

By: Truitt

H.B. No. 1912

A BILL TO BE ENTITLED

AN ACT

1
2 relating to an exemption for certain facilities from the child-care
3 licensing requirements.

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

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

7 (b) This section does not apply to:

8 (1) a state-operated facility;

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

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

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

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

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

24 (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:

10 (A) operates solely for educational purposes:

11 (i) in grades kindergarten through at least
12 grade two; or

13 (ii) using an internationally recognized
14 method for educating children in a prepared environment with mixed
15 age groups in a preschool educational program or kindergarten for
16 children between 14 months of age and six years of age;

17 (B) [~~that~~] does not provide custodial care for
18 more than one hour during the hours before or after the customary
19 school day; [~~and~~]

20 (C) [~~that~~] is a member of an organization that
21 promulgates, publishes, and requires compliance with health,
22 safety, fire, and sanitation standards equal to standards required
23 by state, municipal, and county codes;

24 (9) a kindergarten or preschool educational program
25 that is operated as part of a public school or a private school
26 accredited by the Texas Education Agency, that offers educational
27 programs through grade six, and that does not provide custodial

1 care during the hours before or after the customary school day;

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

3 (11) an educational facility that is integral to and
4 inseparable from its sponsoring religious organization or an
5 educational facility both of which do not provide custodial care
6 for more than two hours maximum per day, and that offers educational
7 programs for children age five and above in one or more of the
8 following: kindergarten through at least grade three, elementary,
9 or secondary grades;

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

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

21 (14) an elementary-age (ages 5-13) recreation program
22 operated by a municipality provided the governing body of the
23 municipality annually adopts standards of care by ordinance after a
24 public hearing for such programs, that such standards are provided
25 to the parents of each program participant, and that the ordinances
26 shall include, at a minimum, staffing ratios, minimum staff
27 qualifications, minimum facility, health, and safety standards,

1 and mechanisms for monitoring and enforcing the adopted local
2 standards; and further provided that parents be informed that the
3 program is not licensed by the state and the program may not be
4 advertised as a child-care facility; or

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

9 SECTION 2. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2007.