

By: Lucio

S.B. No. 773

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. Section 42.002, Human Resources Code, is amended
7 by adding Subdivision (20) to read as follows:

8 (20) "Before-school and after-school program" means a
9 child-care facility that provides care before and after the
10 customary school day and during school holidays, for at least two
11 hours a day, three days a week, to children who attend
12 prekindergarten through grade six.

13 SECTION 2. The heading to Section 42.041, Human Resources
14 Code, is amended to read as follows:

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

16 SECTION 3. Section 42.041(b), Human Resources Code, is
17 amended to read as follows:

18 (b) This section does not apply to:
19 (1) a state-operated facility;
20 (2) an agency foster home or agency foster group home;
21 (3) a facility that is operated in connection with a
22 shopping center, business, religious organization, or
23 establishment where children are cared for during short periods
24 while parents or persons responsible for the children are attending

1 religious services, shopping, or engaging in other activities on or
2 near the premises, including but not limited to retreats or classes
3 for religious instruction;

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

7 (5) a youth camp licensed by the Department of State
8 Health Services;

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

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

25 (8) an educational facility that operates solely for
26 educational purposes in grades kindergarten through at least grade
27 two, that does not provide custodial care for more than one hour

1 during the hours before or after the customary school day, and that
2 is a member of an organization that promulgates, publishes, and
3 requires compliance with health, safety, fire, and sanitation
4 standards equal to standards required by state, municipal, and
5 county codes;

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

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

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

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

25 (13) a juvenile detention facility certified under
26 Section 51.12, Family Code, a juvenile correctional facility
27 certified under Section 51.125, Family Code, a juvenile facility

1 providing services solely for the Texas Youth Commission, or any
2 other correctional facility for children operated or regulated by
3 another state agency or by a political subdivision of the state;

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

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

19 (16) a food distribution program that:

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

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

25 SECTION 4. Section 42.041(b-1), Human Resources Code, is
26 repealed.

27 SECTION 5. This Act takes effect September 1, 2009.