By: Chisum, Swinford

H.B. No. 332

Substitute the following for H.B. No. 332:

By: Delisi

C.S.H.B. No. 332

A BILL TO BE ENTITLED

1      AN ACT

2 relating to the exemption for certain educational facilities from

3 the child-care licensing requirements.

4      BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5      SECTION 1.  Section 42.041, Human Resources Code, is amended

6 by amending Subsection (b) and adding Subsection (b-1) to read as

7 follows:

8      (b)  This section does not apply to:

9           (1)  a state-operated facility;

10          (2)  an agency foster home or agency foster group home;

11          (3)  a facility that is operated in connection with a

12 shopping   center,   business,   religious   organization,   or

13 establishment where children are cared for during short periods

14 while parents or persons responsible for the children are attending

15 religious services, shopping, or engaging in other activities on or

16 near the premises, including but not limited to retreats or classes

17 for religious instruction;

18          (4)  a school or class for religious instruction that

19 does not last longer than two weeks and is conducted by a religious

20 organization during the summer months;

21          (5)  a youth camp licensed by the [Texas] Department of

22 State Health Services;

23          (6)  a facility licensed, operated, certified, or

24 registered by another state agency;

1   (7) subject to Subsection (b-1), an educational
2   facility that is accredited by the Texas Education Agency, [or] the
3   Southern Association of Colleges and Schools, or an accreditation
4   body that is a member of the Texas Private School Accreditation
5   Commission and that operates primarily for educational purposes in
6   grades kindergarten and above, an after-school program operated
7   directly by an accredited educational facility, or an after-school
8   program operated by another entity under contract with the
9   educational facility, if the Texas Education Agency, the [or]
10  Southern Association of Colleges and Schools, or the other
11  accreditation body, as applicable, has approved the curriculum
12  content of the after-school program operated under the contract;

13  (8) an educational facility that operates solely for
14  educational purposes in grades kindergarten through at least grade
15  two, that does not provide custodial care for more than one hour
16  during the hours before or after the customary school day, and that
17  is a member of an organization that promulgates, publishes, and
18  requires compliance with health, safety, fire, and sanitation
19  standards equal to standards required by state, municipal, and
20  county codes;

21  (9) a kindergarten or preschool educational program
22  that is operated as part of a public school or a private school
23  accredited by the Texas Education Agency, that offers educational
24  programs through grade six, and that does not provide custodial
25  care during the hours before or after the customary school day;

26  (10) a family home, whether registered or listed;

27  (11) subject to Subsection (b-1), an educational

2

1 facility that is integral to and inseparable from its sponsoring

2 religious organization or an educational facility both of which do

3 not provide custodial care for more than two hours maximum per day,

4 and that offers educational programs for children age <u>four</u> [~~five~~]

5 and above in one or more of the following: <u>preschool,</u> kindergarten

6 through at least grade three, elementary, or secondary grades;

7       (12) an emergency shelter facility providing shelter

8 to minor mothers who are the sole support of their natural children

9 under Section 32.201, Family Code, unless the facility would

10 otherwise require a license as a child-care facility under this

11 section;

12       (13) a juvenile detention facility certified under

13 Section 51.12, Family Code, or Section 141.042(d), a juvenile

14 facility providing services solely for the Texas Youth Commission,

15 or any other correctional facility for children operated or

16 regulated by another state agency or by a political subdivision of

17 the state;

18       (14) an elementary-age (ages 5-13) recreation program

19 operated by a municipality provided the governing body of the

20 municipality annually adopts standards of care by ordinance after a

21 public hearing for such programs, that such standards are provided

22 to the parents of each program participant, and that the ordinances

23 shall include, at a minimum, staffing ratios, minimum staff

24 qualifications, minimum facility, health, and safety standards,

25 and mechanisms for monitoring and enforcing the adopted local

26 standards; and further provided that parents be informed that the

27 program is not licensed by the state and the program may not be

1   advertised as a child-care facility; or

2           (15)   an annual youth camp held in a municipality with a

3   population of more than 1.5 million that operates for not more than

4   three months and that has been operated for at least 10 years by a

5   nonprofit organization that provides care for the homeless.

6       (b-1)   The following exemptions apply only to an educational

7   facility that operates in a county that has a population of less

8   than 25,000:

9           (1)   the exemption provided under Subsection (b)(7) to

10  a facility accredited by an accreditation body that is a member of

11  the Texas Private School Accreditation Commission, an after-school

12  program operated directly by the accredited educational facility,

13  or  an  after-school  program  operated  by  another  entity  under

14  contract with the accredited educational facility; and

15          (2)   the exemption provided under Subsection (b)(11) to

16  a facility that offers educational programs for children who are

17  four years of age.

18      SECTION 2.   This Act takes effect immediately if it receives

19  a vote of two-thirds of all the members elected to each house, as

20  provided by Section 39, Article III, Texas Constitution.   If this

21  Act does not receive the vote necessary for immediate effect, this

22  Act takes effect September 1, 2007.