

Figure: 26 TAC §745.115

Governmental Entity	Description of Exempt Programs
(1) Federal	<p>(A) A facility operated on a federal installation, including military bases and Indian reservations; or</p> <p>(B) A program that provides 24-hour care exclusively to individuals not lawfully present in the United States who are in the custody of the federal government.</p>
(2) State	<p>(A) A facility operated by the Texas Juvenile Justice Department;</p> <p>(B) A facility providing services solely for the Texas Juvenile Justice Department;</p> <p>(C) Any other correctional facility for children operated or regulated by another state agency or political subdivision;</p> <p>(D) A treatment facility or structured program for treating chemically dependent persons that is licensed by the Texas Health and Human Services Commission;</p> <p>(E) A youth camp licensed by the Texas Department of State Health Services;</p> <p>(F) A youth camp exempt from licensure by the Texas Department of State Health Services under Texas Health and Safety Code, §141.0021, because it is:</p> <p style="padding-left: 40px;">(i) Operated by or on "a campus of an institution of higher education" or "a private or independent institution of higher education," as those terms are defined in Texas Education Code §61.003; and</p> <p style="padding-left: 40px;">(ii) Regularly inspected by a local governmental entity for compliance with health and safety standards.</p>
(3) Municipal	<p>A recreation program for elementary age (5-13 years) children with the following criteria:</p>

	<p>(i) A municipality operates the program;</p> <p>(ii) The governing body of the municipality annually adopts standards of care by ordinance after a public hearing for such programs, although the governing body of a municipality with a population of at least 300,000 that has adopted standards by ordinance after public hearings at least twice may accept public comment through its Internet website for at least 30 days in lieu of having a public hearing;</p> <p>(iii) The program provides these standards to the parents of each program participant;</p> <p>(iv) The ordinances include child to caregiver ratios, minimum employee qualifications, minimum building, health, and safety standards, and mechanisms for monitoring and enforcing the adopted local standards;</p> <p>(v) The program informs the parents that the state does not license the program; and</p> <p>(vi) The program does not advertise itself as a child care operation.</p>
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