 - Account for all children exiting the vehicle before leaving the vehicle unattended
 - Never leave a child unattended in a vehicle
- Use child passenger safety seating and secure each child as appropriate to height and weight: 746.5607 and 747.5407
- Requirements for transport: 746.5617 and 747.5405
 - Written list of each child by name
 - Emergency medical information
 - Parents' names and phone numbers
 - Fire extinguisher
- Plan for handling transportation emergencies: 746.5619 and 747.5419
- Use communication device: 746.5621 and 747.5421
- Child safety alarm: 746.5625

The minimum standard 746.5605 requires that you account for all children before leaving the vehicle and never leaving a child unattended on a vehicle. Does your transportation training address how you will

ensure that a child is never left on a vehicle? It should! If your training does not address the systems and processes that your center has in place to ensure a child is never left on a van unattended, you need to stop and do this now. Simply telling staff they cannot do something does not ensure proper behaviors. Instructing staff on how they will accomplish this task is a critical component to reducing risk.

Electronic child safety alarms

The 83rd Legislative Session passed a law requiring vehicles that seat 8 or more to be equipped with a child safety alarm. In these vehicles, the staff is to walk to the back of the vehicle, checking each seat and floor to confirm that all children are off the van and then setting the alarm to the correct position. However, staff often compromise this safety measure by allowing a child to turn off the alarm, turning the alarm off by opening the back door, or disconnecting the unit. Shortcuts in using the alarms as designed have led to additional fatalities in vans.



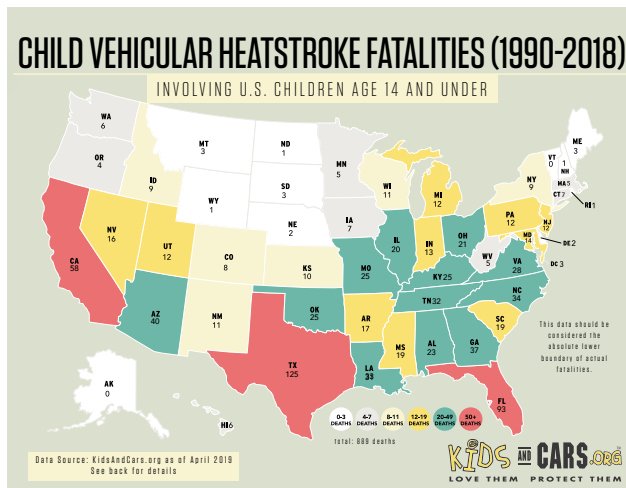
Training tip: Practice loading and unloading procedures with staff, posing additional staff acting as the children. Have one staff play the role of the sleeping child on the van seat, or better, floor. Did the drivers follow processes to ensure all were off the van? Did staff use the safety alarm as required?

Hot vehicles

Temperatures in parked vehicle rise quickly and can increase 20 degrees in 10 minutes or less. Because a child's body temperature rises 3 to 5 times faster than that of an adult, this scenario quickly becomes deadly for a small child (American Academy of Pediatrics, 2019). Don't be fooled by mild conditions; they pose a health threat as well.

Temperature increase inside a car with an outside temperature of 80°F (elapsed time in minutes):

- After 10 minutes: 99°F inside car;
- After 20 minutes: 109°F;
- After 30 minutes 114°F;



- After 40 minutes: 118°F;
- After 50 minutes: 120°F;
- After 60 minutes: 123°F. (AAP, 2019, p. 312)

According to *Kids and Cars* (2019), there were 52 heat stroke fatalities in cars in 2018. Texas led the nation with 125 heat stroke fatalities in vehicles between 1990 and 2018. The countless stories of children left in vehicles, too often include a change in patterns, mild temperatures in the 80s, and usually a 30-minute time frame.

Training tip: In addition to name-to-face attendance, try pairing the children with a buddy. As a final check-in, after arriving at the center:

- have the students physically pair up with their buddies (sitting or standing next to each other),
- call a final name-to-face attendance by buddy grouping, and
- let children know that if they do not have a buddy, they call, "Missing" for them at this time.

Creating a consistent pattern of behaviors can help ensure a child is not left in a vehicle. Operations that have detailed systems in place and do not allow for shortcuts will save children's lives.

- Plan staff training to specifically address your operations systems that will take place every single time a child is loaded and unloaded from the van. Examples: name-to-face attendance, secondary name-to-face attendance verified by the administration upon return, duplicate checks of accountability for vehicle alarms, a last name-to-face attendance check once in the classroom.
- Share a few stories from *Kids and Cars* with staff. Break through the attitude of those who think, "That won't happen to me."

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- Carefully review all the minimum standards that apply to your program and transportation. Help staff understand the great responsibility that comes with transporting children, the standards for which they are responsible, and why the standards are so important.
 - Ask your staff to recall why certain standards were created. Remind them why you must conduct transportation training annually and why you must practice your systems and procedures. Jacob! We have transportation safety training each year to ensure that children like Jacob can go on to play soccer, dance at the prom, go to college, and have children of their own.

References

American Academy of Pediatrics. (2019). *Caring for Our Children* (4th ed.). Retrieved from <http://nrckids.org/CFOC>

Kids and Cars. (2019). *Heatstroke*. Retrieved from www.kidsandcars.org/how-kids-get-hurt/heatstroke/

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