

MINIMUM STANDARDS REVISION NOTICE



Date: May 31, 2017 **Effective Date:** April 15, 2017
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
- If you have questions, please contact your licensing representative or send an email to rcclstan@dfps.state.tx.us.

Subject: Comprehensive Review of Chapter 747

The Texas Human Resources Code (HRC) §42.042(b) requires Child-Care Licensing (CCL) to conduct a comprehensive review of all rules and minimum standards every six years. The proposed changes are a result of the comprehensive review of all minimum standards located in Chapter 747, Minimum Standards for Child-Care Homes (homes).

During this review of standards, CCL's goal was to obtain as much input as possible and to review the concerns and recommendations of child advocacy groups, child-care homes, children, and parents to formulate standards that balance children's health and safety with affordability and availability of care.

Below is an overview of the minimum standard changes by subchapter. The most significant changes are discussed in some detail. The more minimal changes (e.g. changing a cite to a standard, deleting a masculine pronoun, or clarifying the language of the standard for better readability and understanding) are noted in minimal detail.

All of the following minimum standard changes were effective April 15, 2017.

Subchapter A, Purpose, Scope, and Definitions

Subchapter A was divided into three Divisions: Purpose, Scope, and Definitions, which required the standards to be rearranged and renumbered, including new §747.121 (formerly §747.103).

New §747.111 (formerly §747.107) deletes outdated operation types and clarifies that these minimum standards apply to licensed child-care homes, registered child-care homes, and illegal operations (homes that are not licensed or registered but should be).

New §§747.113 and 747.115 (formerly §§747.109 and 747.111, respectively) defines a registered child-care home and licensed child-care home as they were previously defined, and clarifies that both types of homes include the program, building, grounds, furnishings, and equipment.

New §747.117 (formerly §747.113) clarifies that a permit holder of a registered or licensed child-care home and a director, owner, operator, and certain controlling persons of an illegal operation are responsible for the home's compliance with the minimum standards in this chapter.

The New definitions standard §747.123 (formerly §747.105):

- Adds the following definitions: CEUs (which came from deleted §747.1127), child, clock hours (which came from deleted §747.123), employee, high school equivalent (which

came from deleted §747.1219), instructor-led training (which came from deleted §747.1323), permit is no longer valid, restrictive device, sanitize (which came from deleted §747.3205 and §747.3207, with modifications), self-instructional training (which came from deleted §747.1323), and self-study training;

- Deletes the following definitions that are not necessary or are not used in this chapter: child-care location, child passenger safety-seat system (already defined at §747.5407), critical illness, pre-service training, propped bottle, and state or local sanitation official;
- Updates the following definitions for accuracy and better readability and understanding: administrative and clerical duties, age-appropriate, caregiver, Certified Child-Care Professional Credential, child-care home, Child Development Associate Credential, frequent, health-care professional, inflatable, janitorial duties, regular, special care needs, and water activities; and
- Moves the following definitions to other standards: baby doorway jumper (moved to §747.2315(a)(2)), baby walker (moved to §747.2315(a)(1)), caregiver-initiated activities (moved to §747.2103(a)(6)(B)), child-initiated activities (moved to §747.2103(a)(6)(A)), creative activities (moved to §747.2103(a)(1)), and single-use area (moved to §747.4011(a)(3)).

Subchapter B, Administration and Communication

In addition to many changes in this Subchapter to improve readability and understanding:

- The addition of §747.207(9) clarifies that the primary caregiver must ensure the home's capacity does not exceed the capacity on the license or registration, whether at the home or on field trips;
- The changes to §747.501: (1) add a new required operational policy for the safe sleep for infants 12 months or younger; (2) add more detail to several paragraphs, including clarifying that a copy of Subchapter G may be used for your discipline and guidance policy; and (3) clarify that you must have procedures for how a parent may access the minimum standards online; and
- The changes to §747.505 clarify that (1) caregivers must be notified of any changes to an operational policy or enrollment agreement; and (2) household member must be notified of any changes to the discipline and guidance policy (which came from deleted §747.2715).

The changes to §§747.301, 747.401, 747.403, and 747.503 clarify the language of the standards for consistency and update and/or delete outdated language, in addition to improving the readability and understanding of the standards.

Subchapter C, Record Keeping

In addition to many changes in this Subchapter to improve readability and understanding:

- The changes to §747.603 add more detail to several paragraphs. Also, the changes to paragraph (9) clarify that in some instances minimum standards allow for a deviation with written documentation from a health-care professional, which must be maintained in the child's record;
- One change to §747.605 clarifies that permission for transportation includes any authorized pick-up and drop-off locations;
- The changes to §747.613 and new §§747.615 and 747.623 regarding immunizations should be reviewed closely because they have many modifications, including clarifying: (1) that homes must continue to meet immunization requirements and kept records must include exemptions or exceptions; (2) that a homeless child or a child in foster care may be admitted provisionally for up to 30 days; (3) what exemptions and

exceptions mean; and (4) the acceptable documentation requirements; and

- The changes to §747.801 deleted two redundant requirements because they were already mandated to be posted in other standards (see §§747.901(6) and 747.401(2)). The changes also add more detail to several paragraphs.

The changes to §§747.705, 747.803, and 747.909 clarify the language of the standards for consistency, in addition to improving the readability and understanding of the standards.

Subchapter D, Personnel

In addition to many changes in this Subchapter to improve readability and understanding:

- The changes to §747.1007 clarify that a primary caregiver of a registered child-care home must meet the background check requirements;
- “Business management” in the §747.1107 education requirements has been changed to “management” because it is a more commonly used term for required college courses. The other changes also clarify that a primary caregiver of a licensed child-care home must meet the background check requirements and, if required, the TB requirements;
- New §747.1123 (formerly §747.1133) regarding the documentation requirements for a primary caregiver’s development and management education qualifications was moved here for better flow and readability;
- The changes to §747.1129 clarify what is needed to verify clock hours or CEUs (which came from deleted §747.1135);
- The changes to §747.1131 clarify that original letters may be substituted for training certificates, provided they include the same information as specified in §747.1327;
- The changes to §747.1137 clarify that education received outside of the United States may be substituted, but a home must provide supporting information to indicate the education is equivalent to a United States program;
- For young employees still in high school, the changes to §747.1211 clarify that: (1) the young employees must not be left alone with sole responsibility of an individual child; (2) a charter school or the Texas Private School Accreditation Commission may approve a child-care related career program; and (3) a home school may approve a child-care related program, but the young employee must complete 8 hours of annual training before being placed in a room with children;
- New §747.1303 reorganizes the previous standard by placing it in an easier to understand chart and deleting outdated requirements;
- The changes to §§747.1305 and 747.1309 clarify that no more than three self-instructional training hours for all caregivers, including the primary caregiver, may come from self-study training;
- “First-aid training” was removed from §747.1313 to clarify that first aid training may be obtained through self-instructional training;
- The changes to §747.1315 clarify that: (1) a person must have a current CDA credential; and (2) the training requirements in subsection (c) apply to both instructor-led training and self-instructional training, but not self-study training; and
- The changes to §747.1321 delete the requirement to adjust the annual training year for employees who obtained training from another operation within the last two months.

The changes to §§747.1113, 747.1145, 747.1147, 747.1149, 747.1153, 747.1207, 747.1209, 747.1311, 747.1314, 747.1317, 747.1401, and 747.1501 clarify the language of the standard for consistency, update and/or delete outdated language, update cites, and move definitions, in addition to improving the readability and understanding of the standards.

Subchapter F, Developmental Activities and Activity Plan

The definitions for “child-initiated activities”, “caregiver-initiated activities”, and “creative activities” have been added to §747.2103 because these terms are not used anywhere else in this chapter.

Subchapter H, Basic Care Requirements for Infants

In addition to many changes in this Subchapter to improve readability and understanding, including changing “child/ren” to “infant/s”;

- A change to §747.2305 clarifies that cribs are required for each non-walking infant younger than 12 months old;
- A change to §747.2307 clarifies that if a manufacturer requires safety straps on any chair, swing, stroller, or similar type of equipment, then the safety straps must be fastened whenever a child is using the equipment;
- The changes to §747.2309 clarify that: (1) these crib safety requirements are for full-size and non-full-size cribs; and (2) mattresses must be specifically designed for the specific crib model number;
- New §747.2311 (1) updates the previous standard; (2) makes the safety requirements applicable to “play yards” (which is a mesh or fabric sided crib); and (3) makes the safety requirements for play yards more consistent with the safety requirements for full-size and non-full-size cribs, including requiring play yards to be cleaned according to manufacturer’s instructions and requiring a firm and flat mattress that is designed specifically for the play yard model number to be used;
- The changes to §747.2313 clarify the requirements for stacking cribs, including that the stacked cribs must only be used for an infant who cannot stand or is able to stand without hitting the infant’s head on the top crib or the ceiling above the top crib;
- The changes to §747.2315 clarify that a crib must be bare for an infant younger than 12 months of age except for a tight fitting sheet and a crib mattress cover that meets certain requirements. The definitions for baby walkers and baby doorway jumpers were also added to this standard because those terms are not used anywhere else in this chapter;
- The changes to §747.2317 clarify that activities for an infant must include multiple opportunities to play outside of the crib and any restrictive devices;
- The changes to §747.2321 clarify that feeding instructions for an infant who is not ready for table food may come from a health-care professional, not just a physician, and deletes a subsection about the Child and Adult Care Food Program that was out of place;
- The changes to §747.2325 and new §747.2326 clarify that infants must not sleep in restrictive devices, which would include “confining equipment”, unless there is a completed Sleep Exception Form. If an infant falls asleep in a restrictive device, then the infant must be removed from the device and placed in a crib as soon as possible; and
- The changes to §§747.2327 and 747.2328 clarify that an infant must be placed in a face-up sleeping position and must not be swaddled unless there is a completed Sleep Exception Form.

The changes to §§747.2301, 747.2319, 747.2323, and 747.2331 improve the readability and understanding of the standard, including changing “child/ren” to “infant/s”

Subchapter I, Basic Care Requirements for Toddlers

In addition too many changes in this Subchapter to improve readability and understanding, including changing “child/ren” to “toddler/s” at §747.2401:

- Changes to §747.2405 clarify that toddlers should never be allowed to sleep or walk around with a bottle or training cup; and
- Meal and snack time and naptime activities were deleted from §747.2407 because these requirements are included in other standards in this chapter (see §§747.3101 and 747.2801, respectively).

Subchapter J, Basic Care Requirements for Pre-Kindergarten Age Children

Meal and snack time and naptime activities were deleted from §747.2507 because these requirements are already included in other standards in this chapter (see §§747.3101 and 747.2801, respectively).

Subchapter K, Basic Care Requirements for School-Age Children

The changes to §747.2605 improve the readability and understanding of the standard.

Meal and snack time and naptime activities were deleted from §747.2607 because these requirements are already included in other standards in this chapter (see §§747.3101 and 747.2801, respectively).

Subchapter L, Discipline and Guidance

A deleted standard (§747.2701) was combined with §747.2703 to clarify the appropriate methods of discipline

The changes to §747.2705 clarify that prohibited types of discipline include: (1) placing a child in a locked or dark room, bathroom, or closet, whether the door is open or closed; and (2) requiring a child to remain in a restrictive device.

Subchapter M, Naptime

In addition to many changes in this Subchapter to make terms consistent and improve readability and understanding (see §§747.2801, 747.2803, and 747.2807):

- The change to §747.2805 clarifies that a child cannot be confined in a restrictive device in an attempt to make the child rest or sleep; and
- The change to §747.2811 clarifies that lighting in a room is adequate if a person’s eyes do not need to adjust for the person to be able to see upon entering the room.

Subchapter P, Nighttime Care

The changes to §747.3003 improve the readability and understanding of this standard, and some of the previous information was moved to the Helpful Information box.

Subchapter Q, Nutrition and Food Service

The changes to §747.3101 renumber the standard because a previous renumbering of the standard modified the meaning of the standard. This renumbering clarifies that paragraph (a)(3) only applies to subsection (a) and all other subsections of the standard must be followed.

The change to §747.3109 clarifies that snacks provided by a parent must not be shared with other children unless: (1) it is for a celebration or party; and (2) the home ensures the shared snacks meet the needs of children who require special diets. Note: Meals provided by a parent should not be shared with other children.

The changes to §747.3117 improve the readability and understanding of the standard.

Subchapter R, Health Practices

In addition to some changes in this Subchapter to improve readability and understanding:

- The change to §747.3211 clarifies that employees must wash their hands after

removing gloves;

- The changes to §747.3215 new §747.3216 clarify that hand sanitizers may be used as a substitute for washing hands if certain conditions are met. Note: The use of hand sanitizers should be used in moderation and should not be substituted for all hand washing;
- The changes to §747.3303 clarify that when a diaper-changing table or surface is above the floor level, then at all times when the child is on the table or surface: (1) there must be a safety mechanism (such as raised sides) that is used; (2) the caregiver's hand must remain on the child; or (3) the caregiver must be facing the child and within an arm's length of the child;
- The changes to §747.3401 clarify that an ill child should not be attending a home if the child has a tympanic (ear) temperature above 100 degrees that is accompanied by behavior changes or other signs or symptoms of illness. The option of a rectal temperature was also deleted from this standard;
- New §747.3406 clarifies that an ill child may return to the home when: (1) the child is free of symptoms of illness for 24 hours; or (2) there is a health-care professional's statement that the child no longer has an excludable disease or condition; and
- The changes to §747.3411 clarify that the policy requirement for protecting children against vaccine-preventable diseases only applies to licensed child-care homes that are not located in the primary caregiver's own residence.

The changes to §§747.3203, 747.3217, 747.3301, 747.3307, 747.3403, and 747.3407 correct terms, delete redundant information, and improve the readability and understanding of the standards.

Subchapter S, Safety Practices

In addition to some changes in this Subchapter to improve readability and understanding, including §747.3619:

- The changes to §747.3503 clarify that e-cigarettes and vaporizers are prohibited at homes during the hours of operation;
- The changes to §747.3505 clarify that peace officers and commissioned security officers who are trained to carry firearms may have loaded firearms at the home. For all other persons, firearms and ammunition must be inaccessible to children during all hours of operation;
- The changes to §747.3507 clarify that the prohibition that does not allow a child to use toys or other types of equipment that explode or shoot things at the home also applies to field trips;
- The change to §747.3601 clarifies that insect repellent is not a non-prescription medication, which means insect repellent does not meet the definition of a medication;
- The changes to §747.3701 clarify that the requirements that must be met to have animals at the home also applies to animals on field trips; and
- The changes to §747.3903 clarify that caregivers must be the person responsible for overseeing the release of children.

Subchapter T, Physical Facilities

The changes to §747.4011: (1) clarify that indoor useable activity space will be measured from wall to wall on the inside and rounded "up" to the nearest inch; and (2) add the definition of a single-use area, which was deleted from the definition's standard because the term is only used in this standard.

The changes to §§747.4015, 747.4203, and 747.4307 delete an outdated grandfather clause, redundant information, and outdated language, respectively.

The changes to §§747.4113, 747.4305, and 747.4309 improve the readability and understanding of the standards.

The changes to §747.4301 clarify that if the manufacturer requires safety straps on a chair, then the safety straps must be fastened whenever a child is using the chair.

The changes to §747.4303 clarify that a parent may provide a mat for a child. Other changes include, deleting the crib and sleeping requirements because they are already mandated in other standards (see §§747.2305 and 747.2801, respectively) and improving the readability and understanding of the standard.

Subchapter U, Indoor and Outdoor Active Play Space and Equipment

In addition to some changes in this Subchapter to improve readability and understanding, including §747.4407:

- The change to §747.4401 clarifies that the design, scale, and location of the active play equipment must be according to the manufacturer's instructions; and
- The changes to §747.4751 clarify that enclosed inflatables must be used according to manufacturer's instructions.

Subchapter V, Swimming Pools, Wading/Splashing Pools, and Sprinkler Play

The changes to §§747.4803, 747.4807, and 747.4809 improve the readability and understanding of the standards.

The changes to §747.4815 clarify that: (1) sprinkler equipment must not be used on concrete surfaces; (2) a child should not be left alone with sprinkler equipment; and (3) any splash pad or sprinkler play area must be maintained according to the manufacturer's instructions.

Subchapter W, Fire Safety and Emergency Practices

The changes to §§747.5013, 747.5101, 747.5103, 747.5105, 747.5107, 747.5109, 747.5115, and 747.5117 improve the readability and understanding of the standards. The changes to §747.5103 also delete outdated language. The changes to §747.5105 also clarify that any manufacturer's instructions regarding the mounting of a fire extinguisher must be followed.

Subchapter X, Transportation

The changes to §§747.5401, 747.5405, 747.5407, 747.5409, 747.5411, 747.5417, and 747.5419 improve the readability and understanding of the standards. The changes to §747.5417 also clarify that a driver must have a current driver's license and must carry it while transporting children.

The changes to §747.5421 clarify that a home must have a communications device, such as a cell phone, when transporting children.

Please note that each of the amended minimum standards have the date *April 2017* below each minimum standard title.

A new complete publication of [Chapter 747](#), Minimum Standards for Child-Care Homes, current through April 15, 2017 is available for review on the DFPS website at.

Also on the DFPS website is a final version of the Chapter 747 minimum standard changes [Comprehensive Review Display](#) in bolded/strike through (**new/delete**) format. This document also includes each deleted standard number and its title and any noted additions or changes to the Helpful Information boxes that follow the on-line Minimum Standards for Child-Care Homes.