

1-1 By: Swinford (Senate Sponsor - Seliger) H.B. No. 1786
1-2 (In the Senate - Received from the House May 11, 2007;
1-3 May 15, 2007, read first time and referred to Committee on Health
1-4 and Human Services; May 18, 2007, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 6, Nays
1-6 0; May 18, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 1786 By: Uresti

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to an exemption for certain programs from the child-care
1-11 licensing requirements.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 42.041(b), Human Resources Code,
1-14 is amended to read as follows:

1-15 (b) This section does not apply to:

1-16 (1) a state-operated facility;

1-17 (2) an agency foster home or agency foster group home;

1-18 (3) a facility that is operated in connection with a
1-19 shopping center, business, religious organization, or
1-20 establishment where children are cared for during short periods
1-21 while parents or persons responsible for the children are attending
1-22 religious services, shopping, or engaging in other activities on or
1-23 near the premises, including but not limited to retreats or classes
1-24 for religious instruction;

1-25 (4) a school or class for religious instruction that
1-26 does not last longer than two weeks and is conducted by a religious
1-27 organization during the summer months;

1-28 (5) a youth camp licensed by the [Texas] Department of
1-29 State Health Services;

1-30 (6) a facility licensed, operated, certified, or
1-31 registered by another state agency;

1-32 (7) an educational facility accredited by the Texas
1-33 Education Agency or the Southern Association of Colleges and
1-34 Schools that operates primarily for educational purposes in grades
1-35 kindergarten and above, an after-school program operated directly
1-36 by an accredited educational facility, or an after-school program
1-37 operated by another entity under contract with the educational
1-38 facility, if the Texas Education Agency or Southern Association of
1-39 Colleges and Schools has approved the curriculum content of the
1-40 after-school program operated under the contract;

1-41 (8) an educational facility that operates solely for
1-42 educational purposes in grades kindergarten through at least grade
1-43 two, that does not provide custodial care for more than one hour
1-44 during the hours before or after the customary school day, and that
1-45 is a member of an organization that promulgates, publishes, and
1-46 requires compliance with health, safety, fire, and sanitation
1-47 standards equal to standards required by state, municipal, and
1-48 county codes;

1-49 (9) a kindergarten or preschool educational program
1-50 that is operated as part of a public school or a private school
1-51 accredited by the Texas Education Agency, that offers educational
1-52 programs through grade six, and that does not provide custodial
1-53 care during the hours before or after the customary school day;

1-54 (10) a family home, whether registered or listed;

1-55 (11) an educational facility that is integral to and
1-56 inseparable from its sponsoring religious organization or an
1-57 educational facility both of which do not provide custodial care
1-58 for more than two hours maximum per day, and that offers educational
1-59 programs for children age five and above in one or more of the
1-60 following: kindergarten through at least grade three, elementary,
1-61 or secondary grades;

1-62 (12) an emergency shelter facility providing shelter
1-63 to minor mothers who are the sole support of their natural children

under Section 32.201, Family Code, unless the facility would otherwise require a license as a child-care facility under this section;

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

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

(15) an annual youth camp held in a municipality with a population of more than 1.5 million that operates for not more than three months and that has been operated for at least 10 years by a nonprofit organization that provides care for the homeless; or

(16) a food distribution program that:
 (A) serves an evening meal to children two years of age or older; and
 (B) is operated by a nonprofit food bank in a nonprofit, religious, or educational facility for not more than two hours a day on regular business days.

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

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