

BILL ANALYSIS

C.S.S.B. 218
By: Carona
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, certain educational entities that operate on-premise and after-school child care programs are exempt from regulation by the Department of Family and Protective Services (DFPS) relating to the health, safety, and welfare of children in the facility, as well as the adequate supervision of the children by qualified, well-trained personnel. As a result, the children attending these programs are not afforded the same protections as children attending regulated programs.

C.S.S.B. 218 requires certain educational entities that operate after-school child-care programs to follow the same rules and regulations as currently regulated programs in order to ensure the health, safety, and welfare of the children attending such programs. The bill also requires DFPS to inspect such facilities as necessary and authorizes a fee increase.

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

C.S.S.B. 218 amends Section 42.041 (b), Human Resources Code, by deleting the exemption of application of this section (regarding license requirements for a child-care facility or child-placing agency) for an after-school program operated directly by an accredited educational facility or by another entity under contract with the educational facility, if the Texas Education Agency (TEA) or Southern Association of Colleges and Schools has approved the curriculum content of the after-school program under the contract. The bill redesignates the Texas Department of Health as the Department of State Health Services. The bill amends Section 42.041 (b), Human Resources Code, by exempting a public school that provides before-school or after-school programs, child care, or other extended day activities on a tuition free basis in this section.

The bill amends section 42.044, Human Resources Code, by adding Subsection (b-1) to require the Department of Family and Protective Services (DFPS) to inspect only as necessary a licensed child-care facility that offers only an after-school program operated directly by an educational facility accredited by the Texas Education Agency, the Texas Private School Accreditation Commission, or the Southern Association of Colleges and Schools, notwithstanding Subsection (b).

The bill increases the annual license fee that DFPS is required to charge each child-care facility for each child a child-care facility is permitted to serve from \$35 plus \$1 to \$35 plus \$2.

EFFECTIVE DATE

September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.S.B. 218 modifies the original by adding Subsection (16) to Section 42.041 (b), Human Resources Code, to exempt public schools that provide before-school or after-school programs, child care, or other extended day activities on a tuition free basis.

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The substitute modifies Subsection (b-1) in SECTION 2 of the original bill by requiring the Department of Family and Protective Services (DFPS) (Department) to inspect only as necessary a licensed child-care facility that offers only an after-school program operated directly by an educational facility accredited by the Texas Education Agency (TEA), the Texas Private School Accreditation Commission (TPSAC), or the Southern Association of Colleges and Schools (SACS) rather than requiring the DFPS to inspect only as necessary a licensed child-care facility that offers only an after-school program operated by an entity under contract with an educational facility accredited by the TEA, TPSAC, or SACS, if that agency, commission, or association has approved the curriculum content of the after-school program.

The substitute removes the language in SECTION 4 of the original bill that provided that the department is not authorized to charge the initial license fee or the annual license fee for a licensed child-care facility that exclusively offers an after-school program operated by another entity under contract with the educational facility, if the Texas Education Agency, the Texas Private School Accreditation Commission, or the Southern Association of Colleges and Schools has approved the curriculum content of the after-school program operated under the contract.