

SUBJECT: Requiring licensing of before- and after-school child care programs

COMMITTEE: Human Services — committee substitute recommended

VOTE: 8 ayes — Rose, S. King, J. Davis, Eissler, Herrero, Hughes, Naishtat,  
Parker

0 nays

1 absent — Pierson

SENATE VOTE: On final passage, March 15 — 30-0

WITNESSES: (*On House companion bill, HB 406 by Hartnett:*)  
For — David Fincher, Kim Gray, Rusty Simpson, National Child Care  
Coalition; Gene Little; Jean Little (*Registered, but did not testify*: Nancy  
Chick, Texas License and Child Care Association; Larry Gray, Linda  
Simpson, National Child Care Coalition; Elena Lincoln, Association of  
Texas Professional Educators; Josette Saxton, Texans Care for Children,  
Michael Warner, the Clements Group)

Against — None

On — Marsha Solana, Texas Catholic Coalition

BACKGROUND: Human Resources Code, sec. 42.041 prohibits child care facilities and  
child-placing agencies from operating without a license issued by the  
Department of Family and Protective Services (DFPS). Certain facilities,  
including state-operated facilities, religious school classes, youth camps,  
and after-school programs operated by schools are exempted from this  
requirement.

DFPS inspectors are authorized to visit facilities during operating hours to  
investigate, inspect, and evaluate. If a complaint is filed with the agency,  
DFPS must investigate. Child-care programs are charged a fee of \$1 for  
every child that the center serves.

**DIGEST:** CSSB 218 would remove after-school child care programs from the list of programs that do not have to be licensed by DFPS. It would specify that the agency was required to inspect only as necessary a licensed child-care facility that offered only an after-school program operated directly by an educational facility accredited by the Texas Education Agency (TEA), the Texas Private School Accreditation Commission, or the Southern Association of Colleges and Schools.

The bill would not apply to public schools that provide before or after school programs, child care and other extended day activities at no cost.

The annual license fee for child care providers would be increased to \$2 per child in the facility.

The bill would take effect September 1, 2007.

**SUPPORTERS SAY:** CSSB 218 would help protect the health and safety of children who attend after-school child care programs at public or private schools by requiring DFPS to license these programs and conduct inspections in response to complaints. These programs currently are not required to be licensed or inspected by the agency, and although the schools in which the programs are held are accredited, the programs are not subject to any minimum health and safety standards.

Funding for the new licensing and inspection requirements would come from an increase in licensing fees for all child care programs. These programs, and the children who attend them, would all benefit from better oversight of after-school care programs.

**OPPONENTS SAY:** The public or private schools in which these after-school child care programs are held already are subject to accreditation standards that protect the health and safety of students. The cost and difficulty of meeting stricter DFPS licensing standards could cause some programs to raise prices or to stop offering child care altogether. Cost and lack of availability of after-school care are concerns for many families. CSSB 218 could exacerbate these problems.

**OTHER OPPONENTS SAY:** If the state is going to impose new licensing requirements, the cost should be covered by general revenue instead of increasing licensing costs. Many child care programs probably would pass on this cost to parents, who already are struggling with the high cost of child care.

NOTES:

The House committee substitute removed from the Senate-passed version provisions exempting after-school programs from licensing fees if the curriculum content was approved by the accreditation agency for the school in which the after-school care was provided.

According to the fiscal note, the license fee increase would generate an additional \$5,239,072 for fiscal 2008-09 and cost \$1,870,708, including 16 new FTEs at DFPS. The fiscal note assumes 1,782 new facilities with after-school programs would be licensed, including 1,032 public schools and 750 private schools, in addition to the 22,078 child-care facilities currently being regulated.