

1 HB548
2 177147-1
3 By Representative Todd
4 RFD: State Government
5 First Read: 19-APR-16

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8 SYNOPSIS: Under existing law, child care facilities
9 that are part of a church or nonprofit religious
10 school are exempt from licensing by the Department
11 of Human Resources.

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

16
17 A BILL
18 TO BE ENTITLED
19 AN ACT

20
21 Relating to child care facilities; to amend Section
22 38-7-3, Code of Alabama 1975; to remove the exemption for
23 child care facilities that are part of a church or nonprofit
24 religious school from being licensed by the Department of
25 Human Resources.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 38-7-3, Code of Alabama 1975, is
2 amended to read as follows:

3 "§38-7-3.

4 "No person, group of persons, or corporation may
5 operate or conduct any facility for child care, as defined in
6 this chapter, without being licensed or approved as provided
7 in this chapter; provided, however, that nothing in this
8 section or in this chapter prohibits an employee of the
9 department from carrying out the duties of the department as
10 provided in this title. ~~Provided, further, the provisions of~~
11 ~~this chapter shall not apply to preschool programs which are~~
12 ~~an integral part of a local church ministry or a religious~~
13 ~~nonprofit elementary school, and are so recognized in the~~
14 ~~church or school's documents, whether operated separately or~~
15 ~~as a part of a religious nonprofit elementary school unit,~~
16 ~~secondary school unit or institution of higher learning under~~
17 ~~the governing board or authority of said local church or its~~
18 ~~convention, association, or regional body to which it may be~~
19 ~~subject; provided that notice is filed by the governing board~~
20 ~~or authority of the church or school with the department that~~
21 ~~said church or school meets the definition of a local church~~
22 ~~ministry or a religious nonprofit elementary school under~~
23 ~~terms of this section and are exempt from regulation by the~~
24 ~~department and a notice of intent to operate said programs is~~
25 ~~given to the appropriate fire and health departments so that~~
26 ~~said facilities shall be inspected in accordance with the~~
27 ~~state and local fire and health requirements for such~~

1 ~~programs. In addition, all exempt churches hereunder shall~~
2 ~~publish annually, on church letterhead, a notice to the~~
3 ~~department certifying that the following records are being~~
4 ~~maintained by the church: fire and health inspection reports;~~
5 ~~immunization verifications for all children; medical history~~
6 ~~forms for all staff and children and that the following~~
7 ~~information shall be available to parents or guardian prior to~~
8 ~~enrolling their children in said church ministry; staff~~
9 ~~qualifications; pupil-staff ratio; discipline policies; type~~
10 ~~of curriculum used in the learning program; the religious~~
11 ~~teachings to be given each child; and the type of lunch~~
12 ~~program available; provided further that prior to enrolling~~
13 ~~and annually thereafter parents or guardian and a responsible~~
14 ~~individual representing the governing board as authority of~~
15 ~~the church or school be required to sign and file with the~~
16 ~~department the affidavits provided by this section that the~~
17 ~~parents or guardian have been notified by said responsible~~
18 ~~individual that the church or school has filed notice and is~~
19 ~~exempt from regulation by the department. The district~~
20 ~~attorney of the county in which the preschool program is~~
21 ~~located shall, upon proper presentment of charges, investigate~~
22 ~~at his discretion any allegations against any such church~~
23 ~~under the laws of the State of Alabama.~~

24 ~~"Form of Affidavit for Parent/Guardian~~

25 ~~"STATE OF ALABAMA~~

26 ~~"COUNTY OF _____~~

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

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

9 ~~"_____ Parent/Legal Guardian~~

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

12 ~~"Form of Affidavit for Church/School~~

13 ~~"STATE OF ALABAMA~~

14 ~~"COUNTY OF _____~~

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

18 ~~"That affiant is the designated representative of~~
19 ~~_____ church/school and that the below listed~~
20 ~~parents/guardians have been notified prior to~~
21 ~~enrollment/reenrollment that _____ church/school has filed~~
22 ~~notice with and is exempt under law from regulation by the~~
23 ~~Department of Human Resources: _____~~

24 ~~"_____ Representative~~

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

27 ~~"_____ Notary Public"~~

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