Educational Facility | Criteria for Exemption
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1. Accredited Educational Facility for Grades Pre-Kindergarten and Above | (A) The educational facility operates primarily for educational purposes;  
(B) The educational facility operates the program;  
(C) All children in the program are at least pre-kindergarten age; and  
(D) The Texas Education Agency (TEA) or the Southern Association of Colleges and Southern Association of Colleges and Schools (SACS) accredits the educational facility; or the Texas Private School Accreditation Commission (TEPSAC) accredits the educational facility.  
Note: For educational facilities that also provide residential child care, See §745.125 of this division relating to Are additional exemption criteria required for an educational facility that provides residential child care?).
2. Before or After-School Program Operated by an Accredited Educational Facility | (A) TEA, SACS, or TEPSAC accredits the educational facility;  
(B) The educational facility operates the child day-care program; and  
(C) All children in the program are at least pre-kindergarten age.  
3. Before or After-School Program Operated by a Contracted Entity | (A) TEA, SACS, or TEPSAC accredits the educational facility;  
(B) The accredited educational facility contracts with an entity to operate the
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| (4) Educational Facility that is a Member of an Organization Requiring Compliance with Standards | (A) The educational facility must provide an educational program from grades pre-kindergarten through at least grade two;  
(B) All children in the program are at least pre-kindergarten age;  
(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  
(D) The educational facility is a member of an organization that either:  
   (i) publishes health, safety, fire, and sanitation standards equal to those required by the state, county, or municipality; or  
   (ii) follows the state, county, or municipal health, safety, and fire codes. |
| (5) Private Educational Facility, Including an Educational Facility that is Religious in Nature | (A) The educational facility offers an educational program that includes one or more of the following:[;]  
   (i) Pre-kindergarten through at least grade three;  
   (ii) Any elementary grade (kindergarten through grade 5); or  
   (iii) Combined educational programs. |
(iii) Any secondary grade (6 through 12); and

(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]

[(C) It operates one or more of the following:]

[(i) Pre-kindergarten through at least grade three;]

[(ii) Grades 9 through 12; or]

[(iii) The same pattern of public school grade clustering as the local school district elementary grades (1 through 6).]