

By: Truitt

H.B. No. 2590

A BILL TO BE ENTITLED

AN ACT

relating to an exemption for certain facilities from the child-care
licensing requirements.

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 kindergarten and above, an after-school program operated
6 directly by an accredited educational facility, or an after-school
7 program operated by another entity under contract with the
8 educational facility, if the Texas Education Agency, the Southern
9 Association of Colleges and Schools, or the other accreditation
10 body, as applicable, has approved the curriculum content of the
11 after-school program operated under the contract;

12 (8) an educational facility that:

13 (A) operates solely for educational purposes:

14 (i) in grades kindergarten through at least
15 grade two; or

16 (ii) using an internationally recognized
17 method for educating children in a prepared environment with mixed
18 age groups, in kindergarten through at least grade two and, at the
19 facility's option, in a preschool educational program for children
20 between 18 months of age and three years of age;

21 (B) [~~that~~] does not provide custodial care for
22 more than one hour during the hours before or after the customary
23 school day; [~~and~~]

24 (C) [~~that~~] is a member of an organization that
25 promulgates, publishes, and requires compliance with health,
26 safety, fire, and sanitation standards equal to standards required
27 by state, municipal, and county codes;

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

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

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

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

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

25 (14) an elementary-age (ages 5-13) recreation program
26 operated by a municipality provided the governing body of the
27 municipality annually adopts standards of care by ordinance after a

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

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

13 (16) a food distribution program that:

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

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

19 SECTION 2. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2009.