

CCDBG Final Bold/Strikethrough Changes For Chapter 744

Chapter 744

Subchapter B, Administration and Communication

Division 3, Required Postings

§744.401. What items must I post at my operation at all times?

You must post the following items:

(1) - (3) (No change.)

(4) **Your emergency** [~~Emergency and~~] **evacuation and relocation diagram as specified in §744.3561 of this title (relating to Must I have an emergency evacuation and relocation diagram?)** [~~plans~~];

(5) (No change.)

(6) **The Licensing Parent Notification Poster**; [~~Notice of Availability for Review of:~~]

[~~(A) The most recent fire inspection report, if applicable;~~]

[~~(B) The most recent sanitation inspection report, if applicable;~~]

[~~(C) The most recent gas inspection report, if applicable; and~~]

[~~(D) The applicable Licensing minimum standards;~~]

(7) Telephone numbers specified in §744.405 of this title (relating to What telephone numbers must I post and where must I post them?); [~~and~~]

(8) **A list of each child's food allergies that require an emergency plan, as specified in §744.2669 of this title (relating to When must I have a food allergy emergency plan for a child?); and**

(9)[~~(8)~~] Any other Licensing notices with specific instructions to post the notice.

§744.403. When and where must these items be posted?

(a) (No change.)

(b) **For a list of each child's food allergies that require an emergency plan:**

(1) **You must post the list during all hours of operation where you prepare food and in each room where the child may spend time;**

(2) **The posting must be in a place where employees may easily view the list, and if a parent requests it, maintain privacy for a child (for example, a clipboard hung on the wall with a cover sheet over the list); and**

(3) **You must ensure that all caregivers and employees who prepare or serve food are aware of each child's food allergies.** [~~Emergency and evacuation relocation plans must be posted in each room used by children.~~]

Chapter 744

Subchapter C, Record Keeping

Division 1, Records of Children

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

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

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

(14) The name and telephone number of the school that a school-age child attends, unless the operation is located at the child's school; [~~and~~]

(15) Permission for a school-age child to ride a bus, [~~or~~] 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.**

Chapter 744
Subchapter C, Record Keeping
Division 4, Personnel Records

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

You must have the following records at the operation and available for review during your hours of operation for each employee, caregiver, substitute, and volunteer as specified in this chapter:

(1) - (9) (No change.)

(10) A statement signed and dated by the employee verifying the date the employee attended training during orientation that includes an overview **regarding the prevention, recognition, and reporting** ~~[of symptoms]~~ of child abuse~~[,]~~ **and** neglect, ~~[and sexual abuse and the responsibility for reporting these]~~ as outlined in §744.1303 of this title (relating to What **must** ~~[should]~~ orientation **for employees at** ~~[to]~~ my operation include?).

Chapter 744
Subchapter D, Personnel
Division 4, Professional Development

§744.1303. What **must** ~~[should]~~ orientation **for employees at** ~~[to]~~ my operation include?

(a) Your orientation for employees must include at least the following:

(1) (No change.)

(2) **An overview of operational** ~~[Your operation's]~~ policies, including discipline~~[,]~~ **and** guidance **practices**~~[,]~~ **and** **procedures** for the release of children;

(3) An overview **regarding the prevention, recognition, and reporting** ~~[of symptoms]~~ of child abuse~~[,]~~ **and** neglect~~[, and sexual abuse and the responsibility for reporting these;]~~ **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 center staff members, children, and parents;

(4) **An overview of the** ~~[The]~~ procedures to follow in handling emergencies, **which includes sharing the emergency preparedness plan with all employees.** Emergencies may include, but are not limited to, fire, explosion, tornado, toxic fumes, volatile persons, and severe injury or illness of a child or adult; and

(5) The ~~[use and]~~ location **and** use of fire extinguishers and first-aid equipment.

(b) **For employees you hire on or after 9/1/2016, your orientation must also cover the following areas:**

(1) **Administering medication, if applicable, including compliance with §744.2653 of this title (relating to What authorization must I obtain before administering a medication to a child in my care?);**

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

(3) **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;**

(4) **Handling, storing, and disposing of hazardous materials, including compliance with §744.2523 of this title (relating to Must caregivers wear gloves when handling blood or bodily fluids containing blood?); and**

(5) Precautions in transporting children, if your operation transports a child whose chronological or developmental age is younger than nine years old.

§744.1305. What must be covered in the eight clock hours of pre-service training for caregivers?

Before a caregiver can be counted in the child/caregiver ratio, the caregiver must complete eight clock hours of pre-service training that covers the following areas:

- (1) Developmental stages of children;
- (2) Age-appropriate activities for children;
- (3) Positive guidance and discipline of children;
- (4) Fostering children's self-esteem;
- (5) Supervision and safety practices in the care of children;
- (6) Positive interaction with children; and
- (7) Preventing **and controlling** the spread of communicable diseases, **including immunizations.**

§744.1307. Are any caregivers exempt from the pre-service training?

Yes. **A caregiver is exempt from the pre-service training requirements if the caregiver has:**

- (1) **At** [~~Caregivers with at~~] least six months prior experience in a regulated operation; or
- (2) **Documentation of at least eight clock hours of training in the areas specified in §744.1305 of this title (relating to What must be covered in the eight clock hours of pre-service training for caregivers?) at another regulated operation** [~~with documentation of equivalent child-care training are exempt from the pre-service training requirements~~].

§744.1309. How many clock hours of annual training must be obtained by caregivers and site directors?

(a) Each caregiver and site director must obtain at least 15 clock hours of training each year relevant to the age of the children for whom the person provides care.

(b) The 15 clock hours of annual training are exclusive of **requirements for** orientation, pre-service training [~~requirements~~], CPR and first aid **training**, transportation safety training, and high school child-care work-study classes.

(c)[~~(b)~~] 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) **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 §744.2653 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 §744.2523 of this title (relating to Must caregivers wear gloves when handling blood or bodily fluids containing blood?).

~~(e)~~ The remaining ~~[eleven hours of]~~ 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 or physical activity);
- (3) Safety;
- (4) Risk management;
- (5) Identification and care of ill children;
- (6) Cultural diversity for children and families;
- (7) Professional development (for example, effective communication with families^[7]

and time and stress management);

~~[(8) Preventing the spread of communicable diseases;]~~

~~(8)~~ Topics relevant to the particular age group the caregiver is assigned;

~~(9)~~ Planning developmentally appropriate learning activities; and

~~(10)~~ Minimum standards and how they apply to the caregiver.

~~[(d) A caregiver who transports a child whose chronological or developmental age is younger than nine years old must meet additional training requirements as outlined in §744.1317 of this title (relating to What additional training must a person have in order to transport a child in care?).]~~

~~(f)~~ **No** ~~[A caregiver or site director may obtain no]~~ more than **80%** ~~[50%]~~ of the annual training **hours may be obtained** through self-instructional training. **No more than three hours of the self-instructional training may come from a person reading written materials of watching a video on their own.**

§744.1311. How many clock hours of training must an operation director or a program director obtain each year?

(a) An operation director and/or a program director must obtain at least 20 clock hours of training each year relevant to the age of the children for whom the operation provides care.

(b) The 20 clock hours of annual training are exclusive of **any requirements for** ~~[CPR and first aid,]~~ orientation, pre-service **training, CPR and first aid training**, and transportation safety training ~~[requirements].~~

~~(c)~~ ~~(b)~~ 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;
- (4) Teacher-child interaction; and
- (5) Serving children with special care needs.

(d) 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 §744.2653 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 §744.2523 of this title (relating to Must caregivers wear gloves when handling blood or bodily fluids containing blood?).**
- (e)~~(e)~~ An operation director or program director with:
- (1) **Five** ~~[five]~~ or fewer years of experience as a designated director of an operation or as a program director must ~~[also]~~ complete at least six clock hours of the annual training **hours** in management techniques, leadership, or staff supervision~~[-];~~ **or**
 - (2)~~(d)~~ **More** ~~[A director with more]~~ than five years of experience as a designated director of an operation or as a program director must complete at least three clock hours of the annual training **hours** in management techniques, leadership, or staff supervision.
- (f)~~(e)~~ The remainder of the 20 clock hours of annual training must be selected from the training topics specified in **§744.1309(e)** ~~[§744.1309(e)]~~ of this title (relating to How many clock hours of annual training must be obtained by caregivers and site directors?).
- ~~[(f) If the operation transports a child whose chronological or developmental age is younger than nine years old, the director must complete two hours of annual training on transportation safety, as outlined in §744.1317 of this title (relating to What additional training must a person have in order to transport a child in care?).]~~
- (g) **An operation** ~~[The]~~ director **or program director** may obtain clock hours or CEUs from the same sources as caregivers.
- (h) Training hours may not be earned for presenting training to others~~[-, with the exception of up to two hours of training on transportation safety].~~
- (i) No more than **80%** ~~[50%]~~ of **the** annual training **hours** may be obtained through self-instructional training. **No more than three hours of the self-instructional training may come from a person reading written materials or watching a video on their own.**

Chapter 744

Subchapter I, Field Trips

§744.2301. May I take children away from my operation for field trips?

Yes. You must ensure the safety of all children on field trips or excursions and during any transportation provided by the operation. Anytime you take a child ~~[away from the operation for]~~ **on** a field trip, you must comply with each of the following requirements:

- (1) - (4) (No change.)
- (5) **Caregivers must have a copy of a child's food allergy emergency plan and allergy medications, if applicable;**
- (6)~~(5)~~ Each child must wear a shirt, nametag, or other identification listing the name of the operation and the operation's telephone number;
- (7)~~(6)~~ Each caregiver must be easily identifiable by all children on the field trip by

wearing a hat, operation tee-shirt, brightly-colored clothes, or other easily spotted identification;

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

(9)~~(8)~~ Caregivers with training in CPR and first aid with rescue breathing and choking must be present on the field trip.

Chapter 744

Subchapter J, Nutrition and Food Service

§744.2401. What are the basic requirements for snack and mealtimes?

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

(b)~~(1)~~ If breakfast is served, a morning snack is not required.

(c)~~(2)~~ A child must not go more than three hours without a meal or snack being offered, unless the child is sleeping.

(d)~~(3)~~ If your operation 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** ~~[subsection]~~.

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

(f)~~(c)~~ You must not serve beverages with added sugars, such as carbonated beverages, fruit punch, or sweetened milk.

(g)~~(d)~~ You must not use food as a reward ~~[or punishment]~~.

(h) You must not serve a child a food identified on the child's food allergy emergency plan as specified in §744.2667 of this title (relating to What is a food allergy emergency plan?).

Chapter 744

Subchapter K, Health Practices

Division 1, Environmental Health

§744.2507. What steps must I take to ensure a healthy environment for children at my operation?

You must clean, repair, and maintain the building, grounds, and equipment to protect the health of the children. This includes, but is not limited to:

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

(9) Sanitizing table tops, furniture, and other similar equipment used by children when soiled or contaminated with matter such as food or **bodily** ~~[body]~~ secretions; ~~and~~

(10) Clearly marking cleaning supplies and other toxic materials and keeping them separate from food and inaccessible to children~~[-]~~; **and**

(11) Using, storing, and disposing of hazardous materials as recommended by the manufacturer.

§744.2523. 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** [~~Use of~~] disposable, nonporous gloves;
- (2) **Placing gloves contaminated with blood in a tied, sealed, or otherwise closed plastic bag and discarding them immediately;**
- (3)[(2)] Discarding [~~the~~] **all other** gloves immediately after one use; and
- (4)[(3)] Washing hands after using and disposing of the gloves.

Chapter 744

Subchapter L, Safety Practices

Division 2, Medication and Medical Assistance

NEW §744.2667. 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.

NEW §744.2669. When must I have a food allergy emergency plan for a child?

You must have a food allergy emergency plan 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.

Chapter 744

Subchapter P, Fire Safety and Emergency Practices

Division 2, Emergency Preparedness

§744.3551. 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 facility readiness with respect to emergency evacuation, [~~and~~] relocation, **and sheltering/lock-down**. The plan addresses the types of **responses to** emergencies most likely to occur in your area including: [~~but not limited to natural events such as tornadoes, floods or hurricanes, health events such as medical emergencies, communicable disease outbreak, and human-caused events such as intruder with weapon, explosion, or chemical spill.~~]

- (1) **An evacuation of the children and caregivers 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 the operation to temporarily protect them from situations such as a tornado, volatile person on the premises, or an endangering person in the area.**

§744.3553. 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) **The** [~~That in an emergency, the~~] first responsibility of staff **in an emergency**

evacuation or relocation is to move the children to a designated safe area or alternate shelter known to all employees, caregivers, **parents**, and volunteers;

(B) How children will be **evacuated or** relocated to the designated safe area or alternate shelter, including but not limited to specific procedures for evacuating **and relocating** children with 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 staff responsibility in a sheltering/lock-down emergency for the orderly movement of children to a designated location within the operation where children should gather;

(E)~~(D)~~ Name and address of the alternate shelter away from the operation you will use as needed; and

(F)~~(E)~~ 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, health department), parents, and us; and

(3) How your staff will evacuate **and relocate** with the essential documentation including:

(A) Parent and emergency contact telephone numbers for each child in care;

(B) Authorization for emergency care for each child in care; and

(C) The child tracking system information for children in care~~[-]~~

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

(5) How you will reunify the children with their parents as the evacuation, relocation, or sheltering/lock-down is lifted.

§744.3559. Must I practice my emergency preparedness plan [plans]?

The following components of your operation's emergency preparedness **plan** ~~[plans]~~ must be practiced as specified below:

(1) (No change.)

(2) You must practice a ~~[severe weather]~~ **sheltering drill for severe weather** at least **four times in a calendar year**; ~~[once every three months; 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; and**

(4) You must document these drills, including the date of the drill, time of the drill, and length of time for the evacuation, ~~[or relocation]~~ sheltering, or lock-down to take place.

§744.3561. Must I have an emergency evacuation and relocation diagram?

(a) (No change.)

(b) You must post an emergency evacuation and relocation **diagram** ~~[plan]~~ in each room the children use. You must post the plan ~~[in a prominent place]~~ near the entrance and/or exit of the room **and where children and employees may easily view the diagram.**

Chapter 744

Subchapter P, Fire Safety and Emergency Practices

Division 2, Emergency Preparedness

REPEAL §744.3555. With whom must I share this plan?