Title 40, Social Services & Assistance, Part 19, Dept. of Family and Protective Services

Chapter 747, Minimum Standards for Child-Care Homes

Subchapter B, Administration and Communication

Division 3, Required Postings

TAC Section Number(s) §747.401

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The amendment is adopted under Human Resources Code (HRC) §40.0505 and Government Code §531.0055, which provide that the Health and Human Services Executive Commissioner shall adopt rules for the operation and provision of services by the health and human services agencies, including the Department of Family and Protective Services; and HRC §40.021, which provides that the Family and Protective Services Council shall study and make recommendations to the Executive Commissioner and the Commissioner regarding rules governing the delivery of services to persons who are served or regulated by the department.

The amendment implements HRC §§42.042 and 42.0421 and portions of the Child Care and Development Block Grant Act of 2014, which is codified in 42 USC §9857 et seq.

§747.401. What items must I post at my child-care home during hours of operation?

(a) You must post the following in a prominent and publicly accessible place where parents and others may easily view them during all hours of operation:

(1) The child-care home's license or registration certificate;

(2) The letter or form from the most recent Licensing inspection or investigation;

(3) The Licensing notice *Keeping Children Safe*;

(4) Telephone numbers specified in this division;

(5) A list of your employees, as defined in §745.21 of this title (relating to What do the following word and terms mean when used in this chapter?). The list must be printed on paper at least 8 1/2 inches by 11 inches in size and must include each employee's first and last name; and

(6) Any other Licensing notices requiring posting.

(b) For food allergies that require an emergency plan, you must either:

(1) Post the list of each child's food allergies in a prominent place during all hours of operation, and if a parent requests it, maintain privacy for the child (for example, a clipboard hung on the wall with a cover sheet over the list); or

(2) Make sure that all caregivers and employees that prepare and serve food are made aware of each child's food allergies.

This agency certifies that legal counsel has reviewed the adoption and found it to be within the state agency's legal authority to adopt.

Issued in Austin, Texas, on .

Title 40, Social Services & Assistance, Part 19, Dept. of Family and Protective Services

Chapter 747, Minimum Standards for Child-Care Homes

Subchapter C, Record Keeping

Division 1, Records of Children

TAC Section Number(s) §747.605

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The amendment implements HRC §§42.042 and 42.0421 and portions of the Child Care and Development Block Grant Act of 2014, which is codified in 42 USC §9857 et seq.

§747.605. What admission information must I obtain for each child?

You must obtain at least the following information before admitting a child to care:

(1) - (13) (No change.)

(14) The name and telephone number of the school a school-age child attends;

(15) Permission for a school-age child to ride a bus, walk to or from school or home, or to be released to the care of a sibling under 18 years old, if applicable; and

(16) A completed food allergy emergency plan for the child, if applicable.

This agency certifies that legal counsel has reviewed the adoption and found it to be within the state agency's legal authority to adopt.

Issued in Austin, Texas, on .

Title 40, Social Services & Assistance, Part 19, Dept. of Family and Protective Services

Chapter 747, Minimum Standards for Child-Care Homes

Subchapter C, Record Keeping

Division 4, Records on Caregivers and Household Members

TAC Section Number(s) §747.901

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The amendment implements HRC §§42.042 and 42.0421 and portions of the Child Care and Development Block Grant Act of 2014, which is codified in 42 USC §9857 et seq.

§747.901. What information must I maintain in my personnel records?

You must keep at least the following at the child-care home for each assistant caregiver and substitute caregiver, as specified in this chapter:

(1) - (8) (No change.)

(9) A statement signed and dated by the caregiver in a licensed child-care home verifying the date the caregiver attended training during orientation that includes an overview regarding the prevention, recognition, and reporting of child abuse and neglect, as specified in §747.1301 of this title (relating to What must orientation for caregivers at my child-care home include?)

This agency certifies that legal counsel has reviewed the adoption and found it to be within the state agency's legal authority to adopt.

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Title 40, Social Services & Assistance, Part 19, Dept. of Family and Protective Services

Chapter 747, Minimum Standards for Child-Care Homes

Subchapter D, Personnel

Division 1, Primary Caregiver of a Registered Child-Care Home

TAC Section Number(s) §747.1007

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The amendment implements HRC §§42.042 and 42.0421 and portions of the Child Care and Development Block Grant Act of 2014, which is codified in 42 USC §9857 et seq.

§747.1007. What qualifications must I meet to be the primary caregiver of a registered child-care home?

Except as otherwise provided in this division, you must:

(1) (No change.)

(2) Have a high school diploma or equivalent;

(3) Have a certificate of completion of the Licensing pre-application course within one year prior to your application date;

(4) Have current certification in CPR and first aid with rescue breathing and choking;

(5) Be free of active tuberculosis, if required by the regional Texas Department of State Health Services or local health authority; and

(6) Have proof of training in the following:

(A) Recognizing and preventing shaken baby syndrome and abusive head trauma;

(B) Understanding and using safe sleep practices and preventing sudden infant death syndrome (SIDS);

(C) Understanding early childhood brain development;

(D) Emergency preparedness;

(E) Preventing and controlling the spread of communicable diseases, including immunizations;

(F) Administering medication, if applicable, including compliance with §747.3603 of this title (relating to What authorization must I obtain before administering a medication to a child in my care?);

(G) Preventing and responding to emergencies due to food and allergic reaction;

(H) Understanding building and physical premises safety, including identification and protection from hazards that can cause bodily injury such as electric hazards, bodies of water, and vehicular traffic;

(I) Handling, storing, and disposing of hazardous materials including compliance with §747.3221 of this title (relating to Must caregivers wear gloves when handling blood or bodily fluids containing blood?); and

(J) Precautions in transporting children if your child-care home plans to transport a child whose chronological or developmental age is younger than nine years old.

This agency certifies that legal counsel has reviewed the adoption and found it to be within the state agency's legal authority to adopt.

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Title 40, Social Services & Assistance, Part 19, Dept. of Family and Protective Services

Chapter 747, Minimum Standards for Child-Care Homes

Subchapter D, Personnel

Division 2, Primary Caregiver of a Licensed Child-Care Home

TAC Section Number(s) §747.1107, §747.1119

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The amendments implement HRC §§42.042 and 42.0421 and portions of the Child Care and Development Block Grant Act of 2014, which is codified in 42 USC §9857 et seq.

§747.1107. What qualifications must I meet to be the primary caregiver of a licensed child-care home?

(a) Except as otherwise provided in this division, a primary caregiver for a licensed child-care home must:

(1) - (2) (No change.);

(3) Have a certificate of completion of the Licensing pre-application course within one year prior to your application date;

(4) Have current certification in CPR and first aid with rescue breathing and choking;

(5) Have proof of training in the following:

(A) Recognizing and preventing shaken baby syndrome and abusive head trauma;

(B) Understanding and using safe sleep practices and preventing sudden infant death syndrome (SIDS);

(C) Understanding early childhood brain development;

(D) Emergency preparedness;

(E) Preventing the spread of communicable diseases, including immunizations;

(F) Administering medication, if applicable, including compliance with §747.3603 of this title (relating to What authorization must I obtain before administering a medication to a child in my care?);

(G) Preventing and responding to emergencies due to food and allergic reaction;

(H) Understanding building and physical premises safety, including identification and protection from hazards that can cause bodily injury such as electric hazards, bodies of water, and vehicular traffic;

(I) Handling, storing, and disposing of hazardous materials including compliance with §747.3221 of this title (relating to Must caregivers wear gloves when handling blood or bodily fluids containing blood?); and

(J) Precautions in transporting children if your child-care home plans to transport a child whose chronological or developmental age is younger than nine years old; and

(6) Have one of the following combinations of education and experience in a licensed child-care center, or in a licensed or registered child-care home, as defined in §747.1113 of this title (relating to What constitutes experience in a licensed child-care center, or in a licensed or registered child-care home?):

|  |  |
| --- | --- |
| Education | Experience |
| (A) A bachelor's degree with 12 college credit hours in child development and three college credit hours in business management, | and at least one year of experience in a licensed child-care center or licensed or registered child-care home; |
| (B) An associate's of applied science degree in child development or a closely related field with six college credit hours in child development and three college credit hours in business management. A "closely related field" is any educational instruction pertaining to the growth, development, physical or mental care, or education of children ages birth through 13 years, | and at least one year of experience in a licensed child-care center or licensed or registered child-care home; |
| (C) Sixty college credit hours with six college credit hours in child development and three college credit hours in business management, | and at least one year of experience in a licensed child-care center or licensed or registered child-care home; |
| (D) A Child Development Associate credential or Certified Child-Care Professional credential with three college credit hours in business management, | and at least one year of experience in a licensed child-care center or licensed or registered child-care home; |
| (E) A child-care administrator's certificate from a community college with at least 15 college credit hours in child development and three college credit hours in business management, | and at least two years of experience in a licensed child-care center or licensed or registered child-care home; |
| (F) A day-care administrator's credential issued by a professional organization or an educational institution and approved by Licensing based on criteria specified in Subchapter P of Chapter 745 of this title (relating to Day-Care Administrator's Credential Program), | and at least two years of experience in a licensed child-care center or licensed or registered child-care home; or |
| (G) Seventy-two clock hours of training in child development and 30 clock hours in business management, | and at least three years of experience in a licensed child-care center or licensed or registered child-care home. |

(b) Options (D) and (F) of subsection (a)(6) of this section require periodic renewal.

§747.1119. What credit courses does Licensing recognize as child development?

Due to a large variation in credit course titles and content, it is impossible to list all courses that may be counted toward the child development requirement. Courses in early childhood education, child growth and development, psychology, sociology, classroom management, child psychology, health and safety of children, elementary education related to pre-kindergarten through third grade, youth development and other similar courses may be counted if they are related to child development or the topics specified in §747.1305 of this title (relating to What topics must the annual training for caregivers include?). Abnormal psychology and secondary education courses are not recognized as child development.

This agency certifies that legal counsel has reviewed the adoption and found it to be within the state agency's legal authority to adopt.

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Chapter 747, Minimum Standards for Child-Care Homes

Subchapter D, Personnel

Division 2, Primary Caregiver of a Licensed Child-Care Home

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The repeal implements HRC §§42.042 and 42.0421 and portions of the Child Care and Development Block Grant Act of 2014, which is codified in 42 USC §9857 et seq.

§747.1109. Are there exemptions from the qualifications listed in this division?

This agency certifies that legal counsel has reviewed the adoption and found it to be within the state agency's legal authority to adopt.

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Chapter 747, Minimum Standards for Child-Care Homes

Subchapter D, Personnel

Division 4, Professional Development

TAC Section Number(s) §§747.1301, 747.1303, 747.1305, 747.1307

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The repeals implement HRC §§42.042 and 42.0421 and portions of the Child Care and Development Block Grant Act of 2014, which is codified in 42 USC §9857 et seq.

§747.1301. What training must I ensure that my caregivers have?

§747.1303. What training must I have?

§747.1305. What should orientation to my child-care home include?

§747.1307. What topics must the annual training for caregivers include?

This agency certifies that legal counsel has reviewed the adoption and found it to be within the state agency's legal authority to adopt.

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Title 40, Social Services & Assistance, Part 19, Dept. of Family and Protective Services

Chapter 747, Minimum Standards for Child-Care Homes

Subchapter D, Personnel

Division 4, Professional Development

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The new sections and amendment are adopted under Human Resources Code (HRC) §40.0505 and Government Code §531.0055, which provide that the Health and Human Services Executive Commissioner shall adopt rules for the operation and provision of services by the health and human services agencies, including the Department of Family and Protective Services; and HRC §40.021, which provides that the Family and Protective Services Council shall study and make recommendations to the Executive Commissioner and the Commissioner regarding rules governing the delivery of services to persons who are served or regulated by the department.

The new sections and amendment implement HRC §§42.042 and 42.0421 and portions of the Child Care and Development Block Grant Act of 2014, which is codified in 42 USC §9857 et seq.

§747.1301. What must orientation for caregivers at my child-care home include?

Orientation for caregivers at your child-care home must include at least the following:

(1) An overview of the minimum standards found in this chapter;

(2) An overview of your operational policies, including discipline and guidance practices and procedures for the release of children, and the provision of copies of these practices and procedures;

(3) An overview regarding the prevention, recognition, and reporting of child abuse and neglect, including:

(A) Factors indicating a child is at risk of abuse or neglect;

(B) Warning signs indicating a child may be a victim of abuse or neglect;

(C) Procedures for reporting child abuse or neglect; and

(D) Community organizations that have training programs available to child-care staff, children, and parents;

(4) An overview of your home's Emergency Preparedness Plan;

(5) Locating and using fire extinguishers and first-aid equipment;

(6) Recognizing and preventing shaken baby syndrome and abusive head trauma;

(7) Understanding and using safe sleep practices and preventing sudden infant death syndrome (SIDS);

(8) Understanding early childhood brain development;

(9) Preventing and controlling the spread of communicable diseases, including immunizations;

(10) Administering medication, if applicable, including compliance with §747.3603 of this title (relating to What authorization must I obtain before administering a medication to a child in my care?);

(11) Preventing and responding to emergencies due to food or an allergic reaction;

(12) Understanding building and physical premises safety, including identification and protection from hazards that can cause bodily injury such as electric hazards, bodies of water, and vehicular traffic;

(13) Handling, storing, and disposing of hazardous materials including compliance with §747.3221 of this title (relating to Must caregivers wear gloves when handling blood or bodily fluids containing blood?); and

(14) Precautions in transporting children if your child-care home transports a child whose chronological or developmental age is younger than nine years old.

§747.1303. What training must I ensure that my caregivers have?

You must make sure that each caregiver has the following training:

(1) Orientation to your child-care home as specified in §747.1301 of this title (relating to What must orientation for caregivers at my child-care home include?) within seven days of employment;

(2) 15 clock hours of annual training for a caregiver in a registered child-care home as specified in §747.1305 of this title (relating to What topics must the annual training for caregivers include?);

(3) 24 clock hours of annual training for a caregiver in a licensed child-care home as specified in §747.1305 of this title;

(4) Current first-aid and CPR training as specified in §747.1313 of this title (relating to Who must have first-aid and CPR training?); and

(5) If a caregiver transports children whose chronological or developmental age is younger than nine years old, transportation safety training as specified in §747.1314 of this title (relating to What additional training must a person have in order to transport a child in care?).

§747.1305. What topics must the annual training for caregivers include?

(a) Each caregiver counted in the child/caregiver ratio on more than ten separate occasions in one training year, as specified in §747.1311 of this title (relating to When must the annual training be obtained?) must obtain annual training relevant to the age of the children for whom the caregiver provides care.

(b) Annual training is exclusive of any requirements for orientation, first aid and CPR training, transportation safety training, and any training received through a high school child-care work-study program.

(c) At least six clock hours of the annual training hours must be in one or more of the following topics:

(1) Child growth and development;

(2) Guidance and discipline;

(3) Age-appropriate curriculum; and

(4) Teacher-child interaction.

(d) If your home provides care for a child younger than 24 months, one hour of the annual training hours must cover the following topics:

(1) Recognizing and preventing shaken baby syndrome and abusive head trauma;

(2) Understanding and using safe sleep practices and preventing sudden infant death syndrome (SIDS); and

(3) Understanding early childhood brain development.

(e) While there are no clock hour requirements for the topics in this subsection, the annual training hours must also include training on the following topics:

(1) Emergency preparedness;

(2) Preventing and controlling the spread of communicable diseases, including immunizations;

(3) Administering medication, if applicable, including compliance with §747.3603 of this title (relating to What authorization must I obtain before administering a medication to a child in my care?);

(4) Preventing and responding to emergencies due to food or an allergic reaction;

(5) Understanding building and physical premises safety, including identification and protection from hazards that can cause bodily injury such as electric hazards, bodies of water, and vehicular traffic; and

(6) Handling, storing, and disposing of hazardous materials including compliance with §747.3221 of this title (relating to Must caregivers wear gloves when handling blood or bodily fluids containing blood?).

(f) The remaining annual training hours must be in one or more of the following topics:

(1) Care of children with special needs;

(2) Child health (for example, nutrition and physical activity);

(3) Safety;

(4) Risk management;

(5) Identification and care of ill children;

(6) Cultural diversity of children and families;

(7) Professional development (for example, effective communication with families and time and stress management);

(8) Topics relevant to the particular ages of children in care (for example, caregivers working with infants or toddlers should receive training on biting and toilet training);

(9) Planning developmentally appropriate learning activities;

(10) Observation and assessment;

(11) Attachment and responsive care giving; and

(12) Minimum standards and how they apply to the caregiver.

(g) No more than 80% of the annual training hours may be obtained from self-instructional training.

§747.1307. What training must I have?

You must have the following training:

(1) 30 clock hours of annual training as specified in §747.1309 of this title (relating to (What topics must my annual training include?);

(2) Current first-aid and CPR training as specified in §747.1313 of this title (relating to Who must have first-aid and CPR training; and

(3) If you transport children whose chronological or developmental age is younger that nine years old, transportation safety training as specified in §747.1314 of this title (relating to What additional training must a person have in order to transport a child in care?).

§747.1309. What topics must my annual training include?

(a) You must obtain at least 30 clock hours of training each year relevant to the age of the children for whom you provide care.

(b) The 30 clock hours of annual training are exclusive of any requirements for the Licensing pre-application course, first-aid and CPR training, and transportation safety training.

(c) At least six clock hours of the annual training hours must be in one or more of the following topics:

(1) Child growth and development;

(2) Guidance and discipline;

(3) Age-appropriate curriculum; and

(4) Teacher-child interaction.

(d) If your home provides care for children younger than 24 months, one hour of the annual training hours must cover the following topics:

(1) Recognizing and preventing shaken baby syndrome;

(2) Understanding and using safe sleep practices and preventing sudden infant death syndrome (SIDS); and

(3) Understanding early childhood brain development.

(e) While there are no clock hour requirements for the topics in this subsection, the annual training hours must also include training on the following topics:

(1) Emergency preparedness;

(2) Preventing and controlling the spread of communicable diseases, including immunizations;

(3) Administering medication, if applicable, including compliance with §747.3603 of this title (relating to What authorization must I obtain before administering a medication to a child in my care?);

(4) Preventing and responding to emergencies due to food or an allergic reaction;

(5) Understanding building and physical premises safety, including identification and protection from hazards that can cause bodily injury such as electric hazards, bodies of water, and vehicular traffic; and

(6) Handling, storing, and disposing of hazardous materials including compliance with §747.3221 of this title (relating to Must caregivers wear gloves when handling blood or bodily fluids containing blood?).

(f) If you have:

(1) Five or fewer years of experience as a primary caregiver in a licensed or registered child-care home, you must complete at least six of the annual training hours in management techniques, leadership, or staff supervision; or

(2) More than five years of experience as a primary caregiver in a licensed or registered child-care home, you must complete at least three of the annual training hours in management techniques, leadership, or staff supervision.

(g) The remainder of annual training hours must be selected from the training topics specified in §747.1305(f) of this title (relating to What topics must the annual training for caregivers include?).

(h) You may obtain clock hours or CEUs from the same sources as other caregivers.

(i) Training hours may not be earned for presenting training to other caregivers.

(j) No more than 80% of annual training may be obtained from self-instructional training.

This agency certifies that legal counsel has reviewed the adoption and found it to be within the state agency's legal authority to adopt.

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Title 40, Social Services & Assistance, Part 19, Dept. of Family and Protective Services

Chapter 747, Minimum Standards for Child-Care Homes

Subchapter D, Personnel

Division 5, Household Members, Volunteers, and People who Offer Contracted Services

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The amendments implement HRC §§42.042 and 42.0421 and portions of the Child Care and Development Block Grant Act of 2014, which is codified in 42 USC §9857 et seq.

§747.1401. Must members of my household meet specific qualifications?

(a) For each household member that you are required to request a background check on, as specified in Subchapter F of Chapter 745 of this title (relating to Background Checks), the member must:

(1) Provide a copy of a health card or health-care professional's statement verifying they are free of active tuberculosis if required by the regional Texas Department of State Health Services or local health authority; and

(2) Complete orientation to your child-care home as specified in §747.1403 of this title (relating to What must orientation for household members at my child-care home include?).

(b) Any household member who is counted in the child/caregiver ratio on more than ten separate occasions in one training year, whether paid or unpaid, must meet the minimum qualifications for assistant caregivers and training requirements for caregivers as specified in this subchapter.

(c) Any household member who is left in charge of the child-care home in the absence of the primary caregiver, whether paid or unpaid, must meet the minimum qualifications for a substitute caregiver and training requirements for caregivers specified in this subchapter.

(d) (No change.)

§747.1403. What must orientation for household members at my child-care home include?

The orientation for household members at your child-care home must include at least the following:

(1) An overview of your home’s child-care policies, including discipline and guidance practices and the procedures for the release of children, and the provision of copies of these practices and procedures;

(2) An overview of symptoms of child abuse and neglect and the responsibility for reporting these;

(3) The procedures to follow in handling emergencies. Emergencies include fire, explosion, tornado, toxic fumes, volatile individuals, and severe injury or illness of a child or adult; and

(4) The location and use of fire extinguishers and first-aid equipment.

This agency certifies that legal counsel has reviewed the adoption and found it to be within the state agency's legal authority to adopt.

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Chapter 747, Minimum Standards for Child-Care Homes

Subchapter L, Discipline

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The repeal is adopted under Human Resources Code (HRC) §40.0505 and Government Code §531.0055, which provide that the Health and Human Services Executive Commissioner shall adopt rules for the operation and provision of services by the health and human services agencies, including the Department of Family and Protective Services; and HRC §40.021, which provides that the Family and Protective Services Council shall study and make recommendations to the Executive Commissioner and the Commissioner regarding rules governing the delivery of services to persons who are served or regulated by the department.

The repeal implements HRC §§42.042 and 42.0421 and portions of the Child Care and Development Block Grant Act of 2014, which is codified in 42 USC §9857 et seq.

§747.2713. Must I give a copy of my written discipline and guidance policy to parents, my caregivers, and household members?

This agency certifies that legal counsel has reviewed the adoption and found it to be within the state agency's legal authority to adopt.

Issued in Austin, Texas, on .

Title 40, Social Services & Assistance, Part 19, Dept. of Family and Protective Services

Chapter 747, Minimum Standards for Child-Care Homes

Subchapter N, Field Trips

TAC Section Number(s) §747.2901

Final Action

201602235 TRD Docket Number

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The amendment is adopted under Human Resources Code (HRC) §40.0505 and Government Code §531.0055, which provide that the Health and Human Services Executive Commissioner shall adopt rules for the operation and provision of services by the health and human services agencies, including the Department of Family and Protective Services; and HRC §40.021, which provides that the Family and Protective Services Council shall study and make recommendations to the Executive Commissioner and the Commissioner regarding rules governing the delivery of services to persons who are served or regulated by the department.

The amendment implements HRC §§42.042 and 42.0421 and portions of the Child Care and Development Block Grant Act of 2014, which is codified in 42 USC §9857 et seq.

§747.2901. May I take children away from my child-care home for field trips?

(a) Yes. You must ensure the children's safety on field trips and excursions and during any transportation provided by the child-care home. Anytime you take a child

on a field trip you must comply with each of the following requirements:

(1) - (4) (No change.)

(5) You must have a copy of a child's food allergy emergency plan and allergy medications, if applicable;

(6) Each child must wear a shirt, name tag, or other identification listing the name and telephone number of the child-care home;

(7) Each caregiver must be easily identifiable by all children on the field trip, by wearing a hat, specialized tee-shirt, brightly colored clothes, or other easily spotted identification;

(8) Each caregiver supervising a field trip must have transportation available, a communication device such as a cellular phone or two-way radio available, or an alternate plan for transportation at the field trip location in case of emergency; and

(9) You must ensure that a caregiver trained in CPR and first aid with rescue breathing and choking is present on the field trip.

(b) A walk around the caregiver's neighborhood must comply only with paragraphs (2), (5) and (9) of subsection (a) of this section.

This agency certifies that legal counsel has reviewed the adoption and found it to be within the state agency's legal authority to adopt.

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Title 40, Social Services & Assistance, Part 19, Dept. of Family and Protective Services

Chapter 747, Minimum Standards for Child-Care Homes

Subchapter Q, Nutrition and Food Service

TAC Section Number(s) §747.3101

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The amendment is adopted under Human Resources Code (HRC) §40.0505 and Government Code §531.0055, which provide that the Health and Human Services Executive Commissioner shall adopt rules for the operation and provision of services by the health and human services agencies, including the Department of Family and Protective Services; and HRC §40.021, which provides that the Family and Protective Services Council shall study and make recommendations to the Executive Commissioner and the Commissioner regarding rules governing the delivery of services to persons who are served or regulated by the department.

The amendment implements HRC §§42.042 and 42.0421 and portions of the Child Care and Development Block Grant Act of 2014, which is codified in 42 USC §9857 et seq.

§747.3101. What are the basic requirements for snack and mealtimes?

(a) You must serve all children ready for table food regular meals and morning and afternoon snacks as specified in this subchapter.

(b) If breakfast is served, a morning snack is not required.

(c) A child must not go more than three hours without a meal or snack being offered, unless the child is sleeping.

(d) If your child-care home is participating in the Child and Adult Care Food Program (CACFP) administered by the Texas Department of Agriculture, you may elect to meet those requirements rather than those specified in this section.

(e) You must ensure a supply of drinking water is always available to each child and is served at every snack, mealtime, and after active play in a safe and sanitary manner.

(f) You must not serve beverages with added sugars, such as carbonated beverages, fruit punch, or sweetened milk except for a special occasion such as a holiday or birthday celebration.

(g) You must not use food as a reward.

(h) You must not serve a child a food identified on the child's food allergy emergency plan as specified in §747.3617 of this title (relating to What is a food allergy emergency plan?).

This agency certifies that legal counsel has reviewed the adoption and found it to be within the state agency's legal authority to adopt.

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Title 40, Social Services & Assistance, Part 19, Dept. of Family and Protective Services

Chapter 747, Minimum Standards for Child-Care Homes

Subchapter R, Health Practices

Division 1, Environmental Health

TAC Section Number(s) §747.3203, 747.3221

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The amendments are adopted under Human Resources Code (HRC) §40.0505 and Government Code §531.0055, which provide that the Health and Human Services Executive Commissioner shall adopt rules for the operation and provision of services by the health and human services agencies, including the Department of Family and Protective Services; and HRC §40.021, which provides that the Family and Protective Services Council shall study and make recommendations to the Executive Commissioner and the Commissioner regarding rules governing the delivery of services to persons who are served or regulated by the department.

The amendments implement HRC §§42.042 and 42.0421 and portions of the Child Care and Development Block Grant Act of 2014, which is codified in 42 USC §9857 et seq.

§747.3203. What steps must I take to ensure a healthy environment for children at my child-care home?

You must clean, repair, and maintain your child-care home, grounds, and equipment to protect the health of the children. This includes, but is not limited to:

(1) - (10) No change.

(11) Sanitizing table tops, furniture, and other similar equipment used by children when soiled or contaminated with matter such as food, body secretions, or excrement;

(12) Clearly marking cleaning supplies and other toxic materials and keeping them separate from food and inaccessible to children; and

(13) Using, storing and disposing of hazardous materials as recommended by

the manufacturer.

§747.3221. Must caregivers wear gloves when handling blood or bodily fluids containing blood?

Yes, caregivers must follow universal precautions outlined by the Centers for Disease Control (CDC) when handling blood, vomit, or other bodily fluids that may contain blood including:

(1) Using disposable, nonporous gloves;

(2) Placing gloves contaminated with blood in a tied, sealed, or otherwise closed plastic bag and discarding them immediately;

(3) Discarding all other gloves immediately after one use; and

(4) Washing your hands with soap and running water after using and disposing of the gloves.

This agency certifies that legal counsel has reviewed the adoption and found it to be within the state agency's legal authority to adopt.

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Title 40, Social Services & Assistance, Part 19, Dept. of Family and Protective Services

Chapter 747, Minimum Standards for Child-Care Homes

Subchapter R, Health Practices

Division 2, Diaper Changing

TAC Section Number(s) §747.3307

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The amendment implements HRC §§42.042 and 42.0421 and portions of the Child Care and Development Block Grant Act of 2014, which is codified in 42 USC §9857 et seq.

§747.3307. What must I do to prevent the spread of germs when diapering children?

(a) - (e) (No change.)

(f) You must place soiled clothing in a tied, sealed, or otherwise closed plastic bag to be sent home with the child.

This agency certifies that legal counsel has reviewed the adoption and found it to be within the state agency's legal authority to adopt.

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Title 40, Social Services & Assistance, Part 19, Dept. of Family and Protective Services

Chapter 747, Minimum Standards for Child-Care Homes

Subchapter S, Safety Practices

Division 2, Medication and Medical Assistance

TAC Section Number(s) §747.3617, §747.3619

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The new sections are adopted under Human Resources Code (HRC) §40.0505 and Government Code §531.0055, which provide that the Health and Human Services Executive Commissioner shall adopt rules for the operation and provision of services by the health and human services agencies, including the Department of Family and Protective Services; and HRC §40.021, which provides that the Family and Protective Services Council shall study and make recommendations to the Executive Commissioner and the Commissioner regarding rules governing the delivery of services to persons who are served or regulated by the department.

The new sections implement HRC §§42.042 and 42.0421 and portions of the Child Care and Development Block Grant Act of 2014, which is codified in 42 USC §9857 et seq.

§747.3617. What is a food allergy emergency plan?

A food allergy emergency plan is an individualized plan prepared by the child's health care professional that includes:

1. a list of each food the child is allergic to;
2. possible symptoms if exposed to a food on the list; and
3. the steps to take if the child has an allergic reaction.

§747.3619. When is this plan required?

A food allergy emergency plan is required for each child with a known food allergy that has been diagnosed by a health-care professional. The child's health care professional and parent must sign and date the plan. You must keep a copy of the plan in the child's file.

This agency certifies that legal counsel has reviewed the adoption and found it to be within the state agency's legal authority to adopt.

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Title 40, Social Services & Assistance, Part 19, Dept. of Family and Protective Services

Chapter 747, Minimum Standards for Child-Care Homes

Subchapter W, Fire Safety and Emergency Practices

Division 2, Emergency Preparedness

TAC Section Number(s) §§747.5001, 747.5003, 747.5005

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The amendments are adopted under Human Resources Code (HRC) §40.0505 and Government Code §531.0055, which provide that the Health and Human Services Executive Commissioner shall adopt rules for the operation and provision of services by the health and human services agencies, including the Department of Family and Protective Services; and HRC §40.021, which provides that the Family and Protective Services Council shall study and make recommendations to the Executive Commissioner and the Commissioner regarding rules governing the delivery of services to persons who are served or regulated by the department.

The amendments implement HRC §§42.042 and 42.0421 and portions of the Child Care and Development Block Grant Act of 2014, which is codified in 42 USC §9857 et seq.

§747.5001. What is an emergency preparedness plan?

An emergency preparedness plan is designed to ensure the safety of children during an emergency by addressing staff responsibility and your home's readiness with respect to emergency evacuation, relocation, and sheltering/lock-down. The plan addresses the types of responses to emergencies most likely to occur in your area including:

(1) An evacuation of your home to a designated safe area in an emergency such as a fire or gas leak;

(2) A relocation of the children and caregivers to a designated, alternate shelter in an emergency such as a flood, a hurricane, medical emergency, or communicable disease outbreak; and

(3) The sheltering and lock-down of children and caregivers within your home to temporarily protect them from situations such as a tornado, volatile person on the premises, or an endangering person in the area.

§747.5003. What must my emergency preparedness plan include?

Your emergency preparedness plan must include written procedures for:

(1) Evacuation, relocation, and sheltering/lock-down of children, including:

(A) Your first responsibility in an emergency evacuation or relocation is to move the children to a designated safe area or alternate shelter known to all household members, caregivers, parents, and volunteers;

(B) How children will be evacuated or relocated to the designated safe area or alternate shelter, including specific procedures for evacuating or relocating children who are under 24 months of age, who have limited mobility, or who otherwise may need assistance in an emergency, such as children who have mental, visual, or hearing impairments;

(C) (No change.)

(D) The caregivers' responsibility in a sheltering/lock-down emergency for the orderly movement of children to a designated location in your home where children should gather;

(E) Name and address of the alternate shelter away from your home you will use as needed; and

(F) How children in attendance at the time of the emergency will be accounted for at the designated safe area or alternate shelter;

(2) Communication, including:

(A) The emergency telephone number that is on file with us; and

(B) How you will communicate with local authorities (such as fire, law enforcement, emergency medical services, and health department), parents, and us;

(3) How you will evacuate and relocate with the essential documentation including:

(A) - (B) (No change.)

(C) The attendance record information for children in care at the time of the emergency;

(4) How you will continue to care for the children until each child has been released; and

(5) How you will reunify the children with their parents at evacuation, relocation, or when sheltering is lifted.

§747.5005. Must I practice my emergency preparedness plan?

Yes, the following components of your home's emergency preparedness plan must be practiced as follows:

(1) (No change.)

(2) You must practice a sheltering drill for severe weather at least four times in a calendar year; and

(3) You must practice a lock-down drill for a volatile or endangering person on the premises or in the area at least four times in a calendar year.

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