

S.B. No. 212

AN ACT

1-1 relating to exempting certain youth programs from child-care
1-2 licensing requirements.

1-3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-4 SECTION 1. Subsection (b), Section 42.041, Human Resources
1-5 Code, is amended to read as follows:

1-6 (b) This section does not apply to:

1-7 (1) a state-operated facility;

1-8 (2) an agency home;

1-9 (3) a facility that is operated in connection with a
1-10 shopping center, business, religious organization, or establishment
1-11 where children are cared for during short periods while parents or
1-12 persons responsible for the children are attending religious
1-13 services, shopping, or engaging in other activities on or near the
1-14 premises, including but not limited to retreats or classes for
1-15 religious instruction;

1-16 (4) a school or class for religious instruction that
1-17 does not last longer than two weeks and is conducted by a religious
1-18 organization during the summer months;

1-19 (5) a youth camp licensed by the Texas Department of
1-20 Health;

1-21 (6) a hospital licensed by the Texas Department of
1-22 Mental Health and Mental Retardation or the Texas Department of
1-23 Health;

1-24 (7) an educational facility accredited by the Central
2-1 Education Agency or the Southern Association of Colleges and
2-2 Schools that operates primarily for educational purposes in grades
2-3 kindergarten and above;

2-4 (8) an educational facility that operates solely for
2-5 educational purposes in grades kindergarten through at least grade
2-6 two, that does not provide custodial care for more than one hour
2-7 during the hours before or after the customary school day, and that
2-8 is a member of an organization that promulgates, publishes, and
2-9 requires compliance with health, safety, fire, and sanitation
2-10 standards equal to standards required by state, municipal, and
2-11 county codes;

2-12 (9) a kindergarten or preschool educational program
2-13 that is operated as part of a public school or a private school
2-14 accredited by the Central Education Agency, that offers educational
2-15 programs through grade six, and that does not provide custodial
2-16 care during the hours before or after the customary school day;

2-17 (10) a family home, whether registered or not;

2-18 (11) an educational facility that is integral to and
2-19 inseparable from its sponsoring religious organization or an
2-20 educational facility both of which do not provide custodial care
2-21 for more than two hours maximum per day, and that offers
2-22 educational programs for children age five and above in one or more
2-23 of the following: kindergarten through at least grade three,
2-24 elementary, or secondary grades; ~~<or>~~

2-25 (12) an agency group home; ~~<or>~~

2-26 (13) ~~<12>~~ an emergency shelter facility providing
2-27 shelter to minor mothers who are the sole support of their natural
3-1 children under Section 35.05, Family Code, unless the facility
3-2 would otherwise require a license as a child-care facility under
3-3 this section;

3-4 (14) an elementary-age (ages 5-13) recreation program
3-5 operated by a municipality provided the governing body of the
3-6 municipality annually adopts standards of care by ordinance after a
3-7 public hearing for such programs, that such standards are provided

3-8 to the parents of each program participant, and that the ordinances
3-9 shall include, at a minimum, staffing ratios, minimum staff
3-10 qualifications, minimum facility, health, and safety standards, and
3-11 mechanisms for monitoring and enforcing the adopted local
3-12 standards; and further provided that parents be informed that the
3-13 program is not licensed by the state and the program may not be
3-14 advertised as a child-care facility; or

3-15 (15) an annual youth camp held in a municipality with
3-16 a population of more than 1.5 million that operates for not more
3-17 than three months and that has been operated for at least 10 years
3-18 by a nonprofit organization that provides care for the homeless.

3-19 SECTION 2. This Act takes effect September 1, 1995.

3-20 SECTION 3. The importance of this legislation and the
3-21 crowded condition of the calendars in both houses create an
3-22 emergency and an imperative public necessity that the
3-23 constitutional rule requiring bills to be read on three several
3-24 days in each house be suspended, and this rule is hereby suspended.