## 3200 Processing the Application for a License Certificate, Compliance Certificate, Registration, or Listing Permit

### 3240 Reviewing and Accepting the Application for a Permit

LPPH ~~September 2012~~ DRAFT 6657-CCL

Policy

The inspector must:

a. determine whether the applicant is eligible to apply;

b. review and process the application in a timely manner; and

c. notify the applicant in writing of acceptance of the application and, if necessary, the reason for any delays.

Procedure

Within 21 days of receiving the application for a license, certificate, registration, or listing and within 10 days of receiving the application for a compliance certificate, the inspector notifies the applicant in writing that:

• the application is complete and accepted by mailing CLASS Letter 2875 App Received and Accepted; or

• the application is incomplete by mailing CLASS letter 2870 App Return (First or Second).

The inspector processes an application as soon as practicable for a military spouse, military service member, or military veteran. See 3244 Applicant Who Is a Military Spouse, Service Member, or Veteran.

If the application is incomplete, the notification letter must explain what information is needed to complete it and a time frame by which to resubmit the corrected application materials.

For information about what a complete application consists of, see:

[3310](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_3300.asp#LPPH_3310) License Application

[3410](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_3400.asp#LPPH_3410) Compliance Certificate Application

[3510](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_3400.asp#LPPH_3510) Registration Permit Application

[3610](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_3400.asp#LPPH_3610) Listing Application

Once a subsequent application is received, the inspector has 21 days from the second receipt date of an application for a license, certificate, registration, or listing and 10 days from the second receipt date of an application for a compliance certificate to:

a. review the revised application materials;

b. send written notice acknowledging the application is complete and accepted or that the application is incomplete with an explanation of what information is needed and a timeframe to complete it; and

c. verify that the fees have been paid if verification was not done previously.

See also:

[3243](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_3000.asp#LPPH_3243) Checking the Application for Errors and Omissions

CLASS Online Help: Record an Application Decision; Payments for an Operation.

Texas Human Resources Code [§42.046](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.42.htm#42.046)

DFPS Rules, 40 TAC [§745.301](http://info.sos.state.tx.us/pls/pub/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=745&rl=301)

#### 3244 Applicant Who Is a Military Spouse, Service Member, or Veteran

LPPH DRAFT 6657-CCL (new item)

Policy

Licensing staff must process an application received from a military spouse, service member, or veteran as soon as practicable, but no later than 21 days after receiving the complete application and fees.

Procedure

In addition to processing the application as described in [3240](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_3000.asp#LPPH_3240) Reviewing and Accepting the Application for a Permit, the Licensing inspector must evaluate documentation demonstrating the applicant’s status as a military spouse, service member, or veteran. The documentation may include the following:

Military Spouse:

• a copy of the spouse’s most recent Permanent Change of Station (PCS) travel order to Texas; or

• a valid military ID for a spouse

Military Service Member:

• any recent military orders; or

• a valid military ID

Military Veteran:

• military discharge papers; or

• Veteran’s Affairs ID card.

Upon determining the applicant is a military spouse, military service member, or military veteran, Licensing staff notify the applicant as soon as practicable, but no later than 21 days after receiving the complete application and fees, whether the application has been accepted.

## 9200 Application for an Administrator’s License

### 9210 Reviewing an Application Packet for an Administrator’s License

LPPH ~~November 2008~~ DRAFT 6657-CCL (title is revised)

Policy

An applicant for an administrator’s license must submit a complete application for Licensing to approve or deny.

Licensing staff may accept faxed application materials, in an emergency only, to approve a person to take the exam. However, matching originals must be in the person’s file before a license is issued.

A complete application to become a licensed administrator includes all of the following:

a. A completed application form

b. A transcript or letter of verification from the appropriate educational institution

c. Two professional references

d. An employer reference that documents one year of supervisory experience

e. The application fee

f. A notarized affidavit documenting background information on the form provided by DFPS

g. A completed background check request

h. Submitted fingerprint checks, unless the applicant has previously undergone a fingerprint-based criminal history check that remains valid (see [5313](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_5300.asp#LPPH_5313) For Whom Fingerprint-Based Background Checks Are Required)

i. The fee for a background check

DFPS Rules, 40 TAC §§[745.630](http://info.sos.state.tx.us/pls/pub/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=745&rl=630); [745.8933](http://info.sos.state.tx.us/pls/pub/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=745&rl=8933); 745.8934

Publication note above: rule 745.8934 will not be adopted until March 1 2014.

See also:

9211.1 Additional Documentation Required If the Applicant is a Military Spouse Requesting Expedited Licensure

9211.2 Additional Documentation Required If the Applicant is a Military Service Member or Veteran Requesting Expedited Licensure or Special Considerations

9211.3 Expedited Licensure If the Applicant is a Military Spouse, Service Member, or Veteran

#### 9211 Additional Documentation Requirements for Expedited Licensure

##### 9211.1 Additional Documentation Required If the Applicant is a Military Spouse Requesting Expedited Licensure

LPPH ~~November 2008~~ DRAFT 6657-CCL (new item; previously part of 9210)

In addition to the required application materials listed in [9210](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_9000.asp#LPPH_9210) Reviewing an Application Packet for an Administrator’s License, a military spouse requesting expedited licensure must submit:

a. documentation demonstrating the applicant’s status as a military spouse which may include:

• a copy of the spouse’s most recent Permanent Change of Station (PCS) travel order to Texas; or

• a valid military ID for a spouse.

b. documentation related to each administrator’s license the applicant currently holds outside of Texas; and

c. a copy of the regulations pertaining to the applicant’s current out-of-state administrator’s license

DFPS Rules, 40 TAC [§745.8933](http://info.sos.state.tx.us/pls/pub/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=745&rl=8933)

##### 9211.2 Additional Documentation Required If the Applicant is a Military Service Member or Veteran Requesting Expedited Licensure or Special Considerations

LPPH ~~November 2008~~ DRAFT 6657-CCL (new item; previously part of 9210)

In addition to the required application materials listed in [9210](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_9000.asp#LPPH_9210) Reviewing an Application Packet for an Administrator’s License, a military service member or veteran requesting expedited licensure or special considerations must submit:

a. documentation demonstrating the applicant’s status as a service member or veteran, which may include:

1. any recent military orders;

2. a valid military ID;

3. military discharge papers; or

4. Veteran’s Affairs ID card;

b. documentation related to an administrator’s license or any other professional or occupational license the applicant currently holds outside of Texas, if applicable;

c. any additional documentation, as applicable, to determine whether the applicant:

1. meets a licensing requirement through some alternative method; or

2. has prior military service, training, or education that may be credited towards a licensing requirement.

DFPS Rules, 40 TAC [§745.8933](http://info.sos.state.tx.us/pls/pub/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=745&rl=8933)

Procedure

Within 21 days of receiving the application for an administrator’s license and fees, Licensing staff updates the application status in CLASS, which generates an email notifying the applicant whether:

a. Licensing received a complete set of application materials and fees and determined the applicant meets the initial qualifications and is eligible to take the licensing examination;

b. Licensing received a complete set of application materials and fees and the applicant does not meet the initial qualifications and is not eligible to take the licensing examination; or

c. the application is pending because it is incomplete and the materials submitted do not show compliance with relevant statutes and rules.

If the application remains incomplete for 12 months:

a. the application expires;

b. the applicant may not apply again for one year from the date that the incomplete application expired; and

c. Licensing staff ensure that CLASS shows that the application has the status of *Lapsed*, which triggers the system to generate and send an email to the applicant.

##### 9211.3 Expedited Licensure If the Applicant is a Military Spouse, Service Member, or Veteran

LPPH ~~November 2008~~ DRAFT 6657-CCL (new item; previously part of 9210)

Licensing staff must process an application received from a military spouse, service member, or veteran as soon as practicable, but no later than 21 days after receiving the complete application and fees.

DFPS Rules, 40 TAC [§745.8951](http://info.sos.state.tx.us/pls/pub/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=745&rl=8951)

#### 9212 Applicants Who Have An Administrator’s License from Another State

LPPH DRAFT 6657-CCL (new item)

Policy

Licensing staff may waive any prerequisite for an applicant to get an administrator’s license if the applicant has a valid administrator’s license from another state and:

a. the other state’s license requirements are substantially equivalent to those in Texas; or

b. there is a reciprocity agreement between Texas and the other state.

Licensing staff may issue a provisional child-care administrator’s license to an applicant licensed in another state who applies for a license in Texas. See 9250 Issuance of a Provisional Child-Care Administrator’s License.

Texas Human Resources Code §§[43.0042](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.43.htm#43.0042); [43.0081](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.43.htm#43.0081)

DFPS Rules, 40 TAC [§745.8913](http://info.sos.state.tx.us/pls/pub/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=745&rl=8913)

#### 9213 Special Considerations for Applicants Who Are a Military Spouse, Service Member, or Veteran

LPPH DRAFT 6657-CCL (new item)

Policy

Licensing staff may allow a military spouse, service member, or veteran special considerations when applying for an administrator’s license.

In order for the applicant to be eligible for any special consideration provided as a military spouse, service member, or veteran, the applicant must not have criminal history or central registry history that would prohibit the applicant from obtaining an administrator’s license.

DFPS Rules, 40 TAC §745.8920

Publication note above: rule 745.8920 will not be adopted until March 1 2014.

##### 9213.1 Special Considerations for Military Spouses

LPPH DRAFT 6657-CCL (new item)

Policy

Licensing staff may allow a military spouse to demonstrate competency with respect to a licensing requirement listed in [9240](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_9000.asp#LPPH_9240) Approving or Denying an Administrator’s Application through an appropriate alternative method if the military spouse:

• currently holds a valid administrator’s license in another state whose license requirements are substantially equivalent to those in Texas; or

• held an administrator’s license in Texas within five years preceding the application date, and that license expired while the applicant lived in another state for at least six months.

DFPS Rules, 40 TAC §§745.8920; [745.8933](http://info.sos.state.tx.us/pls/pub/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=745&rl=8933)

Intake note above: rule 745.8920 will not be adopted until March 1 2014.

##### 9213.2 Special Considerations for Military Service Members or Veterans

LPPH DRAFT 6657-CCL (new item)

Policy

Licensing may allow a military service member or veteran to use his or her verified military service, training, or education to receive credit towards the requirements listed in 9240 Approving or Denying an Administrator’s Application. However, he or she must still pass the appropriate administrator’s exam.

The applicant is not eligible to receive the credit if he or she has an administrator’s license in another jurisdiction that is restricted.

See also [9210](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_9000.asp#LPPH_9210) Reviewing an Application Packet for an Administrator’s License.

DFPS Rules, 40 TAC §§745.8920; [745.8933](http://info.sos.state.tx.us/pls/pub/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=745&rl=8933)

Intake note above: rule 745.8920 will not be adopted until March 1 2014.

### 9250 Issuance of a Provisional Child-Care Administrator’s License

LPPH DRAFT 6657-CCL (new item)

Policy

A provisional child-care administrator’s license is granted for a limited time pending the issuance of a full child-care administrator’s license.

Licensing staff may issue a provisional child-care administrator’s license to an applicant who:

a. is licensed in good standing as a child-care administrator for at least two years in another state, the District of Columbia, a foreign country, or a territory of the United States that has licensing requirements that are substantially equivalent to those in Texas;

b. has passed a national or other examination recognized by Licensing that demonstrates competence in the field of child-care administration; and

c. is sponsored by a person licensed as a child-care administrator in the state of Texas. However, if Licensing staff determines the requirement to obtain a sponsor constitutes a hardship to the applicant, this requirement may be waived.

Texas Human Resources Code [§43.0081](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.43.htm#43.0081)

DFPS Rules, 40 TAC [§745.8913](http://info.sos.state.tx.us/pls/pub/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=745&rl=8913)

#### 9251 Time Limit for A Provisional Child-Care Administrator’s License

LPPH DRAFT 6657-CCL (new item)

Policy

A provisional license is valid until the date the applicant is granted or denied a child-care administrator’s license.

Licensing must process a provisional child-care administrator’s license holder’s application for an administrator’s license no later than the 180th day after the date the provisional license is issued. Licensing may only extend the 180-day limit if the results of the license holder’s examination have not been received by Licensing.

Procedure

Licensing staff will issue a child-care administrator’s license when the applicant meets the requirements in [9400](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_9000.asp#LPPH_9400) Issuing a Child-Care Administrator’s License

Texas Human Resources Code [§43.0081](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.43.htm#43.0081)

## 9400 Issuing a Child-Care Administrator’s License

LPPH DRAFT 6657-CCL (new item)

Policy

Licensing staff will issue a child-care administrator’s license if:

a. the applicant’s background check results do not contain criminal history or central registry findings that preclude the person from being present in the operation;

b. the applicant has the academic and experience requirements for an administrator’s license;

c. the applicant passes the licensing administrator’s examination;

d. the applicant pays the application and background check fees; and

e. the applicant meets any other child-care administrator’s license requirements.

If the applicant does not meet the requirements to receive a child-care administrator’s license, licensing staff may deny the application.

See [9700](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_9000.asp#LPPH_9700) Remedial Action on an Administrator’s License

Texas Human Resources Code [§43.004](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.43.htm#43.004)

DFPS Rules, 40 TAC [§745.8933](http://info.sos.state.tx.us/pls/pub/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=745&rl=8933)

Production note below: all renumbered only with no policy change, except 9700 (currently 9600) and 9720 (currently 9620)

9500 ~~9400~~ Renewing an Administrator’s License

9510 ~~9410~~ Training Requirements for an Administrator’s License

9520 ~~9420~~ Inactive Status for an Administrator’s License

9530 ~~9430~~ Renewal Fees for an Administrator’s License

9540 ~~9440~~ Background Checks for an Administrator’s License

2550 ~~9450~~ Lapsed Administrator’s Licenses

9600 ~~9500~~ Emeritus Status for an Administrator’s License

9700 ~~9600~~ Remedial Action on an Administrator’s License

9710 ~~9610~~ Types of Actions on an Administrator’s License

9720 ~~9620~~ Choosing a Remedial Action for an Administrator’s License

9730 ~~9630~~ Tracking Due Process for an Administrator’s License

9800 ~~9700~~ Storing and Purging Closed Records for an Administrator’s License

9900 ~~9800~~ Reports and Directories for the Licensed Administrator Program

9910 ~~9810~~ Reports to Management Reporting and Statistics

9920 ~~9820~~ THECB Annual Report of Exam Results

9930 ~~9830~~ Licensed Administrator Directories

## 9700 Remedial Action on an Administrator’s License

LPPH DRAFT 6657-CCL (currently 9600; new text being added to currently empty heading)

Policy

Licensing may take remedial action against an administrator’s license when the administrator or applicant:

a. violates a term under Human Resources Code (HRC) [Chapter 43](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.43.htm) or a Licensing rule;

b. circumvents or attempts to circumvent the requirements of HRC Chapter 43 or a Licensing rule;

c. engages in fraud or deceit related to a requirement in HRC Chapter 43 or a Licensing rule;

d. provides false or misleading information to Licensing during the application or renewal process for an administrator’s license;

e. makes a statement about a material fact during the application or renewal process that the applicant or licensed administrator knows or should know is false;

f. has a criminal history or central registry record that:

• prohibits the administrator or applicant for an administrator’s license from working at a facility; or

• is relevant to the duties of a licensed administrator that are specified in rule;

g. uses drugs or alcohol in a manner that jeopardizes the administrator’s or applicant’s ability to function as an administrator;

h. performs duties as a licensed administrator in a negligent manner; or

i. is ineligible to be a controlling person at a child care operation.

See:

[5330](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_5300.asp#LPPH_5330) Acting on Abuse or Neglect Findings

[5350](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_5300.asp#LPPH_5350) Acting on the Results of a Criminal History Check

[5411.1](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_5400.asp#LPPH_5411_1) Persons Who Are Ineligible to Be a Controlling Person

Texas Human Resources Code [§43.010](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.43.htm#43.010)

40 Texas Administrative Code [§745.9037](http://info.sos.state.tx.us/pls/pub/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=745&rl=9037)

### 9720 Choosing a Remedial Action for an Administrator’s License

LPPH ~~November 2011~~ DRAFT 6657-CCL (currently 9620)

Procedure

In general, Licensing staff consider the following factors when deciding which remedial action is most appropriate:

a. The nature of the violation

b. The severity of the violation

c. The administrator’s history with Licensing

d. The administrator’s history with the DFPS Licensed Administrator program

Letters of reprimand are most often used for minor rule violations, particularly if the violation is unintentional. Failure to obtain enough acceptable training hours is the most common reason for a letter of reprimand.

Letters of reprimand are written and sent manually, not automatically generated by the CLASS system.

Revocation most often occurs as the result of:

• a *Reason to Believe* finding against the licensed administrator; or

• the revocation of a license for an operation for which the licensed administrator is responsible.

If Licensing staff revoke an Administrator’s License based on another Licensing action, both actions are taken simultaneously. Any due process for both actions is combined. This applies to either the actions listed above or the designation as a controlling person.

The Licensed Administrator database does not distinguish between a person with a pending remedial action and a person with a finalized remedial action. If an intent to revoke is overturned, Licensing staff must ask Information Resources Management (IRM), DFPS’s information technology group, to remove the revocation code from the database.

## Definitions of Terms

LPPH ~~November 2013~~ DRAFT 6657-CCL

**master record:** The compilation of all required records for a specific person or home, such as a master personnel record, master case record for a child, or a master case record for a foster or adoptive home.

**military service member:** A person who is currently serving in the armed forces of the United States, in a reserve component of the armed forces of the United States, including the National Guard, or in the state military service of any state.

**military spouse:** A person married to a military service member who is currently on active duty.

**military veteran:** A person who has served in the army, navy, air force, marine corps, or coast guard of the United States, or in an auxiliary service of one of those branches of the armed forces.

**minimum standards:** The minimum requirements for permit holders, enforced by DFPS to protect the health, safety, and well-being of children. The rules are contained in the following chapters of Title 40 of the Texas Administrative Code (TAC). See chapters: [743](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=4&ti=40&pt=19&ch=743) (relating to Minimum Standards for Shelter Care), [744](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=4&ti=40&pt=19&ch=744) (relating to Minimum Standards for School-Age and Before or After-School Programs) [746](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=4&ti=40&pt=19&ch=746) (relating to Minimum Standards for Child-Care Centers), [747](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=4&ti=40&pt=19&ch=747) (relating to Minimum Standards for Child-Care Homes), [748](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=4&ti=40&pt=19&ch=748) (relating to Minimum Standards for General Residential Operations and Residential Treatment Centers), [749](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=4&ti=40&pt=19&ch=749) (relating to Minimum Standards for Child-Placing Agencies), [750](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=4&ti=40&pt=19&ch=750) (relating to Minimum Standards for Independent Foster Homes).