

1-1 By: Carona S.B. No. 218  
1-2 (In the Senate - Filed January 12, 2007; January 30, 2007,  
1-3 read first time and referred to Committee on Health and Human  
1-4 Services; March 12, 2007, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 7, Nays 1;  
1-6 March 12, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 218 By: Deuell

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

1-10 relating to licensing and inspection requirements of the Department  
1-11 of Family and Protective Services for certain facilities.

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

1-13 SECTION 1. Subsection (b), Section 42.041, Human Resources  
1-14 Code, 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

2-1 under Section 32.201, Family Code, unless the facility would  
2-2 otherwise require a license as a child-care facility under this  
2-3 section;

2-4 (13) a juvenile detention facility certified under  
2-5 Section 51.12, Family Code, or Section 141.042(d), a juvenile  
2-6 facility providing services solely for the Texas Youth Commission,  
2-7 or any other correctional facility for children operated or  
2-8 regulated by another state agency or by a political subdivision of  
2-9 the state;

2-10 (14) an elementary-age (ages 5-13) recreation program  
2-11 operated by a municipality provided the governing body of the  
2-12 municipality annually adopts standards of care by ordinance after a  
2-13 public hearing for such programs, that such standards are provided  
2-14 to the parents of each program participant, and that the ordinances  
2-15 shall include, at a minimum, staffing ratios, minimum staff  
2-16 qualifications, minimum facility, health, and safety standards,  
2-17 and mechanisms for monitoring and enforcing the adopted local  
2-18 standards; and further provided that parents be informed that the  
2-19 program is not licensed by the state and the program may not be  
2-20 advertised as a child-care facility; or

2-21 (15) an annual youth camp held in a municipality with a  
2-22 population of more than 1.5 million that operates for not more than  
2-23 three months and that has been operated for at least 10 years by a  
2-24 nonprofit organization that provides care for the homeless.

2-25 SECTION 2. Section 42.044, Human Resources Code, is amended  
2-26 by adding Subsection (b-1) to read as follows:

2-27 (b-1) Notwithstanding Subsection (b), the department is  
2-28 required to inspect only as necessary a licensed child-care  
2-29 facility that offers only:

2-30 (1) an after-school program operated directly by an  
2-31 accredited educational facility; or

2-32 (2) an after-school program operated by an entity  
2-33 under contract with an educational facility accredited by the Texas  
2-34 Education Agency or the Southern Association of Colleges and  
2-35 Schools, if that agency or association has approved the curriculum  
2-36 content of the after-school program.

2-37 SECTION 3. Subsection (c), Section 42.054, Human Resources  
2-38 Code, is amended to read as follows:

2-39 (c) The department shall charge each licensed child-care  
2-40 facility an annual license fee in the amount of \$35 plus \$2 [~~\$1~~] for  
2-41 each child the child-care facility is permitted to serve. The fee  
2-42 is due on the date on which the department issues the child-care  
2-43 facility's initial license and on the anniversary of that date.

2-44 SECTION 4. This Act takes effect September 1, 2007.

2-45 \* \* \* \* \*