

By: Carona

S.B. No. 218

A BILL TO BE ENTITLED

AN ACT

relating to licensing and inspection requirements of the Department of Family and Protective Services for certain facilities.

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

SECTION 1. Subsection (b), Section 42.041, 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, the Texas Private School Accreditation  
2 Commission, or the Southern Association of Colleges and Schools  
3 that operates primarily for educational purposes in grades  
4 kindergarten and above or~~[7]~~ an after-school program operated  
5 directly by an accredited educational facility~~[, or an after-school~~  
6 ~~program operated by another entity under contract with the~~  
7 ~~educational facility, if the Texas Education Agency or Southern~~  
8 ~~Association of Colleges and Schools has approved the curriculum~~  
9 ~~content of the after-school program operated under the contract];~~

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

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

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

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

1 programs for children age five and above in one or more of the  
2 following: kindergarten through at least grade three, elementary,  
3 or secondary grades;

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

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

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

26 (15) an annual youth camp held in a municipality with a  
27 population of more than 1.5 million that operates for not more than

1 three months and that has been operated for at least 10 years by a  
2 nonprofit organization that provides care for the homeless.

3 SECTION 2. Section 42.044, Human Resources Code, is amended  
4 by adding Subsection (b-1) to read as follows:

5 (b-1) Notwithstanding Subsection (b), the department is  
6 required to inspect only as necessary a licensed child-care  
7 facility that offers only an after-school program operated by an  
8 entity under contract with an educational facility accredited by  
9 the Texas Education Agency, the Texas Private School Accreditation  
10 Commission, or the Southern Association of Colleges and Schools, if  
11 that agency, commission, or association has approved the curriculum  
12 content of the after-school program.

13 SECTION 3. Subsection (c), Section 42.054, Human Resources  
14 Code, is amended to read as follows:

15 (c) The department shall charge each licensed child-care  
16 facility an annual license fee in the amount of \$35 plus \$2 [~~\$1~~] for  
17 each child the child-care facility is permitted to serve. The fee  
18 is due on the date on which the department issues the child-care  
19 facility's initial license and on the anniversary of that date.

20 SECTION 4. Section 42.054, Human Resources Code, is amended  
21 by adding Subsection (h) to read as follows:

22 (h) Notwithstanding any other provision of this section,  
23 the department may not charge the initial license fee or the annual  
24 license fee for a licensed child-care facility that exclusively  
25 offers an after-school program operated by another entity under  
26 contract with the educational facility, if the Texas Education  
27 Agency, the Texas Private School Accreditation Commission, or the

1 Southern Association of Colleges and Schools has approved the  
2 curriculum content of the after-school program operated under the  
3 contract.

4 SECTION 5. This Act takes effect September 1, 2007.