



**GOVERNMENTAL ENTITY –
REQUEST FOR EXEMPTION FROM REGULATION UNDER 40 TAC
§745.115**
CHILD CARE LICENSING (CCL)

Purpose: Licensing uses this form to determine whether your program is exempt from DFPS regulation based on an exemption for one of the following:

- A federal program: 40 TAC §745.115(1)
- A state program: 40 TAC §745.115(2)
- A municipal program: 40 TAC §745.115(3)

Instructions: Complete all sections of the form that are relevant to your type of program. If a question does not apply, enter *Not Applicable* in the space.

For further clarification, review 40 TAC Chapter 745 (Licensing), Subchapter C, Operations That Are Exempt From Regulation at: http://www.dfps.state.tx.us/Child_Care/Child_Care_Standards_and_Regulations/rules.asp.

Directions: If you have questions when completing the form, contact your local Licensing office. Please mail the completed form and any other application-related materials to your nearest Licensing office. Information on local Licensing offices can be found at:

http://www.dfps.state.tx.us/Child_Care/Local_Child_Care_Licensing_Offices/default.asp.

SECTION A - IDENTIFYING INFORMATION

Program Name		Program Website	
Address		City	Zip Code
Mailing Address (if different)		City	Zip Code
Name of Owner, Partners, Governing Body, or Sponsoring Organization		Is the governing body nonprofit? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Your Name	Your Phone Number	Your Email Address	
Your Address (Street Address, City, State, Zip Code)			

SECTION B - PROGRAM INFORMATION

Please answer the following questions about your overall program:

What is the overall purpose of your program?

What ages do you serve?

SECTION B - PROGRAM INFORMATION

How many children participate in your program?

What are your program's business hours?

Name the specific days of the week that your business operates:

Describe the program that you are requesting an exemption for:

SECTION C - REQUIRED DOCUMENTS

Indicate below the documentation that you are submitting with your exemption request. Submitting the documentation with your request helps DFPS process your request efficiently and effectively.

- Description of all services provided
- Description of how each service provided is directly related to the program
- Copies of information given to parents about the program (including enrollment forms, policies, schedules, and parent guides).
- Daily schedule that describes what children do from the time that they arrive until they leave. (If your program offers services during school breaks, include the schedule for those days too.)
- Weekly or monthly schedule
- Fees collected for the services provided
- Floor plan (including rest rooms, areas used by the children, and areas used by other programs that operate at the same time)
- Informational and advertising materials (including Internet pages and links)
- Other information that demonstrates that your program is exempt

SECTION D - FEDERAL EXEMPTION

Complete this section if your exemption request is based on meeting the requirements for being a **federal** program under 40 TAC §745.115(1).

Does your program operate on a federal installation, including military bases or Indian reservations?

- No
- Yes

If yes, describe the program:

SECTION E - STATE EXEMPTION

SECTION E - STATE EXEMPTION

Complete this section if your exemption request is based on meeting the requirements for being a state program under 40 TAC §745.115(2).

Is your facility operated by the Texas Juvenile Justice Center (TJJC)?

- No
 Yes

If yes, explain the type of services provided:

Is your facility providing services solely for TJJC?

- No
 Yes

If yes, explain the type of services provided:

Is your facility a correctional facility for children that is operated by or regulated by another state agency or political division?

- No
 Yes

If yes, list by what entity:

Is this a treatment facility or structured program for treating chemically dependent persons that is licensed by the Department of State Health Services (DSHS)?

- No
 Yes

Is your facility a youth camp licensed by DSHS?

- No
 Yes

Is your facility a youth camp that is exempt from licensure by DSHS under the Health and Safety Code, §141.0021, because the facility is operated by or on the campus of an institution of higher education and regularly inspected by a local governmental entity for compliance with local health and safety standards?

- No
 Yes

If yes, list the name of the institution of higher learning:

SECTION F - MUNICIPAL EXEMPTION

Is this a recreational program for elementary age children (5-13 years old)?

- No
 Yes

List the name of the municipality that operates your program:

Does the governing body of the municipality annually adopt standards of care by ordinance after a public hearing for such programs? (Note: A municipality with a population of 300,000 that has adopted standards by ordinance after two public hearings may subsequently accept public comment through its Internet website, in lieu of holding public hearings.)

- No
 Yes

SECTION F - MUNICIPAL EXEMPTION

Do the ordinances include child-to-caregiver ratios, minimum qualifications for employees, minimum standards for building, health, and safety, and mechanisms for monitoring and enforcing the adopted local standards?

- No
 Yes

Does your program provide copies of the adopted standards of care to the parents of each participant?

- No
 Yes

How does your program inform parents that the state does not license the program?

Does your program advertise itself as a child care operation?

- No
 Yes

SECTION G - HOW DFPS PROCESSES YOUR REQUEST

If the information you submit does not fully demonstrate that your program is exempt, we may request additional documentation or visit your program to obtain additional information.

If we determine that your program does not meet all of the criteria for an exemption, we will send you a letter stating that you must apply for a permit. The letter will also explain how to request an administrative review, if you do not agree with Licensing's decision.

If Licensing determines that your program is subject to regulation, you will be operating illegally if you continue to operate without meeting Licensing requirements. We may file suit in district court for both a civil penalty and injunctive relief, if you knowingly engage in activities that require a license or registration.

SECTION H - PRIVACY STATEMENT

DFPS values your privacy. For more information, read our privacy policy online at:
www.dfps.state.tx.us/policies/privacy.asp.

SECTION I - CERTIFICATION

I certify that the above description of the program is accurate, true, and complete.

I understand that I may be required to provide additional information to show the program meets all requirements to be exempt from Licensing regulation.

Signature of Owner, Partner, or
Head of Governing Body:

Title

Date Submitted to Licensing: