

By: Hartnett, et al.

H.B. No. 1540

Substitute the following for H.B. No. 1540:

By: Rose

C.S.H.B. No. 1540

A BILL TO BE ENTITLED

AN ACT

relating to license requirements and fees for certain child-care programs operated by public or private schools.

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

SECTION 1. Section 42.041(b), 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 Department of State Health Services;

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

(7) ~~[subject to Subsection (b-1),]~~ an educational

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

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

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

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

27 (11) [~~subject to Subsection (b-1),~~] an educational

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

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

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

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

1 program is not licensed by the state and the program may not be
2 advertised as a child-care facility;

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

7 (16) a food distribution program that:

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

10 (B) is operated by a nonprofit food bank in a
11 nonprofit, religious, or educational facility for not more than two
12 hours a day on regular business days;

13 (17) a before-school or after-school program operated
14 by an educational facility that is accredited by the Texas
15 Education Agency, or an after-school program operated by an entity
16 under a contract with that educational facility, if the program:

17 (A) requires all children to be under the direct
18 supervision of a staff person at all times;

19 (B) requires all children to be signed in and out
20 by a staff person;

21 (C) requires a staff person to verify the
22 identity of a nonparent who takes possession of a child from the
23 program;

24 (D) requires all injuries or illnesses that
25 require medical attention to be reported to the principal of the
26 educational facility;

27 (E) maintains a written list of symptoms,

1 illnesses, and diseases that require exclusion from attendance;
2 (F) keeps all medications that are administered
3 to children in the program under locked control;
4 (G) requires training for all staff, including:
5 (i) a high school diploma, general
6 education development certificate, or certificate of high school
7 equivalency;
8 (ii) emergency procedures training;
9 (iii) 15 hours of training annually in
10 child development, health and safety, and discipline; and
11 (iv) field trip procedure training;
12 (H) requires monthly fire drills for the program;
13 and
14 (I) maintains records of the following:
15 (i) a list of all children in attendance
16 that is accurate at all times;
17 (ii) parent contact information that is
18 regularly updated to reflect the correct contact information;
19 (iii) a list for each child of the child's
20 allergies;
21 (iv) all reported injuries or illnesses;
22 (v) written parental permission for
23 transportation of a child;
24 (vi) written parental permission to
25 administer medication to a child;
26 (vii) the medications administered to a
27 child;

1 (viii) written parental permission to
2 obtain emergency medical care for a child; and

3 (ix) written parental permission for a
4 person who is a nonparent to take possession of a child from the
5 program; or

6 (18) a before-school or after-school program operated
7 by an educational facility that is accredited by the Southern
8 Association of Colleges and Schools or an accreditation body that
9 is a member of the Texas Private School Accreditation Commission,
10 or a before-school or after-school program operated by an entity
11 under contract with that educational facility if the Southern
12 Association of Colleges and Schools or the accreditation body that
13 is a member of the Texas Private School Accreditation Commission,
14 as applicable, has approved the curriculum content of the
15 before-school or after-school program.

16 SECTION 2. Section 42.054(c), Human Resources Code, is
17 amended to read as follows:

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

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

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