



# Texas Home School Coalition ASSOCIATION

*Dedicated to Serving and Protecting the Home School Community of Texas*  
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Via Facsimile

December 31, 2013

Ms. Kim Davis  
CPS Supervisor  
8700 North Stemmons Freeway  
Dallas, TX 75247

Dear Ms. Davis,

By way of introduction, let me explain that the Texas Home School Coalition Association is a statewide advocacy organization for home educators, with more than 60,000 families on our mailing list. As the statewide advocacy organization for the state of Texas, we act as a liaison with state and federal agencies in regard to issues related to home education. In fact, the Texas Education Agency frequently refers calls received by that agency regarding home education to our organization for verification, clarification, and resolution. We also work closely with the Texas Department of Family and Protective Services (DFPS) regarding policy issues related to home schooling.

Recently we were contacted by C\_\_ M\_\_, director of M\_\_ R\_\_ A\_\_, a local home school co-op. She shared with us that after a recent CPS visit to M\_\_ R\_\_ B\_\_ C\_\_, her group was informed they would need to either apply for a child care license, shut down, or move their Tuesday/Thursday classes to Monday/Wednesday, when the church holds their Mother's Day Out program. I am writing in support of their request for administrative review of that decision.

Ms. Davis, the M\_\_ R\_\_ A\_\_'s University Model Classes and the M\_\_ R\_\_ B\_\_ C\_\_'s Mother's Day Out program are two completely distinct and separate programs. The MDO program participants are of preschool age, and the University Model Classes participants are kindergarten through 12<sup>th</sup> grade. According to the DFPS website ([www.dfps.state.tx.us/Child\\_Care/Information\\_for\\_Providers/faq\\_exemptions.asp](http://www.dfps.state.tx.us/Child_Care/Information_for_Providers/faq_exemptions.asp)), "If you have distinct programs for different clients with dedicated personnel and space at the same location, you may operate more than one exempt program."

I contend that as a distinct and separate ministry of the M\_\_ R\_\_ B\_\_ C\_\_, M\_\_ R\_\_ A\_\_ is exempt from DFPS regulation based on Texas Human Resources Code, Chapter 42 §42.041(b)(11) and on the Texas Administrative Code, Chapter 745 §745.119(5):

"HRC Section 42.041(b)(11) subject to Subsection (b-1), an educational facility that is integral to and inseparable from its sponsoring religious organization or an educational facility both of which do not provide custodial care for more than two hours maximum per day, and that offers educational

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programs for children age four and above in one or more of the following: preschool, kindergarten through at least grade three, elementary, or secondary grades.”

“TAC Section 745.119(5) - **Private Educational Facility**, Including an Educational Facility that is Religious in Nature: (A) The educational facility offers an educational program.... (C) No more than two hours total of child day care is provided before or after the customary school day in the community; and (D) It operates one or more of the following: (i) Preschool or 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).”

We have responded to CPS in the past on behalf of other home school co-ops in such situations to clarify that they are educational groups and are not required to be licensed for child care based on the citations above. I hope this information is sufficient to reverse the earlier ruling. I would be more than happy to discuss this matter with you should you so desire.

Sincerely,

A handwritten signature in black ink that reads "Tim Lambert". The signature is written in a cursive style with a long horizontal line extending from the end of the name.

Tim Lambert

CC: Pastor D\_\_S\_\_; Ms. C\_\_M\_\_; Mr. Walter Rideaux, CPS Child Care Licensing; Ms. Kristine Mohajer, CPS Education Program Specialist; Ms. Audrey Deckinga, Assistant Commissioner CPS; Mr. John J. Specia, Jr., Commissioner DFPS