

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 Child-Care Homes  
**From:** Jean Shaw, DFPS Assistant Commissioner for Child-Care Licensing

- You may print copies from our website at [www.dfps.state.tx.us](http://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](mailto:msc@dfps.state.tx.us).

**Subject:**

- **New Training Topics:**
  - Overview of Training;
  - Orientation and Primary Caregiver Qualifications; and
  - Annual Training;
- **Health and Safety Requirements:**
  - Food Allergy Emergency Plans;
  - Hazardous Materials; and
  - Emergency Preparedness; and
- **Background Checks.**

The rule changes outlined in this Revision Notice implement portions of the federal Child Care Development Block Grant (CCDBG) Act of 2014 and Senate Bill (S.B.) 1496 of the 84<sup>th</sup> Texas Regular Legislative Session. 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. S.B. 1496 amended the Human Resources Code to implement provisions of the CCDBG Act pertaining to FBI fingerprint checks

The following rule changes were effective September 1, 2016:

## **New 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. Also, some rules related to orientation and annual training for caregivers have been repealed and replaced with new rules and reorganized, including the repeal of §747.1109, §747.1301, §747.1303, §747.1305, and §747.1307.

## **Overview of Training**

NEW §747.1303. What training must I ensure that my caregivers have?

**NEW §747.1307. What training must I have?**

These new rules provides a general overview of the types of training that a caregiver and a primary caregiver need, including orientation (not required for the primary caregiver), annual training, first-aid and CPR training, and transportation training.

**Orientation and Primary Caregiver Qualifications**

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

§747.1007. What qualifications must I meet to be the primary caregiver of a registered child-care home?

§747.1107. What qualifications must I meet to be the primary caregiver of a licensed child-care home?

NEW §747.1301. What must orientation for caregivers at my child-care home include?

§747.1401. Must members of my household meet specific qualifications?

§747.1403. What must orientation for household members at my child-care home include?

The reorganization of the orientation rules required that §747.1401 and §747.1403 be updated, however, the content of the rules for the orientation and qualifications for household members has not changed.

In addition to the previous orientation requirements, new §747.1301 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 §747.901(9); and
- For caregivers hired after September 1, 2016, the following nine additional health and safety topics that must also be covered in orientation:
  - Recognizing and preventing shaken baby syndrome;
  - Safe sleep practices;
  - Understanding early childhood brain development;
  - Preventing and controlling the spread of communicable diseases, including immunizations;
  - Administering medication;
  - 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 home transports a child whose chronological or developmental age is younger than nine years old.

The nine additional health and safety topics noted above and emergency preparedness are also new qualifications that must be met by the primary caregiver in a registered or listed child-care home (§747.1007 and §747.1107).

Note: §747.2713 was deleted because the requirement for providing the written discipline policy is already included in §§747.503, 747.1301(2), and §747.1403(1).

**Annual Training**

§747.1119. What credit courses does Licensing recognize as child development?

NEW §747.1305. What topics must the annual training for caregivers include?

### §747.1309. What topics must my annual training include?

In addition to the previous annual training requirements for caregivers, including the primary caregiver, new §747.1305 (including a cite update at §747.1119) and §747.1309 clarify that the following six additional health and safety topics 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.

## **Health and Safety Requirements**

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

### **Food Allergy Emergency Plans**

§747.401. What items must I post at my child-care home during hours of operation?

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

§747.2901. May I take children away from my child-care home for field trips?

§747.3101. What are the basic requirements for snack and mealtimes?

NEW §747.3617. What is a food allergy emergency plan?

NEW §747.3619. When is the plan required?

Homes 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 (§§747.605, 747.3617, and 747.3619), post a list of the food allergies at the home or ensure that all caregivers or employees who prepare or serve food are aware of each child's food allergies (§747.401), carry the child's emergency plan on a field trip (§74.2901), and not serve the child food identified on the food allergy emergency plan (§747.3101).

### **Hazardous Materials**

§747.3203. What steps must I take to ensure a healthy environment for children at my child-care home?

§747.3221. Must caregivers wear gloves when handling blood or bodily fluids containing blood?

§747.3307. What must I do to prevent the spread of germs when diapering children?

Homes are required to use, store, and dispose of hazardous materials as recommended by the manufacturer (§747.3203(13)); follow the Centers for Disease Control protocols for handling blood or bodily fluids containing blood, including placing contaminated gloves in a sealed plastic bag and discarding them immediately (§747.3221); and place soiled clothing in a sealed plastic bag to be sent home with the child (§747.3307).

### **Emergency Preparedness**

§747.5001. What is an emergency preparedness plan?

§747.5003. What must my emergency preparedness plan include?

§747.5005. Must I practice my emergency preparedness plan?

The amendments:

- Define evacuation, relocation, and sheltering/lock-down (§747.5001);
- Require a home'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 (§747.5003); and
- Require a home to practice at least four times a year 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 (§747.5005).

## Background Checks

§745.615. On whom must I request background checks?

NEW §745.616. Transitional rule for requesting fingerprint-based criminal history checks for listed family homes, registered child-care homes, and licensed child-care homes.

Section 745.615 was amended to clarify that registered and licensed child-care homes that provide care to unrelated children must request a fingerprint-based criminal history check on all individuals in the home (unless the individual is only subject to a background check because the individual is a frequent or regular visitor to the home).

New §745.616 clarifies which individuals are required to have a fingerprint-based criminal history check and when the request for the checks are due. For new homes that are issued a permit on or after September 1, 2016, the background check requirements are due at the time the permit is issued. For homes that have been issued a permit before September 1, 2016, the rule specifies when the check is due. All checks will be required to be completed by September 1, 2017.

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

New complete publications for "Minimum Standards for Child-Care Homes" and "Background Checks" (Chapter 745, Subchapter F, Background Checks) 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](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 745 (Background Checks) and 747 minimum standard/rule changes in bolded/strike-through (**new/delete**) format.