

By: Hartnett

H.B. No. 406

A BILL TO BE ENTITLED

AN ACT

relating to license requirements for preschool and after-school programs operated by public or private schools.

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

SECTION 1. Section 42.041(b), Human Resources Code, is amended to read as follows:

(b) This section does not apply to:

(1) a state-operated facility;

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

(3) a facility that is operated in connection with a shopping center, business, religious organization, or establishment where children are cared for during short periods while parents or persons responsible for the children are attending religious services, shopping, or engaging in other activities on or near the premises, including but not limited to retreats or classes for religious instruction;

(4) a school or class for religious instruction that does not last longer than two weeks and is conducted by a religious organization during the summer months;

(5) a youth camp licensed by the [~~Texas~~] Department of State Health Services;

(6) a facility licensed, operated, certified, or registered by another state agency;

(7) an educational facility accredited by the Texas

1 Education Agency or the Southern Association of Colleges and  
2 Schools that operates primarily for educational purposes in grades  
3 kindergarten and above [~~, an after-school program operated directly~~  
4 ~~by an accredited educational facility, or an after-school program~~  
5 ~~operated by another entity under contract with the educational~~  
6 ~~facility, if the Texas Education Agency or Southern Association of~~  
7 ~~Colleges and Schools has approved the curriculum content of the~~  
8 ~~after-school program operated under the contract]~~;

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

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

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

23 (11) an educational facility that is integral to and  
24 inseparable from its sponsoring religious organization or an  
25 educational facility both of which do not provide custodial care  
26 for more than two hours maximum per day, and that offers educational  
27 programs for children age five and above in one or more of the

1 following: kindergarten through at least grade three, elementary,  
2 or secondary grades;

3 (12) an emergency shelter facility providing shelter  
4 to minor mothers who are the sole support of their natural children  
5 under Section 32.201, Family Code, unless the facility would  
6 otherwise require a license as a child-care facility under this  
7 section;

8 (13) a juvenile detention facility certified under  
9 Section 51.12, Family Code, or Section 141.042(d), a juvenile  
10 facility providing services solely for the Texas Youth Commission,  
11 or any other correctional facility for children operated or  
12 regulated by another state agency or by a political subdivision of  
13 the state;

14 (14) an elementary-age (ages 5-13) recreation program  
15 operated by a municipality provided the governing body of the  
16 municipality annually adopts standards of care by ordinance after a  
17 public hearing for such programs, that such standards are provided  
18 to the parents of each program participant, and that the ordinances  
19 shall include, at a minimum, staffing ratios, minimum staff  
20 qualifications, minimum facility, health, and safety standards,  
21 and mechanisms for monitoring and enforcing the adopted local  
22 standards; and further provided that parents be informed that the  
23 program is not licensed by the state and the program may not be  
24 advertised as a child-care facility; or

25 (15) an annual youth camp held in a municipality with a  
26 population of more than 1.5 million that operates for not more than  
27 three months and that has been operated for at least 10 years by a

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1 nonprofit organization that provides care for the homeless.

2 SECTION 2. This Act takes effect September 1, 2007.