TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES

MINIMUM STANDARDS REVISION NOTICE

Date: August 29, 2016 **Effective Date:** September 1, 2016

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** or contact your local licensing office
- If you have questions, please contact your licensing representative or send an email to msc@dfps.state.tx.us.

Subject:

- **New Training Topics:**
  - Orientation;
  - Pre-Service Training; and
  - Annual Training;
- **Health and Safety Requirements:**
  - Food Allergy Emergency Plans;
  - Hazardous Materials; and
  - Emergency Preparedness.

The rule changes outlined in this Revision Notice implement portions of the federal Child Care Development Block Grant (CCDBG) Act of 2014. The CCDBG authorizes the Child Care and Development Fund (CCDF) program, which is the primary federal funding source devoted to providing low-income families with access to child care. The CCDBG Act makes significant reforms to the CCDF program to raise the health, safety, and quality of child care.

The following rule changes were effective September 1, 2016:

New and Modified Training Topics

The CCDBG Act specified mandatory training topics related to health and safety. Some of these topics were not previously addressed in minimum standards. The revisions do not increase the number of training hours a caregiver must receive; the revisions only add required topics that must be covered in orientation and annual training.

Orientation

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

§744.1303. What must orientation for employees at my operation include?

In addition to the current orientation requirements, §744.1303 clarifies:

- The components that must be addressed in the overview of prevention, recognition, and reporting of child abuse and neglect. This language has also been clarified in §744.901(10); and
- For employees hired after September 1, 2016, the following five additional health and

safety topics that must be covered in orientation:
- Administering medication, if applicable;
- Preventing and responding to emergencies due to food or an allergic reaction;
- Building and physical premises safety;
- Handling, storing, and disposing of hazardous materials; and
- Precautions in transporting children if the operation transports a child whose chronological or developmental age is younger than nine years old.

Pre-Service Training

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

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

The change to the pre-service training requirements at §744.1305 does not add a training requirement, but does clarify that the current training requirement for "preventing and controlling communicable diseases" must now include "immunizations. The change to §744.1307(2) clarifies that all of the pre-service training requirements must be met to exempt a caregiver from the requirements.

Annual Training

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

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

In addition to the current annual training requirements in both of these standards, the changes:
- Clarify the following six additional health and safety topics that must be covered in annual training:
  - Emergency preparedness;
  - Preventing and controlling the spread of communicable diseases, including immunizations (this requirement was previously an optional topic);
  - Administering medication;
  - Preventing and responding to emergencies due to food or an allergic reaction;
  - Building and physical premises safety; and
  - Handling, storing, and disposing of hazardous materials; and
- Increase from 50% to 80% the amount of annual training hours that may be obtained through self-instructional training, but no more than three of the self-instructional training hours may come from a caregiver or director reading written materials or watching a video on their own.

Health and Safety Requirements

The CCDBG Act increases the health and safety requirements in some areas not previously addressed in minimum standards.

Food Allergy Emergency Plans

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

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

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

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

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

§744.2667. What is a food allergy emergency plan?

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

Operations are required to obtain food allergy emergency plans for each child with a known food allergy that has been diagnosed by a health-care professional (§§744.605, 744.2667, and 744.2669), post a list of the food allergies at the operation (§744.401 and §744.403), carry the child's emergency plan on a field trip (§744.2301), and not serve the child food identified on the food allergy emergency plan (§744.2401).

Hazardous Materials

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

§744.2523. Must caregivers wear gloves when handling blood or bodily fluids containing blood?

Operations are required to use, store, and dispose of hazardous materials as recommended by the manufacturer (§744.2507(11)); and place contaminated gloves in a sealed plastic bag and discard them immediately (§744.2523).

Emergency Preparedness

§744.3551. What is an emergency preparedness plan?

§744.3553. What must my emergency preparedness plan include?

§744.3559. Must I practice my emergency preparedness plan?

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

The amendments:

- Define evacuation, relocation, and sheltering/lock-down (§744.3551);
- Require an operation's emergency preparedness plan to address staff responsibility in a sheltering/lock-down emergency, how staff will continue to care for children until each child is released, and how the children will be reunified with their parents (§744.3553);
- Require an operation at least four times in a year to practice both a sheltering drill for severe weather, and a lock-down drill for a volatile or endangering person on the premises or in the area (§744.3559); and
- Require an operation to post the evacuation/relocation diagram where children and employees may easily view it (§744.3561).

Section 744.3555 regarding who the plan should be shared with was deleted because it is redundant. The information is already included in §744.1303(4) and §744.507.

Please note that each of the amended minimum standard rules have the date Sept*ember 2016* below each rule title.

A new complete publication current through September 1, 2016 is available for review on the DFPS website at
http://www.dfps.state.tx.us/Child_Care/Child_Care_Standards_and_Regulations/default.asp**.**

Also attached to the Revision Notice is a final version of the Chapter 744 minimum standard/rule changes in bolded/strike-through (**new**/~~delete~~) format.