

Figure: 26 TAC §745.119 [~~40 TAC §745.119~~]

Educational Facility	Criteria for Exemption
<p>(1) <u>Accredited Educational Facility for</u>  <del>[For]</del> Grades Pre-Kindergarten and Above</p>	<p>(A) The educational facility operates primarily for educational purposes;</p> <p>(B) The educational facility operates the program;</p> <p>(C) All children in the program are at least pre-kindergarten age; and</p> <p>(D) The Texas Education Agency (TEA) or the Southern Association of Colleges and Schools (SACS) accredits the educational facility; or the Texas Private School Accreditation Commission (TEPSAC) accredits the educational facility.</p> <p>Note: For educational facilities that also provide residential child care, See §745.125 of this <u>division</u> [<del>title</del>] (relating to Are additional exemption criteria required for an educational facility that provides residential child care?).</p>
<p>(2) <u>Before or After-School Program</u>  <del>[Before and/or After-School Child Day-Care]</del> Operated by an Accredited Educational Facility</p>	<p>(A) TEA, SACS, or TEPSAC accredits the educational facility;</p> <p>(B) The educational facility operates the child day-care program; and</p> <p>(C) All children in the program are at least pre-kindergarten age.</p>
<p>(3) <u>Before or After-School Program</u>  <del>[Before and/or After-School Child Day-Care]</del> Operated by a Contracted Entity</p>	<p>(A) TEA, SACS, or TEPSAC accredits the educational facility;</p> <p>(B) The accredited educational facility contracts with an entity to operate the</p>

	<p>before <u>or</u> [<del>and/or</del>] after-school program [<del>child day care</del>];</p> <p>(C) All children in the program are at least pre-kindergarten age; and</p> <p>(D) TEA, SACS, or TEPSAC approves the curriculum content of the before and after-school child day care.</p>
<p>(4) Educational Facility that is a Member of an Organization Requiring Compliance with Standards</p>	<p>(A) The educational facility must provide an educational program from grades pre-kindergarten through at least grade two;</p> <p>(B) All children in the program are at least pre-kindergarten age;</p> <p>(C) The educational facility provides child day care no more than one hour before and one hour after the customary school day in the community; and</p> <p>(D) The educational facility is a member of an organization that either:</p> <ul style="list-style-type: none"> <li>(i) publishes health, safety, fire, and sanitation standards equal to those required by the state, county, or municipality; or</li> <li>(ii) follows the state, county, or municipal health, safety, and fire codes.</li> </ul>
<p>(5) Private Educational Facility, Including an Educational Facility that is Religious in Nature</p>	<p>(A) The educational facility offers an educational program <u>that includes one or more of the following:</u><sup>[7]</sup></p> <ul style="list-style-type: none"> <li>(i) <u>Pre-kindergarten through at least grade three;</u></li> <li>(ii) <u>Any elementary grade (kindergarten through grade 5); or</u></li> </ul>

	<p><u>(iii) Any secondary grade (6 through 12); and</u></p> <p><u>(B) The facility does not provide [No] more than two hours total of child day care [is provided] before or after the customary school day in the community. [; and]</u></p> <p><u>[(C) It operates one or more of the following:]</u></p> <p><u>[(i) Pre-kindergarten through at least grade three;]</u></p> <p><u>[(ii) Grades 9 through 12; or]</u></p> <p><u>[(iii) The same pattern of public school grade clustering as the local school district elementary grades (1 through 6).]</u></p>
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