

By: Villarreal, Chisum

H.B. No. 601

A BILL TO BE ENTITLED

AN ACT

1
2 relating to licensing requirements of the Department of Family and
3 Protective Services for certain facilities and homes providing
4 child care.

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

6 SECTION 1. The heading to Section 42.041, Human Resources
7 Code, is amended to read as follows:

8 Sec. 42.041. REQUIRED LICENSE [~~OR ACCREDITATION~~].

9 SECTION 2. Section 42.041(b), Human Resources Code, is
10 amended to read as follows:

11 (b) This section does not apply to:

12 (1) a state-operated facility;

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

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

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

24 (5) a youth camp licensed by the Department of State

1 Health Services;

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

4 (7) [~~subject to Subsection (b-1),~~] an educational
5 facility that is accredited by the Texas Education Agency, the
6 Southern Association of Colleges and Schools, or an accreditation
7 body that is a member of the Texas Private School Accreditation
8 Commission and that operates primarily for educational purposes
9 for prekindergarten [~~in grades kindergarten~~] and above, a
10 before-school and [~~an~~] after-school program operated directly by an
11 accredited educational facility, or a before-school and [~~an~~]
12 after-school program operated by another entity under contract with
13 the educational facility, if the Texas Education Agency, the
14 Southern Association of Colleges and Schools, or the other
15 accreditation body, as applicable, has approved the curriculum
16 content of the before-school and after-school program operated
17 under the contract;

18 (8) an educational facility that operates solely for
19 educational purposes in grades kindergarten through at least grade
20 two, that does not provide custodial care for more than one hour
21 during the hours before or after the customary school day, and that
22 is a member of an organization that promulgates, publishes, and
23 requires compliance with health, safety, fire, and sanitation
24 standards equal to standards required by state, municipal, and
25 county codes;

26 (9) a kindergarten or preschool educational program
27 that is operated as part of a public school or a private school

1 accredited by the Texas Education Agency, that offers educational
2 programs through grade six, and that does not provide custodial
3 care during the hours before or after the customary school day;

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

5 (11) [~~subject to Subsection (b-1),~~] an educational
6 facility that is integral to and inseparable from its sponsoring
7 religious organization or an educational facility both of which do
8 not provide custodial care for more than two hours maximum per day,
9 and that offers an educational program [~~programs for children age~~
10 ~~four and above~~] in one or more of the following: prekindergarten
11 [~~preschool, kindergarten~~] through at least grade three, elementary
12 grades, or secondary grades;

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

18 (13) a juvenile detention facility certified under
19 Section 51.12, Family Code, a juvenile correctional facility
20 certified under Section 51.125, Family Code, a juvenile facility
21 providing services solely for the Texas Youth Commission, or any
22 other correctional facility for children operated or regulated by
23 another state agency or by a political subdivision of the state;

24 (14) an elementary-age (ages 5-13) recreation program
25 operated by a municipality provided the governing body of the
26 municipality annually adopts standards of care by ordinance after a
27 public hearing for such programs, that such standards are provided

1 to the parents of each program participant, and that the ordinances
2 shall include, at a minimum, staffing ratios, minimum staff
3 qualifications, minimum facility, health, and safety standards,
4 and mechanisms for monitoring and enforcing the adopted local
5 standards; and further provided that parents be informed that the
6 program is not licensed by the state and the program may not be
7 advertised as a child-care facility;

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

12 (16) a food distribution program that:

13 (A) serves an evening meal to children two years
14 of age or older; and

15 (B) is operated by a nonprofit food bank in a
16 nonprofit, religious, or educational facility for not more than two
17 hours a day on regular business days.

18 SECTION 3. Section 42.041(b-1), Human Resources Code, is
19 repealed.

20 SECTION 4. This Act takes effect September 1, 2009.