

By: Carona

S.B. No. 218

Substitute the following for S.B. No. 218:

By: Rose

C.S.S.B. No. 218

A BILL TO BE ENTITLED

AN ACT

1
2 relating to licensing and inspection requirements of the Department
3 of Family and Protective Services for certain facilities.

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

5 SECTION 1. Subsection (b), Section 42.041, Human Resources
6 Code, is 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, 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 [~~, an after-school program operated directly~~
5 ~~by an accredited educational facility, or an after-school program~~
6 ~~operated by another entity under contract with the educational~~
7 ~~facility, if the Texas Education Agency or Southern Association of~~
8 ~~Colleges and Schools has approved the curriculum content of the~~
9 ~~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; or

3 (16) a public school that provides before-school or
4 after-school programs, child care, or other extended day activities
5 on a tuition-free basis.

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

8 (b-1) Notwithstanding Subsection (b), the department is
9 required to inspect only as necessary a licensed child-care
10 facility that offers only an after-school program operated directly
11 by an educational facility accredited by the Texas Education
12 Agency, the Texas Private School Accreditation Commission, or the
13 Southern Association of Colleges and Schools.

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

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

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