

SUBJECT: Exempting certain educational facilities from child-care licensing.

COMMITTEE: Public Health — committee substitute recommended

VOTE: 8 ayes — Delisi, Jackson, Cohen, Coleman, Gonzales, S. King, Olivo, Truitt

0 nays

1 absent — Laubenberg

WITNESSES: (*On original version:*)
For — None

Against — (*Registered, but did not testify:* Jesse Romero, Texas Licensed Child Care Association)

On — Sasha Rasco, Department of Family and Protective Services

(*On committee substitute:*)
For — (*Registered, but did not testify:* Margaret McGettrick, Texas Catholic Conference; Connie Wootton, Texas Association of Non-Public Schools)

Against — None

BACKGROUND: Under Human Resources Code, sec. 42.041(b), a child-care facility or child-placing agency may not operate without a license issued by the Department of Family and Protective Services. This statute further stipulates types of facilities and entities to which the licensing requirement does not apply, including some educational facilities.

Sec. 42.041(b)(7) exempts an educational facility accredited by the Texas Education Agency or the Southern Association of Colleges and schools that operates primarily for educational purposes in grades kindergarten or above, or an after-school program operated by another entity under contract with the educational facility, with approved curriculum.

Sec. 42.041(b)(11) exempts an educational facility that is integral to an inseparable from its sponsoring religious organization or an educational facility both of which do not provide custodial care for more than two hours maximum per day, and that offers educational programs for children age five and above in one or more of the following: kindergarten through at least grade three, elementary, or secondary grades.

DIGEST:

CSHB 332 would amend Human Resources Code, sec. 42.041(b) to exempt from childcare facility licensing requirements an educational facility that operated in a county with a population of less than 25,000 and that was:

- a facility accredited by a body that was a member of the Texas Private School Accreditation Commission, an after-school program operated directly by the accredited educational facility, or an after-school program operated by another entity under contract with the accredited educational facility; or
- a facility integral to an inseparable from its sponsoring religious organization or an educational facility both of which did not offer more than two hours of custodial care a day and offered educational programs in pre-school or certain other grades to children ages 4 and older.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2007.

**SUPPORTERS
SAY:**

Preschool educational programs are not the equivalent of a daycare. Facilities serving the educational needs of young children receive educationally related accreditations that consider and account for the needs of children. Requiring preschools to also receive a child-care license would be a superfluous requirement. CSHB 332 would make a narrow exception to the licensing requirement in line with the existing exception for educational facilities and only apply to smaller counties where child care options are limited.

**OPPONENTS
SAY:**

Child care and education in unregulated settings can be a gamble. Child-care licensing allows for oversight and protection. Programs and facilities offering custodial care for children as early as 6 weeks to 12 years old, whatever the reason, should be regulated to provide parents with the necessary safeguard of minimum standards.

NOTES:

The committee substitute stipulated that the child-care facility licensing exemptions for facilities offering educational programs to children ages 4 and older or that were accredited by a body that was a member of the Texas Private School Accreditation Commission would apply only in counties with less than 25,000 people.