### 4130 Minimum Requirements for Monitoring Inspections

LPPH ~~August 2012~~ DRAFT 9772-CCL (rev, ttl)

Policy

The operation’s permit type determines:

• the minimum frequency with which monitoring inspections are conducted; and

• the timeframe by which compliance with all minimum standards have to be evaluated.

An operation’s deficiencies and the associated weight of the deficiencies may indicate a need for more frequent inspections. The recommended monitoring frequency can be found on the *Enforcement Recommendations* page in CLASS.

See:

4131 Minimum Requirements for Licensed Operations

4132 Minimum Requirements for Registered Child-Care Homes

4133 Operations That Are Not Regularly Inspected

[4500](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_4300.asp#LPPH_4500) Evaluating Risk to Children

[7436](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_7000.asp#LPPH_7436) Inspecting an Operation During Evaluation and Probation

### 4131 Minimum Requirements for Licensed Operations

LPPH ~~August 2012~~ DRAFT 9772-CCL (rev, ttl, num old number 4133)

First 12 Months After Issuance of a Nonexpiring License

Policy

During the first 12 months following the issuance of a nonexpiring license, the inspector:

• conducts at least one unannounced monitoring inspection every six months; and

• evaluates for compliance with all minimum standards within 12 months from the date the license was issued.

For information on conducting a monitoring inspection on an operation that holds an initial license, see [3511](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_3400.asp#LPPH_3511) Conducting Inspections During the Initial License Period.

Subsequent Years After Issuance of a Nonexpiring License

Policy

After the first 12 months following the issuance of a nonexpiring license, the inspector:

• conducts an unannounced monitoring inspection at least annually (not more than 366 days), based upon an assessment of risk to children; and

• evaluates for compliance with the following minimum standards, depending on the operation type:

| Type of Operation | What Standards and In What Time Frame |
| --- | --- |
| Licensed Child-Care Homes | All minimum standards annually. |
| Licensed Child Care Centers,  School-Age Programs, and Before or After-School Programs | • All minimum standards every two years.  • Core health and safety minimum standards annually.  See 4131.4 Health and Safety Audits for Licensed Child Day Care Operations |
| All other licensed operations | All minimum standards every two years. |

Texas Human Resources Code [§42.044(b)](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.42.htm#42.044)

[45 Code of Federal Regulations §98.41](https://www.gpo.gov/fdsys/search/pagedetails.action?collectionCode=CFR&searchPath=Title+45%2FSubtitle+A%2FSubchapter+A%2FPart+98%2FSubpart+E&granuleId=CFR-2003-title45-vol1-part98&packageId=CFR-2003-title45-vol1&oldPath=Title+45%2FSubtitle+A%2FSubchapter+A%2FPart+98&fromPageDetails=true&collapse=true&ycord=3834)

Required Inspections During Night or Weekend Hours

Policy

At least once every two years, Licensing staff must inspect an operation that provides night or weekend care. The inspection must take place during the night or weekend hours that the operation provides care.

Procedure

If an inspection cannot be made during night or weekend care, Licensing staff:

a. obtain supervisory approval to conduct the inspection during regular visiting hours;

b. document the justification for conducting the inspection during regular visiting hours in the CLASS system as a *Chronology* with a category of *Monitoring*; and

c. document a plan for how night and weekend care will be evaluated for compliance with minimum standards.

Two-Year Period Measurement

Procedure

The inspector measures a two-year period by beginning with the first day of the month in which Licensing issued the nonexpiring license and counting in two-year increments. For example, if the license was issued on September 10, the two-year period would begin on September 1 and end on August 31 two years later.

##### 4131.1 Residential Child Care: Monitoring Inspections for CPA Branch Offices

LPPH ~~December 2011~~ DRAFT 9772-CCL (rev, num old number 4133.1)

Policy

When a child-placing agency (CPA) with a nonexpiring license opens a branch office, the inspector conducts a monitoring inspection at the branch office.

Branch Office Opens During the First 12 Months After the CPA Is Issued a Nonexpiring License

Procedure

When a CPA opens a branch office during the first 12 months following the issuance of the CPA’s nonexpiring license, the inspector:

• conducts a monitoring inspection at the branch office evaluating compliance with all minimum standards within six months after the branch office opens; and

• schedules and conducts additional inspections at the branch office according to the monitoring frequency of the CPA’s main office, until the CPA has had a nonexpiring license for one year.

After the CPA has had a nonexpiring license for more than 12 months, the inspector:

• conducts additional monitoring inspections at the branch office at least annually, based upon an assessment of the risk to children (see [4130](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_4000.asp#LPPH_4130) Frequency of Monitoring Inspections); and

• evaluates each CPA branch office for compliance with all minimum standards during each two-year period.

Branch Office Opens More than 12 Months After the CPA is Issued a Nonexpiring License

Procedure

When a CPA opens a branch office after the first 12 months following the issuance of the CPA’s nonexpiring license, the inspector conducts a monitoring inspection at the branch office and evaluates for compliance with all minimum standards within six months after the branch office opens.

Thereafter, the inspector:

• schedules inspections in the CLASS system.

• conducts additional monitoring inspections at least annually, based upon an assessment of the risk to children (see [4130](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_4000.asp#LPPH_4130) Frequency of Monitoring Inspections); and

• evaluates each CPA branch office for compliance with all minimum standards during each two year period.

##### 4131.4 Health and Safety Audits for Licensed Child Day Care Operations

LPPH DRAFT 9772-CCL (new)

Policy

Licensing must conduct at least one health and safety audit during an unannounced monitoring inspection each year for licensed child care centers, before or after-school programs, school-age programs, and licensed child care homes.

[45 Code of Federal Regulations §98.41](https://www.gpo.gov/fdsys/search/pagedetails.action?collectionCode=CFR&searchPath=Title+45%2FSubtitle+A%2FSubchapter+A%2FPart+98%2FSubpart+E&granuleId=CFR-2003-title45-vol1-part98&packageId=CFR-2003-title45-vol1&oldPath=Title+45%2FSubtitle+A%2FSubchapter+A%2FPart+98&fromPageDetails=true&collapse=true&ycord=3834)

Procedure

A health and safety audit is a review of core minimum standards related to health and safety, conducted during a monitoring inspection.

| Type of Operation | Type of Inspection |
| --- | --- |
| Licensed Child-Care Homes | The inspector conducts a standard-by-standard monitoring inspection. |
| Licensed Child Care Centers,  School-Age Programs, and Before or After-School Programs | The inspector completes the appropriate *Health and Safety Audit Checklist or a standard-by-standard monitoring inspection*. |

Health and Safety Audit Checklist

A *Health and Safety Audit Checklist* identifies core health and safety minimum standards for which compliance must be evaluated. If the operation is deficient with a core standard, the checklist requires the Licensing inspector to evaluate compliance with additional divisions or subchapters of standards associated with the core standard.

Examples:

| If the operation is not compliant with this core standard: | The inspector must evaluate for compliance with: |
| --- | --- |
| Subchapter B, *Administration and Communication*, Division 3 *Required Postings*, §746.401(1), which requires a center to post its license. | All standards in Subchapter B, *Administration and Communication*, Division 1, *Permit Holder Responsibility* |
| Subchapter B, *Administration and Communication*, Division 3 *Required Postings*, §746.401(6), which requires the center to post daily menus | All standards in Subchapter Q, *Nutrition and Food Service* |

Selecting Subchapters on the Inspection Form

The Licensing inspector selects Subchapter(s) on Form 2936 Child-Care Facility Inspection when:

• the inspector plans to evaluate the entire subchapter, not just a core standard within the subchapter; or

• the inspector cites a deficiency of a core standard that requires a review of an entire subchapter.

See:

4161.1 Creating a Draft CLASS Form 2936

4166 Documenting a Health and Safety Audit in CLASS

Filing the Checklist

The completed *Health and Safety Audit Checklist* is filed in the operation’s case file.

#### 4132 Minimum Requirements for Registered Child-Care Homes

LPPH ~~August 2012~~ DRAFT 9772-CCL (rev, ttl, num old number 4134)

First 12 Months After Issuance of a Registration

Policy

During the first 12 months following the issuance of the registration, the inspector conducts an unannounced monitoring inspection to evaluate compliance with all minimum standards.

Additional monitoring inspections are based on an assessment of risk to children and are scheduled in the CLASS system.

DFPS Rules, 40 TAC [§745.8407(2)](http://texreg.sos.state.tx.us/public/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=8407)

[45 Code of Federal Regulations §98.41](https://www.gpo.gov/fdsys/search/pagedetails.action?collectionCode=CFR&searchPath=Title+45%2FSubtitle+A%2FSubchapter+A%2FPart+98%2FSubpart+E&granuleId=CFR-2003-title45-vol1-part98&packageId=CFR-2003-title45-vol1&oldPath=Title+45%2FSubtitle+A%2FSubchapter+A%2FPart+98&fromPageDetails=true&collapse=true&ycord=3834)

Subsequent Years After Issuance of a Registration

The inspector conducts unannounced inspections for compliance with all minimum standards at least every two years, unless the home has an agreement to receive a subsidy from the Texas Workforce Commission (TWC).

The inspector measures a two-year period by beginning with the first day of the month in which Licensing issued the registration and counting in two-year increments. For example, if a registration was issued on September 10, the two-year period would begin on September 1 and end on August 31 two years later.

Registered Child Care Homes With a TWC Subsidy Agreement

For a registered child care home that has entered into a subsidy agreement with TWC, the inspector conducts an unannounced inspection and evaluates all minimum standards annually.

The inspector conducts the inspection within 12 months from the date the operation's subsidy status changed in CLASS, or two years from the date of the last monitoring inspection, whichever comes sooner.

See also:

4166 Documenting a Health and Safety Audit in CLASS

##### 4161.1 Creating a Draft CLASS Form 2936 Child-Care Facility Inspection

LPPH ~~August 2012~~ DRAFT 9772-CCL (rev only)

Procedure

Licensing staff follow the procedures below to create a draft version of CLASS Form 2936 Child-Care Facility Inspection.

Enter the Details

To enter the inspection details in CLASS, on Form 2936 Child-Care Facility Inspection, Licensing staff take the following steps:

1. On the *Operation* main page, select the *Monitoring* tab.

2. On the Inspection/Assessment List page, select *Add New Inspection*.

3. On the *Inspection Details* page in the *General* section, select the appropriate *Inspection Type* (see [4120](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_4000.asp#LPPH_4120) Types of Inspections).

4. Choose the investigation numbers, if the inspection type is *Investigation* or *Monitoring and Investigation*.

5. Choose the appropriate *Follow Up to Inspections IDs* (select up to three IDs), if the inspection type is *Follow Up*.

6. Enter the *Inspection Start Date* (The inspection start date may be updated after the inspection, if necessary).

7. If the licensed child care center, school age program, or before or after-school program is receiving a health and safety audit, document this in the *Narrative* section (see 4166 Documenting a Health and Safety Audit in CLASS).

8. Complete other applicable fields and select *Save*.

Add Standards

Add any applicable statutes, administrative rules, or minimum standards for which compliance must be evaluated:

1. On the Inspection *Summary* page, select *Add New*.

2. On the *Standard Details* page, in the *Standard Information* section, click the *Search* button found next to the terms *Standard/Rule/Law* to conduct a search of the minimum standards, administrative rules, or statutes applicable to the inspection.

3. On the *Standards Search* page, enter a keyword or select the appropriate option from the *Section* drop-down list and select *Go*. (The minimum standard, administrative rule, or statute number can be used as a keyword to perform the search function.)

4. Select the appropriate statute, administrative rule, or minimum standard.

5. Select Choose from the *Finding* drop-down menu, and select *Save*.

Save and Download

1. Save the draft form.

2. Download the saved draft to CLASSMate before conducting the inspection.

#### 4166 Documenting a Health and Safety Audit in CLASS

LPPH DRAFT 9772-CCL (new)

Procedure

After a health and safety audit is conducted, the Licensing inspector includes the following statement the *Comments* box in the *Operation Information* section on the operation’s *Main* page in CLASS:

*Health and Safety Audit: [date of inspection]*

For the date of inspection, use the format MM/DD/YY.

For a registered child care home, the Licensing inspector also enters a manual to-do under the *Operation To Do List* to conduct an inspection the following year.