HB548

177147-1

By Representative Todd

RFD: State Government

First Read: 19-APR-16
SYNOPSIS: Under existing law, child care facilities that are part of a church or nonprofit religious school are exempt from licensing by the Department of Human Resources.

This bill would require child care facilities that are part of a church or nonprofit religious school to be licensed by the Department of Human Resources.

A BILL TO BE ENTITLED
AN ACT

Relating to child care facilities; to amend Section 38-7-3, Code of Alabama 1975; to remove the exemption for child care facilities that are part of a church or nonprofit religious school from being licensed by the Department of Human Resources.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
Section 1. Section 38-7-3, Code of Alabama 1975, is amended to read as follows:

"§38-7-3.

"No person, group of persons, or corporation may operate or conduct any facility for child care, as defined in this chapter, without being licensed or approved as provided in this chapter; provided, however, that nothing in this section or in this chapter prohibits an employee of the department from carrying out the duties of the department as provided in this title. Provided, further, the provisions of this chapter shall not apply to preschool programs which are an integral part of a local church ministry or a religious nonprofit elementary school, and are so recognized in the church or school's documents, whether operated separately or as a part of a religious nonprofit elementary school unit, secondary school unit or institution of higher learning under the governing board or authority of said local church or its convention, association, or regional body to which it may be subject; provided that notice is filed by the governing board or authority of the church or school with the department that said church or school meets the definition of a local church ministry or a religious nonprofit elementary school under terms of this section and are exempt from regulation by the department and a notice of intent to operate said programs is given to the appropriate fire and health departments so that said facilities shall be inspected in accordance with the state and local fire and health requirements for such
programs. In addition, all exempt churches hereunder shall publish annually, on church letterhead, a notice to the department certifying that the following records are being maintained by the church: fire and health inspection reports; immunization verifications for all children; medical history forms for all staff and children and that the following information shall be available to parents or guardian prior to enrolling their children in said church ministry; staff qualifications; pupil-staff ratio; discipline policies; type of curriculum used in the learning program; the religious teachings to be given each child; and the type of lunch program available; provided further that prior to enrolling and annually thereafter parents or guardian and a responsible individual representing the governing board as authority of the church or school be required to sign and file with the department the affidavits provided by this section that the parents or guardian have been notified by said responsible individual that the church or school has filed notice and is exempt from regulation by the department. The district attorney of the county in which the preschool program is located shall, upon proper presentment of charges, investigate at his discretion any allegations against any such church under the laws of the State of Alabama.

"Form of Affidavit for Parent/Guardian

"STATE OF ALABAMA

"COUNTY OF _____
"Before me, a notary public in and for said state and county, appeared _____ and is known to me, after being duly sworn or affirmed, says as follows:

"That affiant is the parent or legal guardian of the minor child/children _____; that affiant has been notified by _____, a representative of _____ church/school, that said church or school has filed notice and is exempt under law from regulation by the Department of Human Resources.

"______ Parent/Legal Guardian

"Sworn, or affirmed to and subscribed before me this _____ day of _____, 20__

"Form of Affidavit for Church/School

"STATE OF ALABAMA

"COUNTY OF _____

Before me, a notary public in and for said state and county, appeared _____ and is known to me, after being duly sworn or affirmed says as follows:

"That affiant is the designated representative of _____ church/school and that the below listed parents/guardians have been notified prior to enrollment/re-enrollment that _____ church/school has filed notice with and is exempt under law from regulation by the Department of Human Resources: _____

"_______________ Representative

"Sworn or affirmed to and subscribed before me this _____ day of _____, 20__

"_______________ Notary Public"
Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.