



**THE ATTORNEY GENERAL
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December 18, 1974

The Honorable Raymond Vowell
Commissioner
State Dept. of Public Welfare
John H. Reagan Bldg.
Austin, Texas 78701

Opinion No. H- 480

Re: Licensing requirement for
administrators of publicly owned
and operated child-care institu-
tions.

Dear Commissioner Vowell:

You ask whether administrators of publicly owned and operated child-caring institutions must be licensed under article 695a-1, section 2, V. T. C. S., which provides:

Beginning January 1, 1974, no person may serve as a child care administrator of a child-caring institution unless he holds a child care administrator's license issued by the State Department of Public Welfare pursuant to this Act.

"Child-caring institution" is defined in section 1 of article 695a-1 so as to specifically include public institutions. Thus, article 695a-1 plainly requires a child care administrator --the person who exercises administrative control and supervision and is responsible for programming and personnel-- of a public child-caring institution to obtain a license from the Department of Public Welfare.

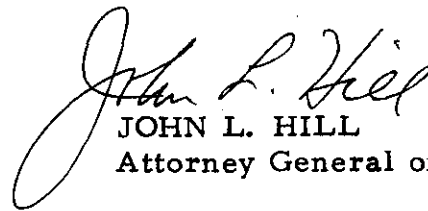
Article 695c, section 8(a), V. T. C. S., requires owners of child-caring institutions to obtain a license to operate. State owned and operated institutions are exempted from this requirement. V. T. C. S. art. 695c, §10. But the exemption of state owned institutions from the licensing requirements of article 695c does not affect the licensing

requirements for the administrators of all child-caring institutions established by article 695a-1. These two provisions operate independently of each other, and both can be effectuated at the same time. Under article 695a-1, then, administrators of publicly owned child-caring institutions must obtain a license from the Department of Public Welfare.

SUMMARY

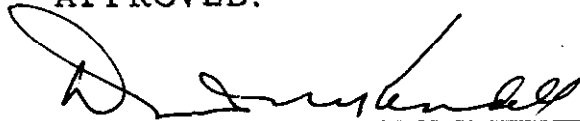
Administrators of publicly owned and operated child-caring institutions must obtain a license from the State Department of Public Welfare. V. T. C. S. art. 695a-1, § 2.

Very truly yours,



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APPROVED:



DAVID M. KENDALL, First Assistant



C. ROBERT HEATH, Chairman
Opinion Committee

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