

MINIMUM STANDARDS REVISION NOTICE



Date: May 29, 2017 **Effective Date:** April 15, 2017
To: All Holders of Minimum Standards for School-Age and Before or After-School Programs
From: Jean Shaw, DFPS Assistant Commissioner for Child-Care Licensing

- You may print copies from our website at www.dfps.state.tx.us
- If you have questions, please contact your licensing representative or send an email to rcclstan@dfps.state.tx.us.

Subject: Comprehensive Review of Chapter 744

The Texas Human Resources Code (HRC) §42.042(b) requires Child-Care Licensing (CCL) to conduct a comprehensive review of all rules and minimum standards every six years. The proposed changes are a result of the comprehensive review of all minimum standards located in Chapter 744, Minimum Standards for School-Age and Before or After-School Programs.

During this review of standards, CCL's goal was to obtain as much input as possible and to review the concerns and recommendations of child advocacy groups, School-Age and Before or After-School Programs (programs), children, and parents to formulate standards that balance children's health and safety with affordability and availability of care.

Below is an overview of the minimum standard changes by subchapter. The most significant changes are discussed in some detail. The more minimal changes (e.g. changing a cite to a standard, deleting a masculine pronoun, or clarifying the language of the standard for better readability and understanding) are noted in minimal detail.

All of the following minimum standard changes were effective April 15, 2017.

Subchapter A, Purpose, Scope, and Definitions

Subchapter A was divided into three Divisions: Purpose, Scope, and Definitions, which required the standards to be rearranged and renumbered, including new §744.121 (formerly §744.103). §744.101 was also amended to replace an outdated reference.

New §744.111 (formerly §744.107) deletes outdated time frames and makes it clear that these minimum standards apply to both programs and illegal operations (programs that are not licensed but should be).

New §744.113 (formerly §744.109) makes it clear that a permit holder of a program and a director, owner, operator, and certain controlling persons of an illegal operation are responsible for the program's compliance with the minimum standards in this chapter.

The New definitions standard §744.123 (formerly §744.105):

- Adds the following definitions: CEUs (which came from deleted §744.1033), clock hours (which came from deleted §744.1029), employee, governing body, high school equivalent (which came from deleted §744.1111), instructor-led training (which came from deleted §744.1327), nighttime care, owner, permit holder, permit is no longer valid, premises, sanitize (which came from deleted §744.2509 and §744.2511, with modifications), self-instructional training (which came from deleted §744.1327), and self-

study training;

- Deletes the following definitions that are not necessary or are not used in this chapter: child passenger safety-seat system (already defined at §744.3807), creative activities, critical illness, operation location, and pre-service training;
- Updates the following definitions for accuracy and better readability and understanding: administrative and clerical duties, age-appropriate, caregiver, Certified Child-Care Professional Credential, Child Development Associate Credential, frequent, health-care professional, inflatable, janitorial duties, local sanitation official (used to be state or local sanitation official), special care needs, and water activities; and
- Moves the following definitions to other standards: caregiver-initiated activities (moved to §744.2001(a)(6)(B)), child-initiated activities (moved to §744.2001(a)(6)(A)), and single-use area (moved to §744.2907(a)(3)).

Subchapter B, Administration and Communication

In addition to many changes in this Subchapter to improve readability and understanding:

- The addition of §744.201(11) clarifies that the permit holder must ensure the program's licensed capacity is not exceeded at the operation or on field trips;
- The addition of §744.301(10) clarifies that a program must notify Licensing of a change in ownership (this requirement was previously in §744.303);
- The changes to §744.401 clarify that activity plans for each group of children, if required, must be posted at all times;
- The changes to §744.501: (1) require new operational policies for suspension and expulsion of children; (2) require new operational procedures for providing and applying insect repellent and sunscreen; and (3) add more detail to several paragraphs, including clarifying that a copy of Subchapter G may be used for your discipline and guidance policy unless your operation uses disciplinary and training measures specific to a skills-based program (this came from deleted §744.2111); and
- The addition of §744.505(1) clarifies that employees must be notified of any changes to operational policies.

The changes to §§744.303, 744.305, 744.405, and 744.503 clarify the language of the standards for consistency, update and/or delete outdated language, and improve readability and understanding.

Subchapter C, Record Keeping

In addition to many changes in this Subchapter to improve readability and understanding:

- The changes to §744.603 add more detail to several paragraphs. Also, the changes to paragraph (10) clarify that in some instances minimum standards allow for a deviation with written documentation from a health-care professional, and this documentation must be maintained in the child's record;
- The change to §744.605 clarifies that permission for transportation includes any authorized pick-up and drop-off locations;
- The changes to §§744.613 and 744.623 and new §744.615 regarding immunizations should be reviewed closely because they have many modifications, including clarifying: (1) that programs must continue to meet immunization requirements and kept records must include exemptions or exceptions; (2) that a homeless child or a child in foster care may be admitted provisionally for up to 30 days; (3) what exemptions and exceptions mean; and (4) the acceptable documentation requirements; and
- The changes to §744.801 deleted several redundant requirements because they were

already mandated to be posted in another standard (see §744.401). The changes also add more detail to several paragraphs.

The changes to §§744.627, 744.705, 744.803, and 744.909 also clarify the language of the standards for consistency.

Subchapter D, Personnel

In addition to many changes in this Subchapter to improve readability and understanding:

- The changes to §§744.1001 and 744.1003 clarify the term “multi-site operations”, which is defined in the definitions standard, for consistency throughout the chapter;
- The changes to §744.1017 clarify that the program must provide Licensing a written plan describing the oversight the program director will be providing the site director until the required education qualifications are completed during the first 90 days of employment. If applicable, the plan must include the sharing of director responsibilities;
- New §744.1029 (formerly deleted §744.1041) was moved here for better flow and readability;
- The changes to §744.1035 clarify what is needed to verify clock hours or CEUs (which came from deleted §744.1039);
- For young employees still in high school, the changes to §744.1107 clarify that: (1) the young employees must not be left alone with sole responsibility for an individual child; (2) a charter school or the Texas Private School Accreditation Commission may approve a child-care related career program; and (3) a home school may approve a child-care related program, but the young employee must complete eight hours of pre-service training before being placed in a room with children;
- New §744.1301 reorganizes the previous standard regarding training by placing it in an easier to understand chart and deleting outdated requirements;
- “First-aid training” was removed from §744.1315 to clarify that first aid training may be obtained through self-instructional training;
- The changes to §744.1319 clarify that: (1) a person must have a current CDA credential; and (2) the training requirements in subsection (c) apply to both instructor-led training and self-instructional training, but not self-study training;
- The changes to §744.1325 deletes the requirement to adjust the annual training year for employees who obtained training from another program within the last two months; and
- New §744.1401 regarding substitutes, volunteers, and contractors should be reviewed closely because it has been substantially changed from the previous standard, including clarifying: (1) which minimum standards each substitute, volunteer, or contractor must comply with; (2) that volunteers who only supplement ratios for field trips and water activities do not have to comply with minimum standards for employees or caregivers, but they do have to comply with the minimum standards in Subchapter E regarding ratios; and (3) that all substitutes, volunteers (except those who only supplement ratios for field trips and water activities), and contractors must receive orientation prior to beginning relevant duties.

The changes to §§744.1015, 744.1023, 744.1037, 744.1051, 744.1053, 744.1055, 744.1103, 744.1105, 744.1203, 744.1317, and 744.1321 clarify the language of the standard for consistency, delete redundant requirements, update and/or delete outdated language, and improve the readability and understanding of the standards.

Subchapter F, Developmental Activities and Equipment

In addition to changes in this Subchapter to improve readability and understanding:

- The definitions for “child-initiated activities” and “caregiver-initiated activities” have been added to §744.2001 and deleted from the definitions standard because these terms are not used anywhere else in this chapter; and
- The changes to §744.2005 delete the activity plans posting requirement and moved it to §744.401, and delete the time frame for keeping activity plans because it is already required in §744.803.

Subchapter G, Discipline and Guidance

A deleted standard (§744.2101) was combined with §744.2103 to clarify the appropriate methods of discipline

The change to §744.2105 clarifies that prohibited types of discipline include placing a child in a locked or dark room, bathroom, or closet, whether the door is open or closed.

Subchapter H, Naptime

The change to §744.2207 clarifies that after a child has slept or rested for 30 minutes (this used to be an hour), you must allow the child to participate in an alternative, quiet activity until the rest time is over.

The change to §744.2211 clarifies that lighting in a room is adequate if a person’s eyes do not need to adjust for the person to be able to see upon entering the room.

Subchapter J, Nutrition and Food Service

The change to §744.2409 clarifies that snacks provided by a parent must not be shared with other children unless: (1) it is for a celebration or party; and (2) the program insures the shared snacks meet the needs of children who require special diets. Note: Meals provided by a parent should not be shared with other children.

The change to §744.2411 improves the readability and understanding of the standard.

The changes to §744.2413 improve the readability and understanding of the standard and delete information regarding the posting and keeping of menus because these issues are already covered in other standards (see §§744.401(6) and 744.803, respectively).

Subchapter K, Health Practices

In addition to some changes in this Subchapter to improve readability and understanding:

- The change to §744.2515 clarifies that employees must wash their hands after removing gloves and corrects a typographical error;
- The changes to §744.2519 new §744.2520 clarify that hand sanitizers may be used as a substitute for washing hands if certain conditions are met. Note: Hand sanitizers should be used in moderation and should not be substituted for all hand washing;
- The changes to §744.2571 clarify that an ill child should not be attending an operation if the child has a tympanic (ear) temperature above 100 degrees that is accompanied by behavior changes or other signs or symptoms of illness. The option of a rectal temperature was also deleted from this standard; and
- New §744.2576 clarifies that an ill child may return to the operation when: (1) the child is free of symptoms of illness for 24 hours; or (2) there is a health-care professional’s statement that the child no longer has an excludable disease or condition.

The changes to §§744.2501, 744.2505, 744.2551, 744.2573, and 744.2577 correct terms, delete redundant information, and improve the readability and understanding of the standards.

Subchapter L, Safety Practices

In addition to some changes in this Subchapter to improve readability and understanding:

- The changes to §744.2601 clarify that all televisions must be anchored, so they cannot

tip over;

- The changes to §744.2603 clarify that e-cigarettes and vaporizers are prohibited at operations;
- The changes to §744.2607 clarify that peace officers and commissioned security officers who are trained to carry firearms may have firearms and ammunition at the operation. For all other persons, firearms and other weapons are prohibited at the operation; however, this prohibition does not apply to personal vehicles;
- The changes to §744.2609 clarify that the prohibition of toys or other types of equipment that explode or shoot things at the operation also applies to field trips;
- The change to §744.2651 clarifies that insect repellent is not a non-prescription medication, which means insect repellent does not meet the definition of a medication; and
- The changes to §744.2701 clarify that the requirements that must be met to have animals at the operation also applies to animals on field trips.

Subchapter M, Physical Facilities

The changes to §744.2905 delete outdated grandfather clauses and improve the readability and understanding of the standard.

The changes to §744.2907 clarify that measurements will be rounded “up” to the nearest inch and add the definition of a single-use area, which was deleted from the definition’s standard.

The change to §744.3003 deletes redundant information in the standard.

The change to §744.3007 clarifies that toilets must have toilet paper.

The change to §744.3051 deletes outdated language.

Subchapter N, Indoor and Outdoor Active Play Space and Equipment

In addition to some changes in this Subchapter to improve readability and understanding, including §§744.3107, 744.3209, and 744.3251:

- The change to §744.3101 clarifies that the design, scale, and location of the active play equipment must be according to the manufacturer’s instructions;
- The changes to §744.3111 delete outdated grandfather clauses and clarify that the grandfather date that remains is September 1, 2010 instead of December 1, 2010;
- The changes to §744.3255 delete an outdated grandfather clause; and
- The changes to §744.3351 clarify that enclosed inflatables must be used according to manufacturer’s instructions.

Subchapter O, Swimming Pools, Wading/Splashing Pools, and Sprinkler Play

The changes to §744.3413 clarify that: (1) sprinkler equipment must not be used on concrete surfaces; (2) a child should not be left alone with sprinkler equipment; and (3) any splash pad or sprinkler play area must be maintained according to the manufacturer’s instructions.

Subchapter P, Fire Safety and Emergency Practices

The changes to §§744.3505, 744.3561, 744.3605, 744.3607, 744.3619, and 744.3757 improve the language of the standards for better readability and understanding. The changes to §744.3605 also make it clear that any manufacturer’s instructions regarding the mounting of a fire extinguisher must be followed.

Subchapter Q, Transportation

The changes to §§744.3801, 744.3805, 744.3807, 744.3817 and 744.3821 clarify the language of the standards for consistency, improve the language of the standards for better readability and understanding, and delete outdated language. The changes to §744.3817 also

clarifies that a driver must not only have a driver's license, but the driver must carry the driver's license when transporting children.

Please note that each of the amended minimum standards have the date *April 2017* below each minimum standard title.

A new complete publication of [Chapter 744](#), Minimum Standards for School-Age and Before or After-School Programs, current through April 15, 2017 is available for review on the DFPS website.

Also on the DFPS website is a final version of the Chapter 744 minimum standard changes [Comprehensive Review Display](#) in bolded/strike through (**new/delete**) format. This document also includes each deleted standard number and its title and any noted additions or changes to the Helpful Information boxes that follow the on-line Minimum Standards for School-Age and Before or After-School Programs.