

- SUBJECT:** Licensing, rules for boarding schools serving human trafficking victims
- COMMITTEE:** Human Services — committee substitute recommended
- VOTE:** 6 ayes — Raymond, Rose, Keough, Naishtat, Peña, Price
2 nays — Klick, Spitzer
1 absent — S. King
- WITNESSES:** For — Todd Latiolais, Children at Risk; (*Registered, but did not testify:* Melody Chatelle, United Ways of Texas)

Against — Barbara-Jane Paris, AdvancED/SACS-CASI Commission on Accreditation and School Improvement; Laura Colangelo, Texas Private Schools Association

On — (*Registered, but did not testify:* Paul Morris, Department of Family and Protective Services)
- BACKGROUND:** Human Resources Code, sec. 42.041(a) requires those operating child care facilities to have a license issued by the Department of Family and Protective Services. Under Human Resources Code, sec. 42.041(b)(7) the requirement does not apply to schools, including those accredited by an accreditation body that is a member of the Texas Private School Accreditation Commission and operate primarily for educational purposes for prekindergarten and above.

Human Resources Code, sec. 42.002 defines child care facilities as facilities that for all or part of the day provide assessment, care, training, education, custody, treatment, or supervision for children who are not related to the owner or operator. A “general residential operation” is a type of child care facility that provides care for more than 12 children for 24 hours a day, including children’s homes, halfway houses, residential treatment centers, emergency shelters, and therapeutic camps.

DIGEST: CSHB 2360 would require certain residential educational facilities to obtain a state license to operate a child care facility and to comply with all Department of Family and Protective Services rules and minimum standards that apply to general residential operations providing services to victims of human trafficking.

The requirement would apply to residential education facilities accredited by an accreditation body that is a member of the Texas Private School Accreditation Commission and operate primarily for educational purposes. These facilities would have to comply if:

- any time during the academic year more than either 25 children or 30 percent of the children at the facility were victims of human trafficking under the criminal offense in Penal Code, sec. 20A.02; and
- the facility provided or intended to provide specialized services to treat and support trafficking victims in addition to providing basic child care services.

The bill would take effect September 1, 2015.

SUPPORTERS SAY: CSHB 2360 is needed to ensure that children who are human trafficking victims and receive specialized services through boarding schools are being served appropriately. In 2013, the Legislature required the Health and Human Services executive commissioner to adopt minimum standards for general residential operations providing comprehensive services to victims of the crime of human trafficking. The rules were adopted in December 2014, and while they cover the majority of those providing residential services to these victims, they do not apply to residential schools offering the same type of services. The bill would close this loophole by applying licensing requirements and the minimum standards relating to trafficking victims to residential schools if they provide specialized services to a significant number of these victims.

It is important for residential schools providing specialized services for a significant number of human trafficking victims to meet minimum

standards and use best practices. These victims often are physically, emotionally, and mentally injured by their exploitation through human and sex trafficking, and they have a unique set of needs. The practices and procedures used in providing services must meet the victims' needs while keeping them safe from more exploitation. Licensing these programs and requiring them to meet minimum standards specific to trafficking services are important to ensure quality services. While such schools also may be accredited through a private school accreditation entity and may be doing a good job as a school, the standards imposed by that process may not be focused on the care and services needed by human trafficking victims, a necessity in these cases.

The bill is narrowly drawn to apply only to residential private schools that choose to offer these specialized services. A boarding school would have to both have a significant number of trafficking victims and provide or intend to provide specialized services. The threshold for complying with the bill would be set at 25 children or 30 percent of those in the facility as trafficking victims to be in line with the rule requiring that general residential operations meet the minimum standards. Schools not offering specialized services would not have to try to identify victims and would not fall under the bill's provisions.

OPPONENTS
SAY:

CSHB 2360 would impose unnecessary and burdensome state regulations on a narrow category of private boarding schools that have students who are human trafficking victims. Schools targeted by the bill — those accredited through the Texas Private School Accreditation Commission — already are subject to strict standards and oversight. As schools, they should not also be subject to standards that are meant to apply to child care facilities that operate as general residential operations.

Requiring certain boarding schools to be licensed by the Department of Family and Protective Services and to meet the additional requirements for those that provide services to trafficking victims could burden them with unwarranted requirements. Additional layers of government regulation could be expensive, detract from their efforts to educate, and discourage them from educating trafficking victims. These schools are

learning institutions that students and their families choose to attend. The only school that appears to currently fall under the bill does not take state funds and has a good record of educating and caring for trafficking victims.

Private schools can be held accountable by their accrediting entity, which sets rigorous and far-reaching standards. Schools go through extensive reviews that cover academics, health and safety, student well-being, and more. Concerns about a school or its program should be addressed to its accrediting agency, not by imposing a layer of regulation intended for other types of entities.

OTHER
OPPONENTS
SAY:

It could be difficult to know which facilities would fall under CSHB 2360. For example, it is unclear how a private school would know if it met the thresholds established by the bill for having a number of trafficking victims. Not all trafficking cases result in criminal convictions, cases may be pending, and not all human trafficking victims may self-identify.

NOTES:

The committee substitute revised the threshold for having to comply with the bill. Instead of requiring compliance if 50 percent of the children at the school were human trafficking victims, the substitute requires compliance if 25 children or 30 percent of the children at the facility are victims and if the school provides or intends to provide specialized services to trafficking victims. The committee substitute also added the requirement that the school be a residential facility.