

## DSHS and DFPS Licensing Requirements

### Texas Department of State Health Services (DSHS) Regulations

Contracting entities (CEs) that operate a site(s) designated as camps should be aware that the DSHS provides regulatory oversight of and requires licensing for organizations that operate camps that *meet specific characteristics*.

DSHS rules, contained in the Texas Administrative Code, Title 25 Part 1, can be found at:  
<http://www.sos.state.tx.us/tac/index.shtml>

Additionally, information regarding the licensing requirements including application instructions can be found at: [www.DSHS.State.Tx.US/Youthcamp](http://www.DSHS.State.Tx.US/Youthcamp)

### Does your camp site need a license for DSHS?

#### Does it meet the following definition?

- (A) has the general characteristics of a day camp, resident camp, or travel camp;
- (B) is used for recreational, athletic, religious, or educational activities;
- (C) accommodates at least five minors who attend or temporarily reside at the camp for all or part of at least four consecutive days; and
- (D) is not a facility or program operated by or on the campus of an institution of higher education or a private or independent institution of higher education as those terms are defined by the Education Code, §61.003, that is regularly inspected by one or more local governmental entities for compliance with health and safety standards.

#### And the following characteristics?

- (A) provides supervision, instruction, and recreation;
- (B) accommodates at least five minors during each camp session;
- (C) operates as a youth camp for no more than 120 days each calendar year;
- (D) **hosts children who are apart from parents or guardians;**
- (E) operates as a youth camp for a period of **four or more consecutive days;**
- (F) operates as a youth camp for **more than four consecutive hours per day;**
- (G) operates as a youth camp only during school vacation periods;
- (H) offers a variety of activities in an outdoor setting; and
- (I) **schedules activities so that campers spend a minimum of 60% of their time out-of-doors between the hours of 7:00 a.m. and 10:00 p.m.**

### Texas Department of Family and Protective Services (DFPS) Regulations

A CE that operates sites designated as camps that do not meet the criteria above should still be aware that the DFPS licenses organizations providing child care services.

DFPS standards and regulations can be found at:  
[http://www.dfps.state.tx.us/Child\\_Care/Child\\_Care\\_Standards\\_and\\_Regulations/default.asp](http://www.dfps.state.tx.us/Child_Care/Child_Care_Standards_and_Regulations/default.asp)

To be considered subject to regulation as a licensed child care center or school-age program a site must:

- provide care or supervision of children and
- operate for at least two hours day for three or more days a week *based on the definitions of a licensed child care center (also referred to as a day-care center) and a school-age program Human Resource Code Chapter 42, specifically §§42.002 (7) and (21).*

**7) "Day-care center"** means a child-care facility that provides care at a location other than the residence of the director, owner, or operator of the child-care facility for seven or more children under 14 years of age for less than 24 hours a day, but at least two hours a day, three or more days a week.

**(21) "School-age program"** means a child-care facility that provides supervision, along with recreation or skills instruction or training, and may provide transportation, before or after the customary school day, for at least two hours a day, three days a week, to children attending prekindergarten through grade six. A school-age program may also operate during school holidays, the summer period, or any other time when school is not in session.

*DFPS minimum standards and rules can be found at:*

[http://www.dfps.state.tx.us/Child\\_Care/Child\\_Care\\_Standards\\_and\\_Regulations/default.asp](http://www.dfps.state.tx.us/Child_Care/Child_Care_Standards_and_Regulations/default.asp)

## **What do I do now?**

If you feel that you meet the definition provided by DSHS or DFPS and might be subject to licensing requirements you should contact their agencies as follows:

DSHS: <http://www.dshs.state.tx.us/youthcamp/contact.shtm>

DFPS: [http://www.dfps.state.tx.us/Child\\_Care/Local\\_Child\\_Care\\_Licensing\\_Offices/default.asp](http://www.dfps.state.tx.us/Child_Care/Local_Child_Care_Licensing_Offices/default.asp)

*Failure to comply with licensing requirements for these organizations could lead to fines and/or shut down of operation.*