

BILL ANALYSIS

C.S.H.B. 332
By: Chisum
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Department of Family and Protective Services has contacted facilities which conduct educational programs sponsored by a religious organization or other educational facility indicating that because the school serves children below the age of 5, that a child-care license is required. The programs are not intended to be child-care facilities; rather, they are educational programs which serve children who are four years and older in a preschool setting.

CSHB 332 attempts to clarify the intent of the law by amending Section 42.041(b).

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

CSHB 332 provides that an educational facility that operates in a county that has a population of less than 25,000 and is a facility accredited by an accreditation body that is a member of the Texas Private School Accreditation Commission (TPSAC), an after-school program operated directly by the educational facility accredited by TPSAC, or an after-school program operated by another entity under contract with the educational facility accredited by TPSAC is exempt from child care licensing requirements.

The bill also provides that an educational facility located in a county with a population of less than 25,000 that is integral to and 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 in certain grades for children who are four years of age is exempt from child care licensing requirements. An educational facility that is integral to and 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 in certain grades for children age five and above is exempt from child care licensing requirements regardless of county size.

The bill replaces the reference to the Department of Health with the Department of State Health Services.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute adds "or an accreditation body that is a member of the Texas Private School Accreditation Commission" (TPSAC) to the bill.

The substitute provides that the exemption from child care licensing requirements provided to educational facilities accredited by TPSAC, after-school programs operated directly by an educational facilities accredited by TPSAC, or after-school programs operated by another entity

under contract with an educational facility accredited by TPSAC applies only in counties with a population of 25,000 or less.

The substitute provides that the exemption from child care licensing requirements provided to an educational facility that is integral to and 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 four years of age applies only in counties with a population of 25,000 or less.