

## **BILL ANALYSIS**

C.S.H.B. 1540  
By: Hartnett  
Human Services  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Under current law, certain educational entities that operate on-premise after-school child care programs are exempt from regulations administered by the Department of Family and Protective Services relating to the health, safety, and welfare of children in the facility. As a result, the children attending these programs are not assured the same protections as children attending regulated programs.

C.S.H.B. 1540 removes the exemption from child-care facility licensing requirements for certain educational entities, grants the exemption to others, and increases the per-child fee charged each licensed child-care facility by the Department of Family and Protective Services.

### **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.H.B. 1540 amends the Human Resources Code to remove the exemption from child-care facility licensing requirements for:

- an after-school program operated directly by an accredited educational facility;
- an after-school program operated by another entity under contract with the educational facility if the Texas Education Agency (TEA), the Southern Association of Colleges and Schools, or another accreditation body as applicable has approved the curriculum content of the program; and
- a preschool educational program that is operated as part of a public school or a private school accredited by TEA, that offers educational programs through grade six, and that does not provide custodial care during the hours before or after the customary school day.

C.S.H.B. 1540 includes the following among the entities exempt from child-care facility licensing requirements:

- an educational facility that is accredited by TEA, the Southern Association of Colleges and Schools, or an accreditation body that is a member of the Texas Private School Accreditation Commission and that operates primarily for educational purposes in grades prekindergarten and above, rather than grades kindergarten and above;
- an educational facility that operates solely for educational purposes for children in prekindergarten through at least grade two, rather than kindergarten through at least grade two, that does not provide custodial care for more than one hour during the hours before or after the customary school day, and that is a member of an organization that promulgates, publishes, and requires compliance with health, safety, fire, and sanitation standards equal to standards required by state, municipal, and county codes;
- a prekindergarten educational program that is operated as part of a public school or a private school accredited by TEA, that offers educational programs through grade six,

and that does not provide custodial care during the hours before or after the customary school day;

- 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 an educational program for children in one or more of the following: prekindergarten through at least grade three, elementary grades, or secondary grades, rather than such a facility that offers educational programs for children age four and above in one or more of following: preschool, kindergarten through at least grade three, elementary or secondary grades;
- a before-school or after-school program operated by an educational facility that is accredited by TEA, or an after-school program operated by an entity under a contract with that educational facility, if the program meets certain conditions; and
- a before-school or after-school program operated by an educational facility that is accredited by the Southern Association of Colleges and Schools or an accreditation body that is a member of the Texas Private School Accreditation Commission, or a before-school or after-school program operated by an entity under contract with that educational facility if the Southern Association of Colleges and Schools or the accreditation body that is a member of the Texas Private School Accreditation Commission, as applicable, has approved the curriculum content of the before-school or after-school program.

C.S.H.B. 1540 increases from \$1 to \$2 the fee charged by the Department of Family and Protective Services for each child a licensed child-care facility is permitted to serve, in addition to the \$35 annual license fee.

C.S.H.B. 1540 repeals Section 42.041(b-1), Human Resources Code, relating to exemptions granted to certain educational facilities operating in a county with a population of less than 25,000.

#### **EFFECTIVE DATE**

September 1, 2009.

#### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 1540 adds provisions not in the original including certain child-care facilities among those exempt from child-care facility licensing requirements, including facilities operating prekindergarten programs and certain before-school or after-school programs. The substitute adds provisions not in the original increasing from \$1 to \$2 the fee charged by the Department of Family and Protective Services for each child a licensed child-care facility is permitted to serve in addition to the annual license fee. The substitute differs from the original by repealing a provision of the Human Resource Code relating to exemptions from child-care facility licensing requirements granted to certain educational facilities operating in a county with a population of less than 25,000, whereas the original struck certain language from that provision.