

By: Leibowitz

H.B. No. 1393

Substitute the following for ___B. No. _____:

By: _____

C.S. ___B. No. _____

A BILL TO BE ENTITLED

1

AN ACT

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

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

5 SECTION 1. Section 42.041(b), Human Resources Code, is
6 amended to read as follows:

7 (b) This section does not apply to:

8 (1) a state-operated facility;

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

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

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

20 (5) a youth camp licensed by the Department of State
21 Health Services;

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

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

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

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

26 (11) subject to Subsection (b-1), an educational
27 facility that is integral to and inseparable from its sponsoring

1 religious organization or an educational facility both of which do
2 not provide custodial care for more than two hours maximum per day,
3 and that offers educational programs for children age four and
4 above in one or more of the following: preschool, kindergarten
5 through at least grade three, elementary, or secondary grades;

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

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

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

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

5 (16) a food distribution program that:

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

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

11 (17) a program that is not operated as part of an
12 educational facility or a day-care center in which a child receives
13 instruction in a single talent, ability, expertise, or proficiency,
14 including baseball, basketball, cheerleading, dancing, football,
15 gymnastics, martial arts, soccer, and swimming, that:

16 (A) adopts standards of care, including
17 standards relating to staff ratios, staff training, health, and
18 safety;

19 (B) provides a mechanism for monitoring and
20 enforcing the standards and receiving complaints from parents of
21 enrolled children;

22 (C) does not advertise as a child-care facility
23 or day-care center and informs parents that it is not licensed by
24 the state;

25 (D) conducts background checks using information
26 from the Department of Public Safety for all program employees and
27 volunteers who work with children; and

1 (E) is offered during the summer months and
2 during school holidays for less than 12 hours a day.

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