

COMPREHENSIVE REVIEW - FINAL DRAFT - CHAPTER 747
Minimum Standards for Child-Care Homes
April 15, 2017

Subchapter A, Purpose, Scope, and Definitions

Division 1, Purpose

DELETE §747.103. What do certain pronouns mean when used in this chapter?

DELETE §747.105. What do certain words and terms mean when used in this chapter?

DELETE §747.107. What types of operations do these minimum standards apply to?

DELETE §747.109. What is a registered child-care home?

DELETE §747.111. What is a licensed child-care home?

DELETE §747.113. Who is responsible for complying with these minimum standards?

Subchapter A, Purpose, Scope, and Definitions

Division 2, Scope

NEW §747.111. What types of operations do these minimum standards apply to?

The minimum standards in this chapter apply to:

(1) Child-care homes registered or licensed by us to care for 12 or fewer children in the caregiver's own home for less than 24 hours per day; and

(2) Any unlicensed child-care home that requires a registration or license per the Human Resources Code, Chapter 42, because the home is providing child-care services.

NEW §747.113. What is a registered child-care home?

(a) In a registered child-care home, the registered primary caregiver provides care in the caregiver's own residence for not more than six children from birth through 13 years, and may provide care after-school hours for not more than six additional elementary school children. The total number of children in care at any given time, including the children related to the caregiver, must not exceed 12.

(b) A registered child-care home includes the program, building, grounds, furnishings, and equipment.

NEW §747.115. What is a licensed child-care home?

(a) In a licensed child-care home, the licensed primary caregiver provides care in the caregiver's own residence for children from birth through 13 years, unless the operation was licensed as a group day care home prior to September 1, 2003.

(b) A child-care home licensed as a group day care home prior to September 1, 2003, may provide care at a location other than the primary caregiver's own residence, until the permit is no longer valid. A location, other than the primary caregiver's own residence, is subject to the minimum standards in this chapter and, if applicable, the conditions specified in §745.373 of this title (relating to May I have more than one licensed child-care home?).

(c) The total number of children in care varies with the ages of the children, but the total number of children in care in a licensed child-care home at any given time, including the children related to the caregiver, must not exceed 12.

(d) A licensed child-care home includes the program, building, grounds, furnishings, and equipment.

NEW §747.117. Who is responsible for complying with these minimum standards?

(a) For a registered child-care home, the permit holder must ensure compliance with all minimum standards in this chapter at all times, with the exception of any minimum standard identified:

(1) Only for licensed child-care homes; or

(2) For specific types of child-care programs or activities the child-care home does not offer, such as transportation or swimming activities.

(b) For a licensed child-care home, the permit holder must ensure compliance with all minimum standards in this chapter at all times, with the exception of any minimum standard identified:

(1) Only for registered child-care homes; or

(2) For specific types of child-care programs or activities the child-care home does not offer, such as transportation or swimming activities.

(c) For a child-care home that is subject to Licensing's regulation under this chapter but does not have the appropriate registration or license, the owner, other person overseeing the child-care services, or controlling person who has the ability to influence or direct the home's management, expenditures, or policies must ensure compliance with all minimum standards in this chapter as described in (a) and (b) of this section.

Subchapter A, Purpose, Scope, and Definitions

Division 3, Definitions

§747.121. What do certain pronouns mean when used in this chapter?

The following words have the following meanings when used in this chapter:

(1) I, my, you, and your--A permit holder who is the primary caregiver in a licensed or registered child-care home, unless otherwise stated.

(2) We, us, our, and Licensing--The Licensing Division of the Texas Department of Family and Protective Services (DFPS).

§747.123. What do certain words and terms mean when used in this chapter?

The words and terms used in this chapter have the meanings assigned to them under §745.21 of this title (relating to What do the following words and terms mean when used in this chapter?), unless another meaning is assigned in this section or another subchapter or unless the context clearly indicates otherwise. In addition, the following words and terms used in this chapter have the following meanings unless the context clearly indicates otherwise:

(1) Activity space--An area or room used for children's activities.

(2) Administrative and clerical duties--Duties that involve the operation of a child-care home, such as bookkeeping, enrolling children, answering the telephone, and collecting fees.

(3) Admission--The process of enrolling a child in a child-care home. The date of admission is the first day the child is physically present in the home.

(4) Adult--A person 18 years old and older.

(5) After-school hours--Hours before and after school, and days when school is not in session, such as school holidays, summer vacations, and teacher in-service days.

(6) Age-appropriate--Activities, equipment, materials, curriculum, and environment that are developmentally consistent with the chronological age of the child being served.

(7) Attendance--When referring to a child's attendance, the physical presence of a child at the child-care home on any given day or at any given time, as distinct from the child's enrollment in the child-care home.

(8) Bouncer seat--A stationary seat designed to provide gentle rocking or bouncing motion by an infant's movement, or by battery-operated movement. This type of equipment is designed for an infant's use from birth until the child can sit up unassisted.

(9) Caregiver--A person who is counted in the child/caregiver ratio, whose duties include the supervision, guidance, and protection of a child. As used in this chapter, a caregiver must meet the minimum education, work experience, and training qualifications required under Subchapter D of this chapter (relating to Personnel).

(10) Certified Child-Care Professional Credential--A credential given by the National Early Childhood Program Accreditation to a person working directly with children. The credential is based on assessed competency in several areas of child care and child development.

(11) Certified lifeguard--A person who has been trained in life saving and water safety by a qualified instructor, from a recognized organization which awards a certificate upon successful completion of the training. The certificate is not required to use the term "lifeguard," but you must be able to document that the certificate represents the type of training described.

(12) CEUs (continuing education units)--A standard unit of measure for adult education and training activities. One CEU equals ten clock hours of participation in an

organized, continuing-education experience, under responsible, qualified direction and instruction. Although a person may obtain a CEU in many of the same settings as clock hours, the CEU provider must meet the criteria established by the International Association for Continuing Education and Training to be able to offer the CEU.

(13) Child--An infant, a toddler, a pre-kindergarten age child, or a school-age child.

(14) Child-care home--A registered or licensed child-care home, as specified in §747.113 of this title (relating to What is a registered child-care home?) or §747.115 of this title (relating to What is a licensed child-care home?). This term includes the program, home, grounds, furnishings, and equipment.

(15) Child-care program--The services and activities provided by a child-care home.

(16) Child Development Associate Credential--A credential given by the Council for Professional Recognition to a person working directly with children. The credential is based on assessed competency in several areas of child care and child development.

(17) Clock hour--An actual hour of documented:

(A) Attendance at instructor-led training, such as seminars, workshops, conferences, early childhood classes, and other planned learning opportunities, provided by an individual/s as specified in §747.1315(a) of this title (relating to Must child-care training meet certain criteria?); or

(B) Self-instructional training that was created by an individual/s, as specified in §747.1315(a) and (b), or self-study training.

(18) Corporal punishment--The infliction of physical pain on a child as a means of controlling behavior. This includes spanking, hitting, slapping, or thumping a child.

(19) Days--Calendar days, unless otherwise stated.

(20) Employee--An assistant caregiver, substitute caregiver, or any other person a child-care home employs full-time or part-time to work for wages, salary, or other compensation, including kitchen staff, office staff, maintenance staff, or anyone hired to transport a child.

(21) Enrollment--The list of names or number of children who have been admitted to attend a child-care home for any given period of time; the number of children enrolled in a child-care home may vary from the number of children in attendance on any given day.

(22) Entrap--A component or group of components on equipment that forms angles or openings may trap a child's head by being too small to allow the child's body to pass through, or large enough for the child's body to pass through but too small to allow the child's head to pass through.

(23) Field trips--Activities conducted away from the child-care home.

(24) Food service--The preparation or serving of meals or snacks.

(25) Frequent--More than two times in a 30-day period. Note: For the definition of "regularly or frequently present at an operation" (child-care home) as it applies to background checks, see §745.601 of this title (relating to What words must I know to understand this subchapter?).

(26) Garbage--Waste food or items that when deteriorating cause offensive odors and attract rodents, insects, and other pests.

(27) Group activities--Activities that allow children to interact with other children in large or small groups. Group activities include storytelling, finger plays, show and tell, organized games, and singing.

(28) Health-care professional--A licensed physician, a licensed advanced practice registered nurse (APRN), a licensed vocational nurse (LVN), a licensed registered nurse (RN), or other licensed medical personnel providing health care to the child within the scope of the license. This does not include medical doctors, nurses, or medical personnel not licensed to practice in the United States.

(29) Health check--A visual or physical assessment of a child to identify potential concerns about a child's health, including signs or symptoms of illness and injury, in response to changes in the child's behavior since the last date of attendance.

(30) High school equivalent:

(A) Documentation of a program recognized by the Texas Education Agency (TEA) or other public educational entity in another state, which offers similar training on reading, writing, and math skills taught at the high school level, such as a General Educational Development (GED) certificate; or

(B) Confirmation that the person received home-schooling that adequately addressed basic competencies such as basic reading, writing, and math skills, which would otherwise have been documented by a high school diploma.

(31) Individual activities--Opportunities for the child to work independently or to be away from the group, but supervised.

(32) Infant--A child from birth through 17 months.

(33) Inflatable--An amusement ride or device, consisting of air-filled structures designed for use by children, as specified by the manufacturer, which may include bouncing, climbing, sliding, or interactive play. They are made of flexible fabric, kept inflated by continuous air flow by one or more blowers, and rely upon air pressure to maintain their shape.

(34) Instructor-led training--Training characterized by the communication and interaction that takes place between the student and the instructor. The training must include an opportunity for the student to interact with the instructor to obtain clarifications and information beyond the scope of the training materials. For such an opportunity to exist, the instructor must communicate with the student in a timely fashion, including answering questions, providing feedback on skills practice, providing guidance or information on additional resources, and proactively interacting with students. Examples of this type of training include, classroom training, web-based on-line facilitated learning, video-conferencing, or other group learning experiences.

(35) Janitorial duties--Those duties that involve the cleaning and maintenance of the child-care home, building, rooms, furniture, etc. Cleaning and maintenance include such duties as cleansing carpets, washing cots, and sweeping, vacuuming, or mopping a restroom or a classroom. Sweeping up after an activity or mopping up a spill in a classroom that is immediately necessary for the children's safety is not considered a janitorial duty.

(36) Natural environment--Settings that are natural or normal for all children of an age group without regard to ability or disability. For example, the primary natural group setting for a toddler with a disability would be a play group or whatever setting exists for toddlers without disabilities.

(37) Permit is no longer valid--For purposes of this chapter, a permit remains valid through the renewal process. A permit only becomes invalid when your:

(A) Home voluntarily closes;

(B) Home must close because of an enforcement action in Subchapter L of Chapter 745 (relating to Enforcement Actions);

(C) Permit expires according to §745.481 of this title (relating to When does my permit expire?); or

(D) Home must close because its permit is automatically revoked according to the Human Resources Code §§42.048(e), 42.052(i), or 42.054(f).

(38) Regular--On a recurring, scheduled basis. Note: For the definition of "regularly or frequently present at an operation" (child-care home) as it applies to background checks, see §745.601 of this title (relating to What words must I know to understand this subchapter?).

(39) Restrictive device--Equipment that places the body of a child in a position that may restrict airflow or cause strangulation; usually, the child is placed in a semi-seated position. Examples of restrictive devices are car seats, swings, bouncy seats, and high chairs.

(40) Safety belt--A lap belt and any shoulder straps included as original equipment on or added to a vehicle.

(41) Sanitize--The use of a product (usually a disinfecting solution) that is registered by the Environmental Protection Agency (EPA) which substantially reduces germs on inanimate objects to levels considered safe by public health requirements. Many bleach and hydrogen peroxide products are EPA-registered. You must follow the product's labelling instructions for sanitizing (paying particular attention to any instructions regarding contact time and toxicity on surfaces likely to be mouthed by children, such as toys and crib rails). For an EPA-registered sanitizing product or disinfecting solution that does not include labelling instructions for sanitizing (a bleach product, for example), you must follow these steps in order:

(A) Washing with water and soap;

(B) Rinsing with clear water;

(C) Soaking in or spraying on a disinfecting solution for at least two minutes.

Rinsing with cool water only those items that children are likely to place in their mouths; and

(D) Allowing the surface or item to air-dry.

(42) School-age child--A child who is five years of age and older, and who will attend school at or away from the child-care home beginning in August or September of that year.

(43) Self-instructional training--Training designed to be used by one individual working alone and at the individual's own pace to complete lessons or modules. Lessons or modules commonly include questions with clear right or wrong answers. An example of this type of training is web-based training. Self-study training is also a type of self-instructional training.

(44) Self-study training--Non-standardized training where an individual reads written materials, watches a training video, or listens to a recording to obtain certain knowledge that is required for annual training. Self-study training is limited to three hours of annual training per year, see §747.1305(g) and §747.1309(j) of this title (relating to What topics must annual training for caregivers include? and What topics must my annual training include?, respectively).

(45) Special care needs--A child with special care needs is a child who has a chronic physical, developmental, behavioral, or emotional condition and who also requires assistance beyond that required by a child generally to perform tasks that are within the typical chronological range of development, including the movement of large and/or small muscles, learning, talking, communicating, self-help, social skills, emotional well-being, seeing, hearing, and breathing.

(46) State or local fire marshal--A fire official designated by the city, county, or state government.

(47) Toddler--A child from 18 months through 35 months.

(48) Universal precautions--An approach to infection control where all human blood and certain human bodily fluids are treated as if known to be infectious for HIV, HBV, and other blood-borne pathogens.

(49) Water activities--Related to the use of swimming pools, splashing/wading pools, sprinkler play, or other bodies of water.

Subchapter B, Administration and Communication

Division 1, Primary Caregiver Responsibilities

§747.207. What are my responsibilities as the primary caregiver?

You are responsible for the following:

(1) Developing and implementing your child-care home's operational policies, which comply with or exceed Division 4 of this Subchapter (relating to Operational Policies)~~the minimum standards;~~

~~(2) Complying with all minimum standards that apply to your licensed or registered child-care home, as specified in this chapter;~~

~~(3)~~ Ensuring all ~~substitute and~~ assistant caregivers and substitute caregivers comply with the relevant minimum standards for those caregivers, as specified in this chapter, and are provided assignments that match their skills, abilities, and training;

~~(3)~~~~(4)~~ Ensuring all household members comply with the minimum standards that apply to household members, as specified in this chapter;

~~(4)~~~~(5)~~ Reporting suspected abuse, neglect, and exploitation as required by the Texas Family Code, §261.401;

~~(5)~~~~(6)~~ Ensuring parents have the opportunity to visit your child-care home any time during all hours of operation to observe their child, program activities, the home, the grounds, and the equipment, without having to secure prior approval;

~~(6)~~~~(7)~~ Initiating background checks as specified in Chapter 745, Subchapter F of this title (relating to Background Checks);

~~(7)~~~~(8)~~ Ensuring all information related to background checks is kept confidential as required by the Human Resources Code, §40.005(d) and (e); ~~and~~

~~(8)~~~~(9)~~ Complying with:

(A) The ~~the~~ child-care licensing law, found in Chapter 42 of the Human Resources Code; ~~and~~

(B) All the minimum standards that apply to your licensed or registered child-care home, as specified in this chapter; and

(C) All ~~all~~ other applicable laws and rules in the Texas Administrative Code; ~~including the minimum standards in this chapter.~~ and

(9) Ensuring the total number of children in care at the home or away from the home, such as during a field trip, never exceeds the capacity of the home as specified on the license or registration.

Helpful Information

- *Children are at risk when adults responsible for them do not clearly understand their roles and responsibilities.*
- *The primary caregiver may accompany any parent who is visiting their child during the child-care home's hours of operation to and from her child's group, or may limit the amount of time a parent spends at the home, if the primary caregiver believes this is necessary to protect the children in care.*
- *A licensed or registered child-care home is not required to have liability insurance.*

DELETE §747.209. Must I maintain liability insurance?

*Subchapter B, Administration and Communication
Division 2, Required Notifications*

§747.301. What changes regarding my child-care home must I notify Licensing about before making the change?

You must notify us in writing before:

- (1) Changing the address or location of the child-care home;
- (2) Adding to or reducing indoor or outdoor space;
- (3) Adding a swimming pool or other permanent body of water;
- (4) Changing the age range of children to be cared for;
- (5) Changing the hours, days, or months of operation;
- (6) Offering new services, relating to minimum standards found in this chapter, such as nighttime care, transportation, or field trips;
- (7) Planned closure of five consecutive days or more, during designated hours of operation, when the home operation is not caring for children, with the exception of nationally recognized holidays; or
- (8) Going out of business.

Helpful Information

- *As events occur or changes are made to the home, health and safety conditions may change. Licensing may need to verify that minimum standard rules related to the changes are in compliance to ensure the continuing safety of children in care.*
- *Paragraph (1) requires a new application and permit to operate.*
- *Paragraphs (2) - (4) require an amended permit.*

§747.303. What other situations require notification to Licensing?

Note: There are no changes to this rule, only new information has been added to the Helpful Information box.

Helpful Information

- Regarding paragraph (a)(1), ~~E~~examples of occurrences that may render a child-care home unsafe or unhealthy include sewer backups, flood, fire or storm damage, or the lack of running water. ~~Notifying parents enables them to protect their children from high-risk situations.~~
- Notifications to Licensing may be made:
 - Online 24 hours a day at http://www.dfps.state.tx.us/Contact_Us/report_abuse.asp ;
 - By phone 24 hours a day to the Texas Abuse and Neglect Hotline 1-800-252-5400;
 - or
 - By speaking to a Licensing employee during business hours at the local office. Phone numbers for the local offices can be found at http://www.dfps.state.tx.us/Child_Care/Local_Child_Care_Licensing_Offices/default.asp .

*Subchapter B, Administration and Communication
Division 3, Required Postings*

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

(a) You must post the following in a prominent and publicly accessible place where parents and others may easily view them during all hours of operation:

- (1) The child-care home's license or registration certificate;
- (2) The letter or form from the most recent Licensing inspection or investigation;
- (3) The Licensing notice *Keeping Children Safe*;
- (4) Telephone numbers specified in this division;
- (5) A list of your employees, which as defined in §745.21 of this title (relating to What do the following word and terms mean when used in this chapter?). ~~The list~~ must be printed on paper at least 8 1/2 inches by 11 inches in size and must include each employee's first and last name; and
- (6) Any other Licensing notices requiring posting.

(b) For food allergies that require an emergency plan, you must either:

- (1) Post the list of each child's food allergies in a prominent place during all hours of operation, and if a parent requests it, you must maintain privacy for the child (for example, a clipboard hung on the wall with a cover sheet over the list); or
- (2) Ensure that all caregivers, ~~and~~ employees, and household members who prepare and serve food are aware of each child's food allergies.

§747.403. What telephone numbers must I post and where must I post them?

~~(a)~~ You must post in a prominent place the following telephone numbers:

(1) 911 or, if 911 is not available in your area, you must post the telephone numbers for:

- (A) Emergency medical services;
- (B) Law enforcement; and
- (C) Fire department;

(2) Poison control;

(3) The Texas Abuse and Neglect Hotline (1-800-252-5400)~~DFPS child abuse hotline;~~

(4) The local ~~Nearest~~ Licensing office telephone number ~~and address;~~ and

(5) Your telephone number, name, and home address, ~~and telephone number.~~

~~(b) You must post the telephone numbers next to each telephone in the child-care home. If you use a cordless or cellular phone, you must post these same numbers in a prominent place on the wall near the base of the phone or on the handset.~~

Helpful Information

- Readily available phone numbers help to ensure prompt response/action in an emergency.
- For the nearest Licensing office telephone number go to www.dfps.state.tx.us/Child_Care/Local_Child_Care_Licensing_Offices/default.asp.

Subchapter B, Administration and Communication

Division 4, Operational Policies

§747.501. What written operational policies must I have?

You must develop written operational policies and procedures that at a minimum address each of the following:

(1) Procedure for the release of children;

(2) Illness and exclusion criteria;

(3) Procedures for dispensing medications, or a statement that medication is not dispensed~~given;~~

(4) Procedures for handling medical emergencies;

(5) Discipline and guidance policy that is consistent with Subchapter L of this chapter (relating to Discipline and Guidance). A copy of Subchapter L may be used for your discipline and guidance policy~~practices;~~

(6) Safe sleep for infants 12 months old or younger that is consistent with the rules in subchapter H of this chapter (relating to Basic Requirements for Infants) that relate to sleep requirements and restrictions, including sleep positioning, and crib requirements and restrictions, including mattresses, bedding, blankets, toys, and restrictive devices;

~~(7)~~ Animals, if applicable;

~~(8)~~ The procedures for parents to visit the child-care home any time during your hours of operation to observe their child, ~~or the child-care home's operation and~~ program activities, the home, the premises, and equipment without having to secure prior approval;

(98) The procedures for parents to review a copy of ~~the minimum standards and~~ the child-care home's most recent Licensing inspection report and how the parent may access the minimum standards online;

(109) Instructions on how a parent may contact the local Licensing office, access the Texas Abuse and Neglect Hotline ~~DFPS child abuse hotline~~, and access the DFPS website;

(1110) Your emergency preparedness plan;

(1211) Procedures for conducting health checks, if applicable; and

(1312) Vaccine-preventable diseases for employees if your licensed child-care home is not located in your own residence ~~home~~. The policy must address the requirements outlined in §747.3411 of this title (relating to What must a policy for protecting children from vaccine-preventable diseases include?).

Helpful Information

Regarding paragraph (6), a sample Infant in Child Care Safe Sleep Policy can be found in the DFPS Technical Assistance Library.

§747.503. Must I provide parents with a copy of my operational policies?

Yes. On or before the date of the child's admission, the parents ~~Parents~~ must sign an a child-care enrollment agreement or other similar documents, which must include document that includes at least the operational policies listed in this division, ~~before the date of the child's admission~~. You must keep the a copy of this signed document in the child's record or at least one for each family, if siblings are enrolled at the same time.

§747.505. What must I do when I change an operational policy or an item in the enrollment agreement?

When you change an operational policy or your enrollment agreement, you ~~You~~ must notify:

(1) Your caregivers of any changes;

(2) The parents in writing of any changes ~~to your policies and enrollment agreement~~.

Parents must sign and date the updated information. You must keep the updated information in the child's record or at least one for each family, ~~if siblings are enrolled at the same time~~; and

(3) Your household members of any changes to the discipline and guidance policy, which you must document.

*Subchapter C, Record Keeping
Division 1, Records of Children*

§747.603. What records must I have for children in my care and how long must I keep them?

(a) You must maintain the following records for each child enrolled in your child-care home:

(1) Child-care enrollment agreement specified in §747.503 of this title (relating to Must I provide parents with a copy of my operational policies?);

(2) Admission information specified in §747.605 of this title (relating to What admission information must I obtain for each child?);

(3) Statement of the child's health from a health-care professional;

(4) Immunization records;

(5) Tuberculosis screening and Tuberculin-testing information, if ~~applicable~~ required by your regional Texas Department of State Health Services or local health authority;

(6) Vision and hearing ~~Hearing and vision~~-screening results, if applicable;

(7) Licensing *Incident/Illness Report* form, if applicable;

(8) Medication administration records, if applicable; and

(9) A copy of any health-care professional recommendations or orders for providing specialized medical assistance to the child. In some instances, minimum standards allow for a deviation from a minimum standard with written documentation from a health-care professional. You must also maintain this written documentation in the child's record.

(b) These records must at a minimum be kept at the child-care home and must be available for review during operating hours, and for the following periods of time:

(1) - (3) (No change.)

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

You must obtain at least the following information before admitting a child to ~~care~~ the child-care home:

(1) - (7) (No change.)

(8) Permission for transportation, if provided, including any authorized pick-up and drop-off locations;

(9) - (16) (No change.)

Helpful Information

- The term "Parent" is defined in 40 TAC, Chapter 745, Subchapter A, Precedence and Definitions, which is included in this publication in Appendix I.
- Regarding subsections (6) and (7) Licensing expects the parent to list someone other than themselves as an emergency contact and authorized to pick up their child from care. If the parent chooses to not designate anyone else they will need to indicate this in writing.

§747.613. What immunizations must a child ~~are children~~ in my care **required to have?**

(a) Each child enrolled or admitted to a child-care home must meet and continue to meet applicable immunization requirements specified by the Texas Department of State Health Services (DSHS) ~~in 25 TAC Chapter 97, Subchapter B (relating to Immunization~~

~~Requirements in Texas Elementary and Secondary Schools and Institutions of Higher Education~~). This requirement applies to all children in the child-care home from birth through 14 years.

(b) You must maintain current immunization records for each child in your care, including any immunization exemptions or exceptions.

(c) All immunizations required for the child's age must be completed by the date of admission, unless:

(1) The child is exempt or excepted from an immunization, and you verify the exemption or exception by the date of admission; or

(2) The child is homeless or a child in foster care and is provisionally admitted for up to 30 days if evidence of immunization is not available. You should immediately refer the child to an appropriate health-care professional to obtain the required immunizations. The DSHS rule at 25 TAC §97.66 (relating to Provisional Enrollment for Students) establishes the guidelines for a provisional enrollment.

Helpful Information

- *According to the American Academy of Pediatrics (AAP), children require frequent boosters and immunizations in early childhood.*
- *Although ~~they~~ children may be current with required immunizations when they enroll, they can miss future required immunizations.*
- *Since the risk of vaccine preventable disease is increased in group settings, ensuring appropriate immunization is an essential responsibility in child care.*
- *The current immunization requirements can be found at <http://www.immunizetexas.com>, and:*
 - *For children 0 through 43 months click on "School Requirements", click on "Main Page", to the right of the page click on "Child-Care Facilities", and click on "[current year] Texas Minimum State Vaccine Requirements for Child-Care Facilities";*
 - *For children 44 months through 18 years click on "School Requirements", click on "Main Page", to the right of the page click on "Schools", and click on "[current year] Texas Minimum State Vaccine Requirements for Students Grades K-12".*

NEW §747.615. What exemptions or exceptions are there concerning immunization requirements?

(a) A child may be exempt from immunization requirements for a medical reason or reason of conscience, including a religious belief. To claim an exemption, the person applying for the child's admission must meet criteria specified by the Department of State Health Services (DSHS) rule at 25 TAC §97.62 (relating to Exclusions from Compliance).

(b) For some diseases, a child who previously had a disease and is accordingly naturally immune from it may qualify for an exception to the immunization requirements for the disease. To claim this exception, the person applying for the child's admission must meet the criteria specified by the DSHS rule at 25 TAC §97.65 (relating to Exceptions to Immunization Requirements).

Helpful Information

You can find more information regarding the Department of State Health Services' exemptions at <http://www.dshs.state.tx.us/immunize/default.shtm>, click on "School Requirements", click on "Main Page", and to the right of the page click on "Exclusions from Immunization Requirements".

DELETE §747.615. Are there exemptions for these immunization requirements?

DELETE §747.617. Where can I find more information on immunizations?

DELETE §747.619. When must I have the child's immunization record on file?

DELETE §747.621. May I admit a child who is not current on immunizations?

DELETE §747.623. What documentation is acceptable for immunization records?

NEW §747.623. What documentation is acceptable for an immunization record?

Acceptable documentation includes:

(1) A signed statement from the child's parent that the child's immunization record is current and on file at the pre-kindergarten or school that the child attends. The statement must be dated and include the name, address, and telephone number of the pre-kindergarten or school listed in the statement.

(2) An official immunization record generated from a state or local health authority, including a record from another state. Examples include a record from the Texas Immunization Registry, a copy of the current immunization record that is on file at the pre-kindergarten or school that the child attends, or the health passport for a child in the conservatorship of DFPS. The record must include:

(A) The child's name and date of birth;

(B) The type of vaccine and number of doses; and

(C) The month, day, and year the child received each vaccination; or

(3) An official immunization record or photocopy. An example includes a record from a doctor's office or pharmacy. The record must include:

(A) The child's name and date of birth;

(B) The type of vaccine and number of doses;

(C) The month, day, and year the child received each vaccination;

(D) The signature (including a rubber stamp or electronic signature) of the health-care professional who administered the vaccine, or another health-care professional's documentation of the immunization as long as the name of the health-care professional that administered the vaccine is documented; and

(E) Clinic contact information, if the immunization record is generated from an electronic health record system.

DELETE §747.625. If a child's immunization record is already on file at a pre-kindergarten program or school away from my child-care home, must I also have a copy of the child's immunization record in my files?

*Subchapter C, Record Keeping
Division 2, Records for Accidents and Incidents*

§747.701. Must I keep a written record of accidents and injuries that occur at my child-care home?

Note: There are no changes to this rule, only a new Helpful Information box has been added.

Helpful Information

You may obtain a copy of Licensing's Incident/Illness Report form on the DFPS website at: http://www.dfps.state.tx.us/Child_Care/Information_for_Providers/cclforms.asp

DELETE §747.703. Where can I get a copy of Licensing's Incident/Illness Report form?

§747.705. Must someone from my child-care home sign the Incident/Illness Report form?

Yes. You or your substitute caregiver must complete, sign, and date the form~~completed report~~.

*Subchapter C, Record Keeping
Division 3, Records That Must Be Kept On File at the Child-Care Home*

§747.801. What records must I keep at my child-care home?

You must maintain and make the following records available for our review upon request during hours of operation. Paragraphs (8), (9), and (10),~~(11), and (12)~~ are optional, but if provided, will allow Licensing to avoid duplicating the evaluation of standards that have been evaluated by another state agency within the past year:

- (1) Children's records, as specified in Division 1 of this subchapter (relating to Records of Children);
- (2) Infant feeding instructions, as required in §747.2321 of this title (relating to Must I obtain written feeding instructions for children not ready for table food?), if applicable;
- (3) Personnel and training records, as required in §747.901 of this title (relating to What information must I maintain in my personnel records?), and in §747.1327 of this title (relating to What documentation must I provide to Licensing to verify that training requirements have been met?);

~~(4) Proof of request for all background checks required by Subchapter F Chapter 745 of this title (relating to Background Checks);~~

~~(4)(5)~~ Menus, as required in §747.3113 of this title (relating to Must I post and maintain daily menus?);

~~(5)(6)~~ Medication records, as required in §747.3605 of this title (relating to How must I administer medication to a child in my care?), if applicable;

~~(6)(7)~~ Pet vaccination records, as required in §747.3703 of this title (relating to Must I keep documentation of vaccinations for animals?), if applicable;

~~(7)(8)~~ ~~Safety~~~~Fire safety~~ documentation for emergency drills, fire extinguishers, smoke detectors, and emergency evacuation and relocation diagram, as required in §747.5005 of this title (relating to Must I practice my emergency preparedness ~~plan~~~~plans~~?), §747.5007 of this title (relating to Must I have an emergency evacuation and ~~relocation~~ ~~relation~~-diagram?), §747.5107 of this title (relating to How often must I inspect and service the fire extinguisher?), §747.5115 of this title (relating to How often must the smoke detectors at my child-care home be tested?), and §747.5117 of this title (relating to How often must I have an electronic smoke alarm system tested?);

~~(9) Most recent Licensing inspection report, letter, or notice;~~

~~(8)(10)~~ Most recent Texas Department of State Health Services' immunization compliance review form, if applicable;

~~(9)(11)~~ Most recent Texas Department of Agriculture Child and Adult Care Food Program (CACFP) report, if applicable;

~~(10)(12)~~ Most recent local workforce board Child-Care Services Contractor inspection report, if applicable;

~~(11)(13)~~ Written approval from the fire marshal to provide care above or below ground level, if applicable;

~~(12)(14)~~ Most recent DFPS form certifying that you have reviewed each of the bulletins and notices issued by the United States Consumer Product Safety Commission regarding unsafe children's products and that there are no unsafe children's products in use or accessible to children in the home; and

~~(13)(15)~~ Documentation for cribs as specified in §747.2309(a)(9) of this title (relating to What specific safety requirements must my cribs meet?), if applicable.

DELETE Helpful Information Box

§747.803. How long must I keep ~~these~~ records at my child-care home?

(a) Unless otherwise stated in this chapter:

(1) You must keep at the child-care home each record that your home is required to post or keep; and

(2) These records must be kept for at least three months from the date the record was created.

~~You must keep these records at the child-care home for at least three months from the date the record was created, unless otherwise stated in these minimum standards.~~

(b) You must keep training records for at least the current and last full training year.

Subchapter C, Record Keeping

Division 4, Records on Caregivers and Household Members

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

Note: There are no changes to this rule, only a new Helpful Information box has been added.

Helpful Information

Regarding paragraph (4), you may obtain a copy of the Affidavit for Applicants for Employment form (Form # 2985) at www.dfps.state.tx.us/Child_Care/Information_for_Providers/cclforms.asp.

DELETE §747.907. Where can I obtain a copy of the Licensing Affidavit for Applicants for Employment form?

§747.909. What records must I maintain on myself?

You must have the following records available for review during hours of operation:

- (1) ~~A notarized Licensing Affidavit for Applicants for Employment form, as specified in Human Resources Code, §42.059;~~
- ~~(2)~~ A copy of a health card or health-care professional's ~~physician's~~ statement verifying you are free of contagious ~~active~~-tuberculosis, if required by the regional Texas Department of State Health Services TB program or local health authority;
- ~~(2)~~~~(3)~~ A record of your training hours; and
- ~~(3)~~~~(4)~~ A copy of a current driver's license or other photo identification.

Subchapter D, Personnel

Division 1, Primary Caregiver Qualifications for ~~of~~ a Registered Child-Care Home

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

Except as otherwise provided in this division, you must:

- (1) Be at least 21 years old;
- (2) Have a:
 - (A) High ~~high~~-school diploma; or
 - (B) High school equivalent;
- (3) Have a certificate of completion of the Licensing pre-application course within one year prior to your application date;
- (4) Meet the requirements in Subchapter F of Chapter 745 of this title (relating to Background Checks);
- ~~(5)~~~~(4)~~ Have current certification in CPR and first aid with rescue breathing and choking;

~~(6)(5)~~ Have a current record of a ~~Be free of active~~ tuberculosis (TB) examination showing you are free of contagious TB, if required by the ~~regional~~-Texas Department of State Health Services or local health authority; and

~~(7)(6)~~ Have proof of training in the following:

(A) Recognizing and preventing shaken baby syndrome and abusive head trauma;

(B) Understanding and using safe sleep practices and preventing sudden infant death syndrome (SIDS);

(C) Understanding early childhood brain development;

(D) Emergency preparedness;

(E) Preventing and controlling the spread of communicable diseases, including immunizations;

(F) Administering medication, if applicable, including compliance with §747.3603 of this title (relating to What authorization must I obtain before administering a medication to a child in my care?);

(G) Preventing and responding to emergencies due to food or an ~~and~~-allergic reaction;

(H) Understanding building and physical premises safety, including identification and protection from hazards that can cause bodily injury such as electric hazards, bodies of water, and vehicular traffic;

(I) Handling, storing, and disposing of hazardous materials including compliance with §747.3221 of this title (relating to Must caregivers wear gloves when handling blood or bodily fluids containing blood?); and

(J) Precautions in transporting children if your child-care home plans to transport a child whose chronological or developmental age is younger than nine years old.

DELETE §747.1009. Are there exemptions to any of the qualifications in this division?

Subchapter D, Personnel

Division 2, Primary Caregiver Qualifications for ~~of~~ a Licensed Child-Care Home

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

~~(a)~~ Except as otherwise provided in this division, a primary caregiver for a licensed child-care home must:

(1) Be at least 21 years of age;

(2) Have a:

(A) High ~~high~~-school diploma; or

(B) High school ~~its~~-equivalent;

(3) Have a certificate of completion of the Licensing pre-application course within one year prior to your application date;

(4) Meet the requirements in Subchapter F of Chapter 745 of this title (relating to Background Checks);

~~(5)(4)~~ Have current certification in CPR and first aid with rescue breathing and

choking;

(6) Have a current record of a tuberculosis (TB) examination showing you are free of contagious TB, if required by the Texas Department of State Health Services or local health authority;

(7)~~(5)~~ Have proof of training in the following:

(A) Recognizing and preventing shaken baby syndrome and abusive head trauma;

(B) Understanding and using safe sleep practices and preventing sudden infant death syndrome (SIDS);

(C) Understanding early childhood brain development;

(D) Emergency preparedness;

(E) Preventing the spread of communicable diseases, including immunizations;

(F) Administering medication, if applicable, including compliance with §747.3603 of this title (relating to What authorization must I obtain before administering a medication to a child in my care?);

(G) Preventing and responding to emergencies due to food or an ~~and~~-allergic reaction;

(H) Understanding building and physical premises safety, including identification and protection from hazards that can cause bodily injury such as electric hazards, bodies of water, and vehicular traffic;

(I) Handling, storing, and disposing of hazardous materials including compliance with §747.3221 of this title (relating to Must caregivers wear gloves when handling blood or bodily fluids containing blood?); and

(J) Precautions in transporting children if your child-care home plans to transport a child whose chronological or developmental age is younger than nine years old; and

(8)~~(6)~~ Have one of the following combinations of education and experience in a licensed child-care center, or in a licensed or registered child-care home, as defined in §747.1113 of this title (relating to What constitutes experience in a licensed child-care center, or in a licensed or registered child-care home?):

Education	Experience
(A) A bachelor's degree with 12 college credit hours in child development and three college credit hours in business management,	and at least one year of experience in a licensed child-care center or licensed or registered child-care home;
(B) An associate's of applied science degree in child development or a closely related field with six college credit hours in child development and three college credit hours in business management. A "closely related field" is any educational instruction pertaining to the growth, development, physical or mental care, or education of children ages birth through 13 years,	and at least one year of experience in a licensed child-care center or licensed or registered child-care home;
(C) Sixty college credit hours with six	and at least one year of experience in a

college credit hours in child development and three college credit hours in business -management,	licensed child-care center or licensed or registered child-care home;
(D) A Child Development Associate credential or Certified Child-Care Professional credential with three college credit hours in business management,	and at least one year of experience in a licensed child-care center or licensed or registered child-care home;
(E) A child-care administrator's certificate from a community college with at least 15 college credit hours in child development and three college credit hours in business -management,	and at least two years of experience in a licensed child-care center or licensed or registered child-care home;
(F) A day-care administrator's credential issued by a professional organization or an educational institution and approved by Licensing based on criteria specified in Subchapter P of Chapter 745 of this title (relating to Day-Care Administrator's Credential Program),	and at least two years of experience in a licensed child-care center or licensed or registered child-care home; or
(G) Seventy-two clock hours of training in child development and 30 clock hours in business -management,	and at least three years of experience in a licensed child-care center or licensed or registered child-care home.

~~(b) Options (D) and (F) of subsection (a)(6) of this section require periodic renewal.~~

Helpful Information

- *A primary caregiver caring for more than six children and employing one or more assistants functions as a "facility director." She plays a crucial role in ensuring the smooth day-to-day operation of the child-care home and serves two important functions: To balance business concerns with what's good for children and to provide leadership and direction to the assistant/substitute caregivers responsible for providing safe and healthy care for the children.*
- *Options (8)(D) and (F) of this section require periodic renewal for the primary caregiver (director) to remain qualified as specified in §747.1145 of this title (relating to Will the Child-Care Director's Certificate expire?) and §747.1147 of this title (relating to How often must an expiring Child-Care Director's Certificate be renewed?). If your credential expires, then you will no longer meet the minimum standards related to primary caregiver qualifications, see §747.1149 of this title (relating to What happens if my credential expires?).*

§747.1113. What constitutes experience in a licensed child-care center, or in a licensed or registered child-care home?

(a) Only the following types of experience may be counted as experience in a licensed child-care center:

(1) Experience as a director, assistant director, or as a caregiver working directly with children, ~~obtained in a any~~ DFPS licensed or certified child-care center (or similar type of day care center that was formerly licensed, certified, or accredited by DFPS); ~~whether paid or unpaid;~~ and

(2) ~~Experience as a director, assistant director, or caregiver working directly with children, whether paid or unpaid, in a DFPS licensed day-care center, group day-care home, kindergarten or nursery school, schools: grades kindergarten and above, drop-in care center, or in a DFPS alternatively accredited program; and~~

~~(3) Experience as a director, assistant director, or caregiver working directly with children in a licensed or certified child-care center in another state or country.~~

(b) Only ~~the following types of~~ experience working directly with children in a DFPS licensed or registered child-care home (or in a group day-care home that was formerly licensed by DFPS) as an assistant caregiver, substitute caregiver, or primary caregiver may be counted as experience in a licensed or registered child-care home.:

~~(1) Experience as a primary caregiver or assistant caregiver working directly with children, whether paid or unpaid, in a DFPS licensed or registered child-care home;~~

~~(2) Experience as a director, assistant director, or caregiver working directly with children, whether paid or unpaid in a DFPS licensed group day-care home; or~~

~~(3) Experience as a primary caregiver of a DFPS registered family home.~~

(c) You must have obtained all work experience in a full-time capacity or its equivalent in a part-time capacity. Full-time is defined as at least 30 hours per week. The work experience may be paid or unpaid.

NEW §747.1123. What documentation must I provide to show that I meet the child development and management education qualifications for a primary caregiver?

If requested by Licensing, you must provide original transcripts and supporting documentation, such as a credit course catalog description or a course syllabus or outline, to determine whether the course is recognized as child development or management.

DELETE §747.1123. What are clock hours?

DELETE §747.1125. Must the trainer or provider of clock hours meet specific criteria?

DELETE §747.1127. What are CEUs?

§747.1129. May I substitute clock hours or CEUs for any of the educational requirements ~~in any of the options~~ in this division?

(a) Clock ~~You may only substitute clock~~ hours or CEUs may only be substituted for the required college credit hours in child development and ~~business~~ management.

(b) ~~You may substitute~~ 50 clock hours or five CEUs may be substituted for each every three college credit hours required in child development and ~~business~~-management.

(c) The documentation to verify the clock hours or CEUs must be as specified in §747.1327 of this title (relating to What documentation must I provide to Licensing to verify that training requirements have been met?).

§747.1131. What additional kind of documentation must I submit to show I am qualified to be a primary caregiver of a licensed child-care home?

(a) In addition to showing that you meet the minimum qualifications for a primary caregiver, you ~~You~~ must submit the following to Licensing staff:

(1) A completed Licensing *Personal History Statement* form specifying your education and experience;

(2) An original and current Licensing *Child-Care Director's Certificate* form, an original college transcript, or original training certificates which verify the educational requirements. Original letters may be substituted for training certificates, provided they include the same information as specified in §747.1327 of this title (relating to What documentation must I provide to Licensing to verify that training requirements have been met?); and

(3) Complete dates, names, addresses, and telephone numbers which support the required experience.

(b) You must submit the information to us as part of a new application for a permit.

DELETE §747.1133. What documentation must I provide to Licensing to show I have acceptable child development and business management education?

DELETE §747.1135. What documentation must I have to prove that I received the clock hours or CEUs?

§747.1137. Does education received outside of the United States substitute for primary caregiver qualifications?

Yes, but you must provide supporting information, such as a copy of the diploma, transcript, or letter from the school to indicate that the education is equivalent to a program in the United States. provided you submit to us information that we can use to interpret and evaluate educational qualifications. Documentation written in a foreign language must be translated into English.

§747.1145. Will the *Child-Care Director's Certificate* expire?

The Licensing *Child-Care Director's Certificate* will have an expiration date if you qualified under paragraph (8), ~~subsection (a),~~ options (D) or (F) in §747.1107 of this title (relating to What qualifications must I meet to be the primary caregiver of a licensed child-care home?). Otherwise, the certificate will not expire.

§747.1147. How often must an expiring *Child-Care Director's Certificate* be renewed?

If you ~~qualified~~ qualify under paragraph (8), subsection (a), options (D) or (F) ~~in~~ of §747.1107 of this title (relating to What qualifications must I meet to be the primary caregiver of a licensed child-care home?), you must maintain your credential according to the organization's requirements. You must submit to us a copy of a letter or other documentation confirming the credential is current before we can renew your *Child-Care Director's Certificate*.

§747.1149. What happens if my *Child-Care Director's Certificate* expires ~~I do not submit the documentation confirming the credential is current?~~

We will give you a deadline to submit the required documentation. If you allow the *Child-Care Director's Certificate* ~~certificate~~ to expire without submitting the required documentation confirming that your credential is current, then your home will ~~and you~~ no longer meet the minimum standards related to primary caregiver qualifications, ~~you violate minimum standards.~~

§747.1153. Can I get a replacement *Child-Care Director's Certificate*?

Yes. We will issue a replacement *Child-Care Director's Certificate*, if you submit your request to us in writing, specifying:

- (1) Your ~~your~~ name and address;
- (2) The ~~the~~ date ~~when~~ we issued the original certificate; and
- (3) The ~~the~~ reason a replacement certificate is needed.

Subchapter D, Personnel
Division 3, Assistant and Substitute Caregivers

DELETE §747.1205. Are there different qualifications for assistant and substitute caregivers?

§747.1207. What minimum qualifications must an assistant caregiver meet?

Except as otherwise provided in this division, an assistant caregiver ~~counted in the child/caregiver ratio~~ must:

- (1) Be 18 years old;
- (2) Have a:
 - (A) High school diploma;
 - (B) High school equivalent; or
 - (C) High school certificate of coursework completion, as defined in Texas Education Code, §28.025(d);
- (3) Have completed orientation to your child-care home;
- (4) Meet the requirements in Chapter 745, Subchapter F (relating to Background Checks);

(5) Have a current record of a ~~Be free of active~~ tuberculosis (TB) examination showing the caregiver is free of contagious TB, if required by the Texas Department of State Health Services or local health authority; and

(6) Complete a notarized Licensing *Affidavit for Applicants for Employment* form as specified in Human Resources Code, §42.059.

§747.1209. What minimum qualifications must a substitute caregiver meet?

A substitute caregiver must comply with all of the minimum qualifications ~~standards~~ for an assistant caregiver ~~caregivers~~ and must also have current certification in CPR and first aid with rescue breathing and choking.

Helpful Information

- In order to maintain a safe and healthy environment for children in care ~~S~~substitute caregivers who are in charge of children during the primary caregiver’s absence must know basic information regarding minimum standards and ~~rules~~, understand the principles of child development, like growth, discipline, guidance, and emergency practices, including CPR and First Aid, ~~in order to maintain a safe and healthy environment for children in care.~~
- The qualifications for a substitute caregiver and an assistant caregiver are outlined in the following chart:

<u>A substitute caregiver must:</u>	<u>An assistant caregiver must:</u>
<u>1. Be 18 years old;</u>	<u>1. Be 18 years old;</u>
<u>2. Have a high school diploma or high school equivalent;</u>	<u>2. Have a high school diploma or a high school equivalent;</u>
<u>3. Complete orientation to your home;</u>	<u>3. Complete orientation to your home;</u>
<u>4. Meet the requirements in Subchapter F of Chapter 745 of this title (relating to Background Checks);</u>	<u>4. Meet the requirements in Subchapter F of Chapter 745 of this title (relating to Background Checks);</u>
<u>5. Have a current record of a tuberculosis (TB) examination showing the caregiver is free of contagious TB, if required by the Texas Department of State Health Services or local health authority;</u>	<u>5. Have a current record of a tuberculosis (TB) examination showing the caregiver is free of contagious TB, if required by the Texas Department of State Health Services or local health authority; and</u>
<u>6. Complete a notarized Licensing Affidavit for Applicants for Employment form; and</u>	<u>6. Complete a notarized Licensing Affidavit for Applicants for Employment form;</u>
<u>7. Be trained in CPR and first aid with rescue breathing and choking.</u>	

§747.1211. When ~~Are there circumstances when I~~ may I employ a person under the age of 18 or a person who does not have a high school diploma or equivalent as a caregiver?

(a) You may employ a 16 or 17 year old who has a high school diploma or its equivalent as an assistant caregiver ~~and count the person in the child/caregiver ratio~~, provided that:

(1) The person is never in charge of an individual child, never has sole responsibility for a group of children, and does not act ~~You don't leave the person alone with or responsible for a child or~~ as the substitute caregiver in your absence;

(2) The person works close by and is supervised by you or a qualified caregiver; and

(3) The person has completed a child-care-related career program, which:

(A) The Texas Education Agency (including a charter school), the Texas Private School Accreditation Commission, other similar educational entity in another state, or federal agency approves; or

(B) A home-school approves, and the person completes eight hours of annual training before being placed in a room with children; ~~the Texas Education Agency or another state or federal agency approves.~~

(b) You may employ a 16,17, or 18 year old who attends high school but has not graduated as an assistant caregiver ~~and count the person in the child/caregiver ratio~~, provided that:

(1) The person is never in charge of an individual child, never has sole responsibility for a group of children, and does not act ~~You don't leave the person alone with or responsible for a child or~~ as the substitute caregiver in your absence;

(2) The person works close by and is supervised by you or a qualified caregiver;

(3) The person is currently enrolled in or has completed a child-care-related career program, which:

(A) The Texas Education Agency (including a charter school), the Texas Private School Accreditation Commission, other similar educational entity in another state, or federal agency approves; or

(B) A home-school approves, and the person completes eight hours of annual training before being placed in a room with children; ~~the Texas Education Agency or another state or federal agency approves;~~ and

(4) The person is expected to obtain a high school diploma or equivalent.

DELETE §747.1215. Do the qualifications specified in this division apply to an assistant caregiver that was employed before May 1, 1985?

DELETE §747.1217. Do the qualifications specified in this division apply to a substitute caregiver that I employed before May 1, 1985?

DELETE §747.1219. What does Licensing mean by the term "high school equivalent"?

*Subchapter D, Personnel
Division 4, Professional Development*

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

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

You must make sure that each caregiver has the training required in the following chart:

<u>Type of training:</u>	<u>Who is required to take the training?</u>
<u>(1) Orientation to your child-care home, as specified §747.1301 of this title (relating to What must orientation for caregivers at my child-care home include), within seven days of employment;</u>	<u>All caregivers.</u>
<u>(2) 15 clock hours of annual training, as specified in §747.1305 of this title (relating to What topics must the annual training for caregivers include?);</u>	<u>Caregivers in a registered child-care home.</u>
<u>(3) 24 clock hours of annual training, as specified in §747.1305 of this title (relating to What topics must the annual training for caregivers include?);</u>	<u>Caregivers in a licensed child-care home.</u>
<u>(4) CPR and first-aid training; and</u>	<u>Caregivers as specified in §747.1313 of this title (relating to Who must have first-aid and CPR training?).</u>
<u>(5) Transportation training.</u>	<u>Any caregiver who transports a child whose chronological or developmental age is younger than nine years old, as specified in §747.1314 of this title (relating to What additional training must a person have in order to transport a child in care?).</u>

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

(a) - (f) (No change.)

(g) No more than 80% of the required annual training hours may come ~~be obtained~~ from self-instructional training. No more than three of those self-instructional hours may come from self-study training.

§747.1309. What topics must my annual training include?

(a) - (i) (No change.)

(j) No more than 80% of the required annual training hours may come ~~be obtained~~ from self-instructional training. No more than three of those self-instructional hours may come from self-study training.

§747.1311. When must the annual training be obtained?

(a) ~~The~~ Your annual training for a primary caregiver must be obtained within 12 months from the date you are registered or licensed with us and during each subsequent 12-month period. ~~If you obtain more than the minimum number of annual training clock hours required, you may not carry the additional hours over to the next year.~~

(b) The annual ~~Annual~~ training for each assistant caregiver and substitute caregiver must be obtained within 12 months from the date of the caregiver's employment and during each subsequent 12-month period.

(c) If a caregiver obtains more than the minimum number of annual training clock hours required, ~~the~~ this caregiver may not carry the additional hours over to the next year.

§747.1313. Who must have first-aid and CPR training?

(a) - (c) (No change.)

(d) CPR ~~and first-aid~~ training must not be obtained through self-instructional training?

§747.1314. What additional training must a caregiver ~~a person~~ have in order to transport a child in care?

(a) A caregiver must complete two hours of annual training on transportation safety in order to transport a child whose chronological or developmental al age is younger than nine years old. This training is in addition to other required training hours.

(b) The caregiver must obtain these two hours of transportation safety training prior to transporting children.

§747.1315. Must child-care training meet certain criteria?

(a) Training may include clock hours or CEUs provided by:

(1) A training provider registered with the Texas Early Childhood Professional Care and Education Career Development System Training System's Texas Trainer Registry, maintained by the Texas Head Start State Collaboration Office;

(2) An instructor who teaches early childhood development or another relevant course at a secondary school or institution of higher education accredited by a recognized accrediting agency;

(3) An employee of a state agency with relevant expertise;

(4) A physician, psychologist, licensed professional counselor, social worker, or registered nurse;

(5) A person who holds a generally recognized credential or possesses documented knowledge relevant to the training the person will provide;

(6) ~~The~~ A primary caregiver ~~director at your licensed child-care home or registered family home provider~~ who has demonstrated core knowledge in child development and caregiving; and -if:

(A) The primary caregiver only provides training to the caregivers ~~Providing training to his own staff at your home;~~ and

(B) Your home operation has not been on probation, suspension, emergency suspension, or revocation in the two years preceding the training or been assessed an administrative penalty in the two years preceding the training; or

(7) A person who has at least two years of experience working in child development, a child development program, early childhood education, a childhood education program, or a Head Start or Early Head Start program and:

(A) Has a current ~~been awarded a~~ Child Development Associate (CDA) credential; or

(B) Holds at least an associate's degree in child development, early childhood education, or a related field.

(b) Training may include clock hours or CEUs obtained through self-instructional materials, if the materials were developed by a person who meets one of the qualifications in subsection (a) of this section.

(c) ~~Self-instructional training may not be used for CPR or first-aid certification.~~

(d) All training ~~Instructor-led and self-instructional training, but not self-study training,~~ must include:

- (1) Specifically stated learning objectives;
- (2) A curriculum, which includes experiential or applied activities;
- (3) An evaluation/assessment tool to determine whether the person has obtained the information necessary to meet the stated objectives; and
- (4) A certificate of successful completion from the training source.

§747.1317. Does Licensing approve training resources or trainers for training ~~clock~~ hours?

No. We do not approve or endorse training resources or trainers for training ~~clock~~ hours. But you must ~~–You should, however,~~ ensure you and your caregivers receive **relevant** training that:

(1) Meets the criteria specified in §747.1315 of this title (relating to Must child-care training meet certain criteria?);

(2) Is relevant to the ~~from reliable resources, in~~ topics specified in this division; –and

(3) The ~~that~~ participants receive original documentation of completion, as specified in this division.

Helpful Information

We recommend you:

- Ask the trainer to provide you with a résumé or vita showing relevant experience and education to determine under which criteria of §747.1315(a) the trainer qualifies, and request proof if you have any concerns; ~~–or be certain you are obtaining training through reliable sources in the community who have verified the presenter's qualifications for you.~~
- Make sure a trainer registered with the Texas Early Childhood Professional Development System Training Registry is actually registered and approved to deliver the particular training. The Trainer Registry will indicate the competency area that a trainer has been verified to provide training. The trainer number is only to be used for the specific competency verified by the Trainer Registry;
- If you are obtaining training through reliable sources in the community, make certain the

source has verified the presenter's qualifications for you; and

- Ask ~~to see a copy of the certificate your employees will receive and~~ to preview the materials, before entering into an agreement to purchase any training. Your preview should:
- Make sure the materials contain the information necessary to meet the stated objectives;
- Look at the evaluation/assessment tool to determine whether the training is of sufficient quality; and
- Review a copy of the certificate your caregivers will receive to make sure it meets the requirements of §747.1327.

§747.1321. If I hire a caregiver that received training at another operation~~child-care home or center~~, may these hours count towards the annual training requirement at my child-care home?

Training received at another operation can be applied towards the annual training requirements if:

(1) The ~~If the~~ caregiver provides ~~can provide~~ documentation of training, as specified in §747.1327 of this title (relating to What documentation must I provide to Licensing to verify that training requirements have been met?);

(2) The caregiver obtained the training from a child-care center, school-age or before or after-school program, or child-care home that we license or register; and

(3) The training was obtained within two months before coming to work for your child-care home. ~~, this training may apply toward the annual training requirement. If you apply this training to the annual training requirement, you must adjust the annual training year due dates accordingly.~~

Helpful Information

For example, a caregiver comes to work for you on June 1, 2016 and needs 24 hours of annual training. The caregiver provides documentation that she had 6 hours of appropriate annual training on April 15, 2016 at the child-care center she previously worked for. The caregiver would only need 18 additional hours of annual training for a licensed child-care home or 9 hours for a registered child-care home for June 1, 2016 - May 31, 2017.

DELETE §747.1323. What is self-instructional and instructor-led training?

§747.1327. What documentation must I provide to Licensing to verify that training requirements have been met?

Note: There are no changes to this rule, only a minor change has been made to the Helpful Information box.

Helpful Information

- Original certificates help to verify the person actually received the training. A permit holder has the discretion to release training records to a caregiver upon leaving their employment.
- When a caregiver ~~an employee~~ receives training at a conference then the conference sponsors may be responsible for ensuring that all the presenters meet the required trainer qualifications. This may be done instead of listing on the training certificate all the presenters and their qualifications.

Subchapter D, Personnel

Division 5, Household Members, Volunteers, and People Who Offer Contracted Services

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

(a) For each household member that is 14 years of age or older ~~you are required to request a background check on, as specified in Subchapter F of Chapter 745 of this title (relating to Background Checks)~~, the member must:

(1) Have a current record of a tuberculosis (TB) examination showing the caregiver is free of contagious TB, ~~Provide a copy of a health card or health-care professional's statement verifying they are free of active tuberculosis~~ if required by the ~~regional~~ Texas Department of State Health Services or local health authority; and

(2) Complete orientation to your child-care home as specified in §747.1403 of this title (relating to What must orientation for household members at my child-care home include?).

(b) Any household member who is counted in the child/caregiver ratio on more than ten separate occasions in one training year, whether paid or unpaid, must meet the minimum qualifications for assistant caregivers and training requirements for caregivers as specified in this subchapter.

(c) Any household member who is left in charge of the child-care home in the absence of the primary caregiver, whether paid or unpaid, must meet the minimum qualifications for a substitute caregiver and training requirements for caregivers specified in this subchapter.

(d) A household member who is 14 years of age old or older, but is not regularly or frequently present staying or working at the child-care home while children are in care, ~~is not required to meet the qualifications or training requirements for caregivers specified in this subchapter, but~~ must never be left alone with a child in care, unless the household member meets the qualification requirements for caregivers specified in this chapter.

§747.1405. What are the minimum qualifications and training requirements for volunteers or any other person under contract with the home?

Note: There are no changes to this rule, only the information in the Helpful Information box has been rewritten for further clarification.

Helpful Information

Volunteers, including parents, who only supplement the ratios for field trips and water activities do not have to comply with the minimum standards that apply to assistant caregivers and/or substitute caregivers, but they do have to comply with the relevant minimum standards in Subchapter E of this chapter relating to (Child/Caregiver Ratios and Group Sizes). For example, volunteers counted in the child/caregiver ratio during swimming in two feet of water or more must know how to swim.

~~Volunteers and/or parents who supplement the ratios for swimming, wading, and field trip activities on an occasional or irregular basis do not require training.~~

Subchapter D, Personnel

Division 6, General Responsibilities for Caregivers and Household Members

§747.1501. What general responsibilities do caregivers have in my child-care home?

- (a) You and all other caregivers are responsible for seeing that children are:
- (1) Treated with courtesy, respect, acceptance, and patience;
 - (2) Recognized and respected for their uniqueness as an individual;
 - (3) Not abused, neglected, or exploited; and
 - (4) Released only to a parent or a person designated by a parent.
- (b) You and all other caregivers must report suspected abuse, neglect, or exploitation to DFPS as specified in Texas Family Code §261.101.
- (c) You and all other caregivers must also:
- (1) Demonstrate competency, good judgment, and self-control in the presence of children;
 - (2) Know and comply with the minimum standards specified in this chapter;
 - (3) Know each child's name and have information showing the child's age;
 - (4) Supervise children at all times, as specified in §747.1503 of this title (relating to What does Licensing mean by "supervise children at all times"?);
 - (5) Ensure the children are not out of control;
 - (6) Be free from other activities not directly involving the teaching, care, and supervision of children, such as:
 - (A) Administrative and clerical duties that take the caregiver's attention ~~caregiver~~ away from the children ~~except for brief periods, such as for necessary phone calls, as long as appropriate supervision is maintained;~~
 - (B) Janitorial duties, ~~such as mopping, vacuuming, and cleansing bathrooms. Sweeping up after an activity or mopping up spills may be necessary for the children's safety and are not considered janitorial duties;~~ and
 - (C) Personal use of electronic devices, such as cell phones, MP3 players, and video games, ~~and cell phones~~. Cell phones may be briefly used for necessary phone calls, as long as appropriate supervision is maintained; and
 - (7) Interact with children in a positive manner.

Subchapter F, Developmental Activities and Activity Plan

§747.2101. Must caregivers provide planned activities for children in their care?

Note: There are no changes to this rule, only a minor edit has been made to the Helpful Information box.

Helpful Information

- Research has shown that learning in young children is the result of interaction between the child's thoughts and ~~their~~ experiences with materials, ideas, and people. The quality of these interactions is enhanced by providing structure and a variety of opportunities to practice and explore new skills.
- While planning children's activities, keep in mind the diverse and ever-changing developmental needs of children, the abilities and interests of the children in the group, and the importance of children's play in developing physically, emotionally, intellectually, and socially.
- A child-care home is considered a place of public accommodation under the Americans with Disabilities Act (ADA), Title III, because it holds itself out to the public as a business. There is additional information regarding ADA and resources online at <http://www.dfps.state.tx.us> .

§747.2103. What must ~~should~~ the activity plan include?

(a) Your activity plan must include at least the following:

(1) A variety of creative activities that encourages the use of a child's imagination. Creative activities include dramatic play, block building, stories and books, science and nature activities, and music and art activities;

(2) Outdoor play in which the children make use of both small and large muscles, both in the morning and afternoon;

(3) A balance of active and quiet play, including group and individual activities both indoors and outdoors;

(4) Regular meal and snack times as specified in Subchapter Q of this Chapter (relating to Nutrition and Food Service);

(5) Supervised naptimes, or a period of rest for those children too old to nap;

(6) A variety of:

(A) eChild-initiated activities, which are those activities that the child chooses on the child's own initiative, and that foster the child's independence. Child-initiated activities require equipment, materials, and supplies to be within the reach of a child;
and

(B) eCaregiver-initiated activities, which are those activities that are directed or chosen by the caregiver;

(7) Sufficient time for activities and routines so that children can progress at their own developmental rate; and

(8) No long waiting periods between activities or prolonged periods during which children stand or sit.

(b) The activity plan may include screen time activities (T.V., videos, computer, or video games), if you also include alternative activities for children that do not want to participate.

Subchapter H, Basic Care Requirements for Infants

§747.2301. What are the basic care requirements for infants?

Basic care for infants must include:

- (1) Individual attention given to each infant child including playing, talking, cuddling, and holding;
- (2) Holding and comforting an infant a child who is upset;
- (3) Prompt attention given to physical needs, such as feeding and diapering;
- (4) Talking to infants children as they are fed, changed, and held, such as naming objects, singing, or saying rhymes; and
- (5) Ensuring objects less than 1 and 1/4 inches in diameter are kept out of the reach of infants or toddlers children younger than three years.

Helpful Information

- ~~Objects, materials and toys less than 1 and ¼ inches in diameter can be stored in places where children of certain age groups may not have access to them.~~
- Regarding paragraph (3), the ~~The~~ AAP American Academy of Pediatrics (AAP) recommends that the wishes of children, regardless of their ages, should always be respected with regard to physical contact and their comfort/discomfort with it. If a child indicates that the child he or she does not wish to be held or comforted, even “friendly contact” with a child should be avoided.
- Regarding paragraph (5), objects, materials, and toys less than 1 and ¼ inches in diameter can be stored in places where children of certain age groups may not have access to them. Examples of items that present a choking hazard for infants and toddlers include coins, balloons, safety pins, marbles, Styrofoam® and similar products, and sponge, rubber, or soft plastic toys.

§747.2303. How must I arrange the infant care area?

Note: There are no changes to this rule, only minor changes have been made to the Helpful Information box.

Helpful Information

Infants need calm environments away from the stimulation of older children. Placing cribs far enough apart to prevent one infant child from reaching into the crib of another infant child protects the safety of the infants. This spacing also reduces the likelihood of transmission of infectious respiratory diseases spread by large droplets, generated by a sneeze or cough, and can be effective in controlling the spread of other infectious diseases in the child care environment.

§747.2305. What furnishings and equipment must I have available for ~~the~~ infants?

Furnishings and equipment for infants must include at least the following:

- (1) An individual crib to sleep in for each non-walking infant younger than 12 months of age;
- (2) An individual crib, cot, bed, or mat that is waterproof or washable for each walking infant; and
- (3) A sufficient number of toys to keep the infants ~~children~~ engaged in activities.

§747.2307. Must the equipment I use for infants be equipped with safety straps?

If the manufacturer requires safety straps on a chair, swing, stroller, infant carrier, bouncer seat, or similar type of equipment, then the safety straps must be fastened whenever a child is using the equipment.

~~If you use high chairs, swings, strollers, infant carriers, rockers and bouncer seats or similar types of equipment, they must be equipped with safety straps that must be fastened whenever a child is using the equipment.~~

§747.2309. What specific safety requirements must my cribs meet?

(a) All full-size and non-full-size cribs must have:

- (1) A firm, flat mattress that snugly fits the sides of the crib and that is specifically designed for use with the crib model number. The mattress must not be supplemented with additional foam material or pads;
 - (2) Sheets that fit snugly and do not present an entanglement hazard;
 - (3) A mattress that is waterproof or washable;
 - (4) Secure mattress support hangers, and no loose hardware or improperly installed or damaged parts;
 - (5) A maximum of 2 3/8 inches between crib slats or poles;
 - (6) No corner posts over 1/16 inch above the end panels;
 - (7) No cutout areas in the headboard or footboard that would entrap an infant's a ~~child's~~ head or body;
 - (8) Drop gates, if present, which fasten securely and cannot be opened by a child; and
 - (9) Documentation that each crib meets the applicable federal rules at Title 16, Code of Federal Regulations, Parts 1219 or 1220, concerning "Safety Standards for Full-Size Baby Cribs" and "Safety Standards for Non-Full-Size Baby Cribs," respectively, or documentation that each crib is a medical device listed and registered with the U.S. Food and Drug Administration.
- (b) You must sanitize each crib when soiled and before another infant ~~child~~ uses the crib.
- (c) You must never leave an infant ~~a child~~ in a crib with the drop gate down.

Helpful Information

- Research shows more babies die in incidents involving cribs than with any other piece of nursery equipment.
 - Non-full-size cribs may be either smaller or larger than a full size crib, or shaped differently than the usual rectangular crib. The category of non-full-size cribs includes oversized, specialty, undersized, and portable cribs, but does not include any product with mesh/net/screen siding, non-rigidly constructed cribs, cradles, car beds, baby baskets or bassinets. For requirements for play yards, which are mesh or fabric sided products, see §747.2311.
 - Regarding paragraph (1), a mattress is too loose if there are more than two finger widths between the edge of the mattress and the crib side.
 - Regarding paragraph (5) if a soda can fits easily between the slats on a crib, the slats are too wide.
- ~~A mattress is too loose if there are more than two finger widths between the edge of the mattress and the crib side.~~
- Regarding paragraph (9):
 - Cribs manufactured before 06/28/2011 may not meet the safety standards established by the Consumer Product Safety Commission (CPSC).
 - Documentation that you may use to verify your crib is in compliance with CPSC regulations includes the certificate of compliance, registration card, or tracking label. You may request this documentation from the manufacturer or retailer.
 - The certificate of compliance is a document that describes the crib and whether the crib complies with 16 CFR 1219 or 16 CFR 1220. The certificate includes the contact information for the importer or domestic manufacturer and the testing lab. It also lists the date and location of manufacture and testing.
 - The registration card is a postage-paid form provided by the crib manufacturer. The card includes the manufacturer's name and contact information, model name, model number, and the date of manufacture.
 - The tracking label is attached to the crib and contains basic information such as the date of manufacture and the source of the crib.
 - You may find additional guidance on obtaining supporting documentation for your cribs on the CPSC website at <http://www.cpsc.gov>.
 - In order to maintain the required documentation for each crib consider developing a system to easily tie the required documentation to the appropriate crib. Examples may include photographs of each crib attached to the documentation or a tracking sheet that includes information such as the date of purchase, manufacturer and model number, date of manufacture, and what documentation is on file (certificate of compliance, tracking label, or registration card).
 - A crib that meets the definition of “device” in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 201(h)) is subject to regulation by the Food and Drug Administration (FDA), not CPSC. A crib that is not a “device” is subject to CPSC’s crib standards.
 - If your crib is a medical device, the manufacturer must be registered with the FDA. For additional information, visit the FDA website at <http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/HowtoMarketYourDevice/RegistrationandListing/default.htm>.

DELETE §747.2311. Are mesh cribs or port-a-cribs allowed?

NEW §747.2311. Are play yards allowed?

You may use a play yard, which is a mesh or fabric sided crib, if it meets the following safety requirements:

(1) The play yards must be used according to the manufacturer's instructions, including the cleaning of the play yard;

(2) Play yards must have:

(A) A firm, flat mattress that snugly fits the sides of the play yard and that is designed by the manufacturer specifically for the play yard model number. The mattress must not be supplemented with additional foam material or pads;

(B) Sheets that fit snugly and do not present an entanglement hazard;

(C) A mattress that is waterproof or washable;

(D) Secure mattress support hangers, and no loose hardware or improperly installed or damaged parts;

(E) A minimum height of 22 inches from the top of the railing to the mattress support at its lowest level;

(F) Folded sides that securely latch in place when raised;

(G) For play yards that have mesh sides, mesh openings that are 1/4 inch or less; and

(H) Mesh or fabric that is securely attached to the top rail, side rail, and floor plate; and

(3) You must never leave an infant in a play yard with a side folded down.

§747.2313. Are stacking wall cribs allowed?

You may use a stacking ~~Yes. Stacking~~-wall crib that meets the ~~cribs must meet the~~ requirements specified in §747.2309 of this title (relating to What specific safety requirements must my cribs meet?), and you:

(1) Do not stack more than ~~Are limited to~~ two ~~stacked~~ cribs;

(2) Only use a stacked crib for an infant who cannot stand or is able to stand without hitting the infant's head on either the top crib or the ceiling above the top crib;

(3) Use the crib ~~Must be used~~ according to manufacturer's directions; and

(34) Securely latch the crib's doors/gates ~~Doors/gates must be securely latched~~ anytime an infant ~~a child~~ is in the crib.

§747.2315. What ~~Are~~ specific types of equipment am I prohibited from using for use with infants?

(a) ~~Yes.~~ You may not use the ~~The~~-following ~~list of~~ equipment for infants, which has been identified as unsafe for infants by the Consumer Product Safety Commission and the American Academy of Pediatrics, ~~must not be used in the child care home~~:

(1) Baby walkers, which are devices that allow an infant to sit inside a walker equipped with rollers or wheels and move across the floor;

(2) Baby ~~bungee~~ doorway jumpers, which are devices that allow an infant to bounce while supported in a seat by an elastic "bungee cord" suspended from a doorway;

(3) Accordion safety gates; and

(4) Bean bags, waterbeds, and foam pads used as sleeping equipment. ~~;~~ and

(b)(5) Except for a tight fitting sheet and as provided in subsection (c), the crib must be bare for an infant younger than twelve months of age. ~~Soft or loose bedding, such as blankets, sleep positioning devices, stuffed toys, quilts, pillows, bumper pads, and comforters, must not be used in cribs for children younger than 12 months of age.~~

(c) A crib mattress cover may also be used to protect against wetness, but the cover must:

(1) Be designed specifically for the size and type of crib and crib mattress that it is being used with;

(2) Be tight fitting and thin; and

(3) Not be designed to make the sleep surface softer.

Helpful Information

- Regarding paragraph (1), baby ~~Baby~~ walkers present a hazard due to risk of falls down stairs, steps, and tipping over thresholds or carpet edges. They provide infants accessibility to potentially hot surfaces such as oven doors, heaters, and fireplaces; containers of hot liquids such as coffee, soup, or cooking oils; dangling appliance cords; poisonous plants, or hazardous substances, and buckets, toilets, or other containers of water.
- Regarding paragraph (2), baby doorway ~~Baby bungee~~-jumpers require individual supervision of the infant and are not appropriate for use in a group setting. A caregiver, alone with children of mixed ages to supervise, would not be able to provide the one-on-one supervision this type of equipment requires, if they are to be used safely.
- Regarding paragraph (3), accordion ~~Accordion~~-gates with large V-shaped openings along the top edge and diamond shaped openings between the slats present entrapment and entanglement hazards resulting in strangulation, choking, or pinching to ~~infants children~~ who try to crawl through or over the gate.
- ~~Examples of items that present a choking hazard for infants and toddlers include coins, balloons, safety pins, marbles, Styrofoam® and similar products, and sponge, rubber, or soft plastic toys.~~
- Regarding paragraph (6), studies ~~Studies~~ on SIDS support eliminating soft bedding materials, sleep positioning devices, and stuffed toys for infants children under twelve months.

§747.2317. What activities must I provide for infants?

Activities for infants must include at least the following:

(1) Daily opportunities for outdoor play as weather permits;

(2) Multiple opportunities ~~Opportunities~~ to explore each day that are outside of the crib and any restrictive device ~~or other confining equipment multiple times each day;~~

(3) - (8) (No change.)

§747.2319. Are there specific requirements for feeding infants?

Yes. You must:

- (1) Hold infants who are unable to sit unassisted in a high chair or other seating equipment while feeding them;
- (2) Never prop or support bottles with some object. The infant child or an adult must hold the bottle;
- (3) Provide regular snack and meal times for infants who eat table food;
- (4) Ensure infants children no longer being held for feeding are fed in a safe manner;
- (5) Label, color-code, or otherwise distinguish among bottles and training cups used by different infants children;
- (6) Never Not allow infants children to walk around with or sleep with a bottle or training cup;
- (7) Never Not use the bathroom sink or diaper-changing surface for food preparation, or for washing food service/preparation equipment, bottles, pacifiers or toys; and
- (8) Sanitize high chair trays before each use.

Helpful Information

- *Regarding paragraph (2), research has shown that propping bottles can cause choking, aspiration, and increased risk for development of ear infections, tooth decay, and injuries to the teeth, as well as depriving infants of much-needed face-to-face interaction.*
- *Regarding paragraph (7), ~~u~~Using diaper changing surfaces and hand-washing sinks for food preparation or for washing items used for food service increases the spread of germs from cross contamination.*

§747.2321. What Must I obtain-written, feeding instructions must I obtain for an infant children-not ready for table food?

- (a) ~~Yes.~~ For an infant who is children not ~~yet~~ ready for table food, you must obtain and follow written feeding instructions that are signed and dated by the infant's child's parent or health-care professional physician.
- (b) You must review and update the feeding instructions with the parent every 30 days until the infant child is able to eat table food.
- ~~(c) If your child-care home is participating in the Child and Adult Care Food Program administered by the Texas Department of Agriculture, you may elect to meet those requirements rather than those specified in this section.~~

Helpful Information

- "Table food" refers to regular meals/snacks provided by the caregiver for all children.
- ~~Recommendation:~~ Written feeding instructions ensure that all caregivers, ~~including substitutes~~, have clear instructions for feeding infants. Each infant's child's needs vary greatly during this critical time of growth and development.
- Reviewing and updating feeding instructions every 30 days ensures that caregivers are following parent instructions as the nutritional needs of the infants change.

§747.2323. Must I provide a regularly scheduled naptime for infants?

Yes. Each infant must have a nap period that:

(1) Allows the infant to maintain his or her own pattern of sleeping and waking periods; and

(2) Is supervised by ~~Allows~~ the caregiver ~~to supervise the infant~~ according to §747.1503 of this title (relating to What does Licensing mean by be-"supervise children at all times"?).

§747.2325. How long are infants allowed to remain in their cribs after awakening?

An infant may remain in the crib ~~or other confining equipment~~ for up to 30 minutes after awakening, as long as the infant is content and responsive.

NEW §747.2326. May I allow infants to sleep in a restrictive device?

You may not allow an infant to sleep in a restrictive device. If an infant falls asleep in a restrictive device, the infant must be removed from the device and placed in a crib as soon as possible. Infants may sleep in a restrictive device if you have a completed Sleep Exception Form that includes a signed statement from a health-care professional stating that the child sleeping in a restrictive device is medically necessary.

Helpful Information

- Infants sleeping in restrictive devices are at risk for strangulation, injury, and positional asphyxiation. Documentation from a health-care professional is required for an infant to sleep in a device other than a CPSC approved crib.
- Infants arriving at the child-care home asleep in a car seat must be removed from the car seat and placed in a crib. You must not place the car seat in the crib with a sleeping infant.

§747.2327. Are infants required to sleep on their backs?

Infants not yet able to turn over on their own must be placed in a face-up sleeping position in the infant's own crib, unless you have a completed Sleep Exception Form ~~the child's parent presents written documentation~~ that includes a signed statement from a health-care professional stating that a different sleeping position for the child is medically necessary ~~allowed or will not harm the infant~~.

§747.2328. May I swaddle an infant to help the infant sleep?

~~No.~~ You may not lay a swaddled infant down to sleep or rest on any surface at any time, unless you have a completed Sleep Exception Form that includes a signed statement from a health-care professional stating that swaddling the child for sleeping purposes is medically necessary.

§747.2331. Must I share a daily report with parents for each infant in my care?

No, you are not required to provide a daily written report to the infant's ~~child's~~ parent.

Subchapter I, Basic Requirements for Toddlers

§747.2401. What are the basic care requirements for toddlers?

Basic care for toddlers must include:

- (1) Routines such as diapering, feeding, sleeping, and indoor and outdoor activity times, maintained as closely as possible;
- (2) Individual attention given to each toddler ~~child~~ including playing, talking, and cuddling;
- (3) Holding and comforting a toddler who ~~child that~~ is upset; and
- (4) Ensuring objects less than 1 and 1/4 inches in diameter are ~~be~~ kept out of the reach of infants or toddlers ~~children younger than three years~~.

Helpful Information

A commercial choke tube or empty toilet paper roll can be used to test toys and objects in the room that an infant or toddler ~~a child~~ may easily choke on. Try to place the toy or object into the tube. If the object easily passes through the tube, an infant or toddler ~~a child~~ may choke on it and it must ~~should~~ be removed from the children's access. If the object does not fit through the tube, an infant or toddler ~~the child~~ is not likely to choke on it.

§747.2405. What furnishings and equipment must I provide for toddlers?

Furnishings and equipment for toddlers must include at least the following:

- (1) Age-appropriate nap or rest equipment;
- (2) Enough popular items are available so that toddlers are routinely engaged in either solitary or parallel play;
- (3) Containers or low shelving that are accessible to toddlers, so toddlers ~~items children~~ can safely obtain the items ~~use~~ without adult intervention ~~direct supervision are accessible to children during the activity~~; and
- (4) Bottles and training ~~Training~~ cups, if used, must be ~~that are~~:
 - (A) Labeled with the toddler's ~~child's~~ first name and initial of last name or otherwise individually assigned to each toddler ~~child~~; and/or;
 - (B) Cleaned and sanitized between each use; and
 - (C) Used for drinking and feeding, and you must never allow toddlers to sleep with or walk around with a bottle or training cup.

Helpful Information

- *It is acceptable to assign training cups using individualized colors or symbols that toddlers ~~a child~~ may recognize as theirs.*
- *If the training cups are cleaned and sanitized between each use then you are not also required to label each cup with the toddler's ~~child's~~ name.*

§747.2407. What activities must I provide for toddlers?

Activities for toddlers must include at least the following:

(1) - (6) (No change.)

(7) Opportunities for social/emotional development. Examples of age-appropriate equipment or activities include dress-up clothes and accessories; housekeeping equipment; unbreakable mirrors; washable dolls with accessories; items for practicing buttoning, zipping, lacing, and snapping; and baskets, tubs, and tote bags (not plastic bags), ~~and baskets~~ for carrying and toting; and

(8) Opportunities to develop self-help skills such as toileting, hand washing, and feeding themselves;

~~(9) Regular meal and snack times; and~~

~~(10) Naptimes, during which children should be supervised according to §747.1503 of this title (relating to What does Licensing mean by "supervise children at all times"?)~~.

Helpful Information

- You may accommodate weather, air quality, and seasonal changes by adjusting the scheduled outdoor time, the length of time outdoors, and children's clothing.
- Indoor and outdoor active play enhances fitness and general health and supports creativity, learning, and development.
- Active play opportunities must~~should~~ be offered throughout the day. It and it is recommended that caregivers incorporate two or more short (5 to 10 minutes) structured activities or games daily that promote physical activity.
- Active play must~~should~~ never be withheld from toddlers ~~children~~ who misbehave although toddlers ~~children~~ exhibiting out of control behavior may need a few minutes to calm themselves or settle down before resuming cooperative play or activities.
- ~~Some children may require additional rest time before or after the noon meal outside of the scheduled rest period.~~ Naptimes and meal and snack times are also required by §747.2801 et al and §747.3101 et al, respectively.

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

§747.2507. What activities must I provide for pre-kindergarten age children?

Activities for pre-kindergarten age children must include at least the following:

(1) - (6) (No change.)

(7) Opportunities for social/emotional development. Examples of age-appropriate equipment or activities include dress-up clothes and accessories, mirrors, dolls, simple props for different themes, puppets, transportation toys, toy animals, and table games; and

(8) Opportunities to develop self-help skills such as toileting, hand washing, returning equipment to storage areas or containers, and serving and feeding themselves;

~~(9) Regular meal and snack times; and~~

~~(10) Naptimes, or a period of rest for those children too old to nap, during which children should be supervised according to §747.1503 of this title (relating to What does Licensing mean by "supervise children at all times"?).~~

Helpful Information

- You may accommodate weather, air quality, and seasonal changes by adjusting the scheduled outdoor time, the length of time outdoors, and children's clothing.
- Indoor and outdoor active play provides for greater freedom and flexibility, fuller expression through loud talk, and a greater range of active movement.
- Active play opportunities ~~must~~should be offered throughout the day. It is recommended that caregivers incorporate two or more short (5 to 10 minutes) structured activities or games daily that promote physical activity.
- Active play ~~must~~should never be withheld from children who misbehave although children exhibiting out of control behavior may need a few minutes to calm themselves or settle down before resuming cooperative play or activities.
- ~~Naptimes and meal and snack times are also required by §747.2801 et al and §747.3101 et al, respectively.~~
- ~~See §§747.2801-747.2811 for additional minimum standards on naptime.~~

Subchapter K, Basic Care Requirements for School-Age Children

§747.2605. What furnishings and equipment must I provide for school-age children?

Furnishings and equipment for school-age children must include:

- (1) Workspace to do homework and table-top activities;
- (2) Age-appropriate nap or rest equipment; and
- (3) Containers or shelving to make so-items accessible to the children and the items

can be used safely ~~use~~ without direct supervision ~~are accessible to children during the activity~~.

§747.2607. What activities must I provide for school-age children?

Activities for school-age children must include at least the following:

- (1) - (5) (No change.)

(6) Opportunities for active play both indoors and outdoors. Examples of age-appropriate active play include active games such as tag and Simon says, dancing and creative movement to music and singing, simple games, and dramatic or imaginary play that encourages running, stretching, climbing, and walking; and

(7) Opportunities for social/emotional development. Examples of age-appropriate equipment or activities include dolls with detailed, realistic accessories; role-play materials, including real equipment for library, hospital, post office, costumes, makeup, and disguise materials; puppets and puppet show equipment; transportation toys, such as small vehicles or models; play and art materials; nature materials; and human and animal figurines;

- ~~(8) Regular meal and snack times; and~~

~~(9) Naptimes, or a period of rest for those children too old to nap, during which children should be supervised according to §747.1503 of this title (relating to What does Licensing mean by "supervise children at all times"?).~~

Helpful Information

- *Indoor and outdoor active play enhances fitness and general health and supports creativity, learning, and development.*
- ~~*Naps and rest time for school age children will vary with each child's individual needs. Children in full-day care benefit from resting or napping during their long day. A rest period may be reading books, or listening to soft music or books on tape. Naptimes and meal and snack times are also required by §747.2801 et al and §747.3101 et al, respectively.*~~
- ~~*See §§747.2801-747.2811 for additional minimum standards on naptime.*~~

Subchapter L, Discipline and Guidance

DELETE §747.2701. To what extent may I discipline children in my care?

§747.2703. What methods of discipline and guidance may I use?

Discipline must be:

- (1) Individualized and consistent for each child;
- (2) Appropriate to the child's level of understanding;
- (3) Directed toward teaching the child acceptable behavior and self-control; and
- (4) A ~~You may only use~~ positive ~~method~~methods of discipline and guidance that encourages self-esteem, self-control, and self-direction, including ~~and include at least~~ the following:

- (4A) Using praise and encouragement of good behavior instead of focusing only upon unacceptable behavior;
- (2B) Reminding a child ~~the children~~ of behavior expectations daily by using clear, positive statements;
- (3C) Redirecting behavior using positive statements; and
- (4D) Using brief supervised separation or time out from the group, when appropriate for the child's age and development, which is limited to no more than one minute per year of the child's age.

Helpful Information

- *Research has shown that positive guidance teaches children skills that help them get along in their physical and social environment. The goal ~~aim~~ is to develop personal standards in self-discipline, not to enforce a set of inflexible rules.*
- *Giving children understandable guidelines and re-directing their behavior helps them to develop internal control of their actions and encourages acceptable behavior.*

§747.2705. What types of discipline and guidance or punishment are prohibited?

There must be no harsh, cruel, or unusual treatment of any child. The following types of discipline and guidance are prohibited:

(1) - (7) (No change.)

(8) Placing a child in a locked or dark room, bathroom, or closet ~~with the door closed~~; and

(9) Requiring a child to remain silent or inactive for inappropriately long periods of time for the child's age, including requiring a child to remain in a restrictive device.

Helpful Information

- *Child development research supports that physical punishment such as pinching, shaking, or hitting children teaches them that hitting or hurting others is an acceptable way to control unwanted behavior or get what they want.*
- *Children will also mimic adults who demonstrate loud or violent behavior.*
- *Rapping, thumping, popping, yanking, and flicking a child are all only examples of ~~various terms used for inflicting corporal punishment on a child.~~*

DELETE §747.2711. Must I have a written discipline and guidance policy?

DELETE §747.2715. How often must I update my written discipline and guidance policy?

Subchapter M, Naptime

§747.2801. Must children have a naptime every day?

You must provide a supervised nap sleep or rest period for all children 18 months of age or older who are in care for five or more consecutive hours or; according to the child's individual physical needs. You may provide a supervised nap sleep or rest period for each child who attends the child-care home for fewer than five hours and whose individual physical needs call for a nap or rest period while the child is in care.

§747.2803. How long may the nap or and rest period time last each day?

The nap planned sleep or rest period must not exceed three hours.

§747.2805. Are children required to sleep during this time?

No. You must not:

(1) Force ~~force~~ a child to sleep or put anything in or on a child's head or body to force the child to rest or sleep; or

(2) Confine a child in a restrictive device in an attempt to make the child rest or sleep.

§747.2807. Must I provide an alternative activity for those children who cannot sleep?

(a) Yes. You must allow each child who is awake after napping or resting ~~or sleeping~~ for one hour to participate in an alternative, quiet activity until the nap/rest period ~~time~~ is over for the other children.

(b) You must take a toddler who naps ~~sleeps~~ or rests in a crib out of the crib for other activities when he awakens.

§747.2811. May I lower the lighting in ~~darken~~ the room while children are sleeping?

Yes, you ~~You~~ may lower the lighting ~~lights~~, provided there is adequate lighting to allow visual supervision of all children in the group at all times. 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 N, Field Trips

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

Note: There are no changes to this rule, only a new Helpful Information box has been added.

Helpful Information

- Regarding paragraph (3):
 - Conducting multiple name to face checks while away from the home will help ensure a child has not wandered off, gotten lost, or been left behind;
 - Conducting multiple name to face checks while away from the home will alert you to begin an immediate search if a child is missing; and
 - The count should be recorded on an attendance sheet or on a pocket card, along with the time the count occurred.
- For child/caregiver ratios and groups sizes, see subchapter E of this chapter (relating to Child/Caregiver Ratios and Group Sizes).

DELETE §747.2907. Must I have additional caregivers present to take children on a field trip?

Subchapter P, Nighttime Care

§747.3003. May I provide nighttime care to children at my child-care home?

(a) You ~~Yes, you~~ may care for children both during the day and night if we approve it. Even then, a child may only be in care for:

- (1) No more than 16 hours within a 24-hour period on a daily basis; or

(2) No more than three consecutive 24-hour periods with a maximum of six 24-hour periods per month, as specified in §745.383 of this title (relating to Can a licensed child day-care operation offer 24-hour care?).

(b) You cannot exceed these limits ~~without getting a license for a residential child-care operation.~~

Helpful Information

The only way to exceed these limits would be to obtain a separate residential child-care license and comply with the standards relevant to that license.

Subchapter Q, Nutrition and Food Service

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

(a) You must serve all children ready for table food regular meals and morning and afternoon snacks as specified in this subchapter; including: -

(1)~~(b)~~ If breakfast is served, a morning snack is not required.

(2)~~(c)~~ A child must not go more than three hours without a meal or snack being offered, unless the child is sleeping.

(3)~~(d)~~ If your child-care home is participating in the Child and Adult Care Food Program (CACFP) administered by the Texas Department of Agriculture, you may elect to meet those requirements rather than those specified in this subsection~~section~~.

(b)~~(e)~~ You must ensure a supply of drinking water is always available to each child and is served at every snack, mealtime, and after active play in a safe and sanitary manner.

(c)~~(f)~~ You must not serve beverages with added sugars, such as carbonated beverages, fruit punch, or sweetened milk except for a special occasion such as a holiday or birthday celebration.

(d)~~(g)~~ You must not use food as a reward.

(e)~~(h)~~ You must not serve a child a food identified on the child's food allergy emergency plan as specified in §747.3617 of this title (relating to What is a food allergy emergency plan?).

§747.3109. May parents provide meals and/or snacks for their children instead of my child-care home providing them?

(a) - (c) (No change.)

(d) Snacks ~~Meals and snacks~~ provided by a parent must not be shared with other children, unless:

(1) A ~~a~~ parent is providing baked goods for a celebration or party being held at the home~~operation~~; and

(2) - You ensure that the shared snacks meet the needs of children who require special diets.

§747.3117. What general requirements apply to food service and preparation?

All food and drinks must be of safe quality and stored, prepared, distributed, and served under sanitary and safe conditions, including ~~at least the following~~:

- (1) You must sanitize food service equipment, dishes, and utensils after each use;
- (2) If your child-care home lacks adequate facilities for sanitizing dishes and utensils, you must use only disposable, single-use items;
- (3) You must wash re-useable napkins, bibs, and tablecloths after each use;
- (4) You must discard single-service napkins, bibs, dishes, and utensils after use;
- (5) You must serve children's food on plates, napkins, or other sanitary holders, such as a high chair tray, and you must not place food ~~them~~ on a bare table or eating surface, which includes the floor;
- (6) You must not serve foods that present a risk of choking for infants and toddlers;
- (7) You must cover all food stored in the refrigerator; and
- (8) You must not store poisonous or toxic materials and cleaning supplies with food.

Helpful Information

- *Research has shown that 90% of fatal choking occurs in children younger than four years of age. Examples of foods that present a risk of choking include hot dogs sliced into rounds, whole grapes, hard candy, string cheese, nuts, seeds, raw peas, dried fruit, pretzels, chips, peanuts, popcorn, marshmallows, spoonful's of peanut butter, and chunks of meat larger than can be swallowed whole.*
- *Tables are often used for many purposes in child care. Although the tables should be washed before mealtime, they will still bear a heavier load of infecting organisms than plates or sanitized food holders.*
- *Expiration dates should be monitored to ensure that food and beverage quality is safe for consumption.*

*Subchapter R, Health Practices
Division 1, Environmental Health*

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

You must clean, repair, and maintain your child-care home, grounds, and equipment to protect the health of the children, including. ~~This includes, but is not limited to:~~

- (1) Setting aside toys and equipment that are placed in children's mouths or are otherwise contaminated by body secretion or excrement, to be sanitized daily or before handling by another child;
- (2) Machine washing used cloth toys, ~~if used~~, at least weekly and when contaminated;
- (3) Machine washing used ~~all~~ linens at least weekly, and when soiled and before another child uses them;
- (4) Sanitizing sleeping equipment before a different child uses it and when soiled;
- (5) Sanitizing potty chairs after each child's use;

(6) Emptying water play tables and toys used in water play tables daily, ~~and~~ sanitizing, ~~and ensuring children and caregivers wash their hands before using the water table;~~

(7) Maintaining sand boxes and sand tables in a sanitary manner;

(8) Making all garbage inaccessible to children, and managing it to keep the child-care home, inside and outside, free of insects, rodents, and offensive odors;

(9) Keeping all floors, ceilings, and walls in good repair and clean;-

(10) Ensuring paints ~~Paints~~-used at the child-care home are ~~must be~~ lead-free;

(11)(10) Keeping all parts of the child-care home used by children well heated, lighted, and ventilated;

(12)(11) Sanitizing table tops, furniture, and other similar equipment used by children when soiled or contaminated with matter such as food, body secretions, or excrement;

(13)(12) Clearly marking cleaning supplies and other toxic materials and keeping them separate from food and inaccessible to children; and

(14)(13) Using, storing, and disposing of hazardous materials as recommended by the manufacturer.

Helpful Information

- Research supports ~~that~~ preventive steps to help limit the spread of infections, such as regular and proper hand washing, ventilating rooms regularly with lots of fresh air, and establishing cleaning routines ~~helps to limit the spread of infections~~. Germs have difficulty growing in clean, dry and well-ventilated environments.
- Contamination of toys and other objects in the room contributes to the transmission of diseases and germs in child-care homes. Providing enough toys to rotate through the cleaning process allows children to stay in active play while maintaining a healthy environment.

DELETE §747.3205. What does Licensing mean when it refers to "sanitizing"?

DELETE §747.3207. What is a disinfecting solution?

§747.3211. When must caregivers wash their hands?

Caregivers must wash their hands:

(1) - (6) (No change.)

(7) After handling or cleaning bodily ~~body~~-fluids, such as after tending sores and wiping noses, mouths, or bottoms, ~~and tending sores~~;

(8) - (10) (No change.)

(11) After eating, drinking, or smoking; ~~and~~

(12) After using any cleaners or toxic chemicals; and

(13) After removing gloves.

§747.3213. When must children wash their hands?

Note: There are no changes to this rule, only a new Helpful Information box has been added.

Helpful Information

It is a best practice to require all children to wash their hands immediately upon entering your home. It is also a best practice to require all parents visiting your home to wash their hands upon entering. Studies have shown an increase in overall health in a child-care setting when programs eliminate the transmission of germs from the child's home environment to the child-care setting by requiring hand hygiene for all entering the child-care home.

§747.3215. How must children and caregivers wash their hands?

Children 18 months and older and caregivers must wash their hands with soap and running water. ~~An alcohol-based hand sanitizer may be used by caregivers on visibly clean hands when soap and running water are not readily accessible, except before handling food. You must follow the label directions when using alcohol-based hand sanitizers.~~

Helpful Information

- *Research has shown the single most effective practice that prevents the spread of germs in the child-care setting is good hand washing by caregivers and children.*
- *Rubbing hands together under running water is the most important part of washing away infectious germs. Deficiencies in hand washing, including sharing basins of water, have contributed to many outbreaks of diarrhea among children and caregivers in child-care settings.*
- *The Centers for Disease Control (CDC) recommends these hand washing steps:*
 - *Wet your hands with clean running water and apply soap;*
 - *Rub your hands together to make lather and scrub them well, and; be sure to scrub the backs of your hands, between your fingers, and under your nails;*
 - *Continue rubbing your hands for at least 20 seconds (tip: hum the “Happy Birthday” song twice);*
 - *Rinse your hands well under running water;*
 - *Dry your hands using a clean towel or air dry; and;*
 - *Use a paper towel to turn off the faucet.*
- ~~*The use of alcohol-based hand sanitizers does not substitute for hand washing in the group care setting. Alcohol-based hand sanitizers are flammable and toxic if ingested by children.*~~

NEW §747.3216. May I use hand sanitizer as a substitute for washing hands?

You may use hand sanitizers as a substitute for washing hands if all of the following conditions are met:

- (1) You only use hand sanitizers on children 24 months and older;

(2) You do not use hand sanitizers to wash hands that are visibly dirty or greasy or have chemicals on them, unless you are away from the activity space and soap and water are not available for hand washing;

(3) You follow the labelling instructions for the appropriate amount to be used and for how long the hand sanitizer needs to remain on the skin surface to be effective;

(4) Children have adult supervision when using hand sanitizers; and

(5) You store hand sanitizers out of the reach of children when not in use.

Helpful Information

- The use of hand sanitizers does not substitute for hand washing in the group care setting.
- Supervision of children is required to monitor effective use of hand sanitizers and to avoid potential ingestion or inadvertent contact with a child's eyes, mouth, or nose.

§747.3217. How must I wash an infant's hands?

(a) Until the infant is old enough to be raised to the faucet and reach for the water, you must wash the infant's hands using an individual cloth or disposable towel with soap, followed by a cloth or disposable towel used to rinse with clear water and dry.

(b) Use soap and running water as specified in this division when infants are old enough to be raised to the faucet and reach for the water and any other time that the caregiver has reason to believe the infant ~~child~~ has come in contact with substances that could be harmful to the infant ~~child~~.

Helpful Information

- An infant that does not have muscle control of the infant's head and neck must not be raised to the sink to wash the infant's hands.
- Baby wipes may be used for infants that do not have the muscle control to hold up their head and reach for the water. However, the baby wipes must state they are safe to use for infants and must be discontinued once the infant is able to be raised to the faucet and reach for the water.

Subchapter R, Health Practices

Division 2, Diaper Changing

§747.3301. What steps must I follow for diaper changing?

Caregivers must:

(1) Promptly change soiled or wet diapers or clothing;

(2) Thoroughly cleanse the child with ~~an individual~~ cloths ~~cloth~~-or disposable towels ~~towel~~. You must discard the disposable towels ~~towel~~ after use and launder any cloths ~~cloth~~ before using them ~~it~~ again;

(3) Ensure that the children are dry before placing a new diaper on the child. If the child must be dried, you must use a clean, individual cloth or disposable towel to dry the child. You must discard the disposable towel after use and launder any cloth before using it again;

(4) Not apply powders, creams, ointments, or lotions unless you obtain ~~without~~ the parent's written permission. If the parent supplies these items, permission is implicit and you do not need to obtain permission for each use;

(5) Label powders, creams, ointments, or lotions with the individual child's name; and

(6) Keep all diaper-changing supplies out of the reach of children ~~children's reach~~.

§747.3303. What equipment must I have for diaper changing?

(a) You must have a diaper-changing table or surface that is:

(1) Smooth, non-absorbent, and easy to clean; and

(2) Located so that the caregiver using the diapering surface can supervise children at all times, as specified in §747.1503 of this title (relating to What does Licensing mean by "supervise children at all times"?).

(b) You must not use areas for diaper changing that children come in close contact with during play or eating, such as dining tables, sofas, or floor play areas.

(c) If the ~~To prevent a child from falling, a~~ diaper changing table or surface that is above the floor level, then at all times when the child is on the table/surface:

(1) There must be ~~Must have~~ a safety mechanism (such as ~~safety straps or~~ raised sides) that is used ~~at all times when a child is on the surface; or~~

(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 ~~at all times when the child is on the surface.~~

Helpful Information

- A separate area used for diaper changing and/or changing of soiled underwear reduces contamination of other parts of the child-care environment.
- Safety straps on a diaper changing table or surface should not be used because the straps are difficult to sanitize and can cross contaminate.

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

(a) You must wash your hands after each diaper change. Refer to §747.3215 of this title (relating to How must children and caregivers wash their hands?).

(b) You must wash the infant's hands or see that the child's hands are washed after each diaper change. Refer to §747.3217 of this title (relating to How must I wash an infant's hands?).

(c) If you use disposable gloves, you must discard them after each diaper change and wash your hands with soap and running water ~~as specified in §747.3215 of this title.~~

(d) ~~You must cover containers used for soiled diapers or keep them in a sanitary manner, such as placing soiled diapers in sealed bags.~~

~~(e)~~ You must sanitize the diapering-changing surface after each use, ~~as specified in §747.3205 of this title (relating to What does Licensing mean when it refers to "sanitizing"?)~~, or use a clean, disposable covering on the diapering surface that must be changed after each use.

(e) You must cover containers used for soiled diapers or keep them in a sanitary manner, such as placing soiled diapers in a tied, sealed, or otherwise closed plastic bag.

(f) You must place soiled clothing in a tied, sealed, or otherwise closed plastic bag to be sent home with the child.

Helpful Information

- *Recommendation: Assembling all of the supplies necessary for a diaper change before bringing the child to the changing table ensures the protection of the child. If the hand-washing sink is not adjacent to the diapering area, wipes may be used, as a temporary measure only, to clean the caregiver's and child's hands while supervising the child on the changing table.*
- *During diaper changing, a child's hands often stray into the area of the child's body covered by the diaper. Germs are contained in human waste and body fluids and are present on the skin and the diaper even if they cannot be seen. Washing an infant's or child's hands after each diaper change helps reduce the spread of germs.*
- *Because of the risk of splashing, and gross contamination of hands, sinks, and bathroom surfaces, rinsing diapers or clothes soiled with fecal material in the child-care setting increases the risk that you, other caregivers, and the children would be exposed to germs that cause infection.*
- *Rotating 2 changing mats throughout the day, using one while another is sanitized and dries, provides an alternative to waiting between diaper changes.*

Subchapter R, Health Practices

Division 3, Illness and Injury

§747.3401. What type of illness would prohibit a child from attending the child-care home~~being admitted for care~~?

You must not allow an ill child to attend your child-care home ~~admit an ill child for care~~ if one or more of the following exists:

(1) The illness prevents the child from participating comfortably in child-care activities including outdoor play;

(2) The illness results in a greater need for care than caregivers can provide without compromising the health, safety, and supervision of the other children in care;

(3) The child has one of the following, (unless a medical evaluation by a health-care professional indicates that you can include the child in the child-care activities):

(A) An oral ~~Oral~~ temperature above 101 degrees that is ~~and~~ accompanied by behavior changes or other signs or symptoms of illness;

(B) A tympanic (ear) temperature above 100 degrees that is accompanied by behavior changes or other signs or symptoms of illness. Tympanic thermometers are

not recommended for children under six months old ~~Rectal temperature above 102 degrees and accompanied by behavior changes or other signs or symptoms of illness;~~

(C) An axillary (armpit) Armpit temperature above 100 degrees that is and accompanied by behavior changes or other signs or symptoms of illness; or

(D) Symptoms and signs of possible severe illness such as lethargy, abnormal breathing, uncontrolled diarrhea, two or more vomiting episodes in 24 hours, rash with fever, mouth sores with drooling, ~~wheezing,~~ behavior changes, or other signs that the child may be severely ill; or and

(4) A health-care professional has diagnosed the child with a communicable disease, and the child does not have medical documentation to indicate that the child is no longer contagious.

Helpful Information

- Regarding paragraph (3), ~~W~~when taking a child's temperature, the American Academy of Pediatrics (AAP) recommends that:
 - ~~Rectal temperatures should only be taken by persons with specific health training in this procedure.~~
 - Electronic devices for measuring temperature require periodic calibration and specific training in proper technique; and
 - The height of fever does not indicate a more or less severe illness.
- Regarding subparagraph (D), as with temperatures a child does not have to be sent home unless there are multiple symptoms and signs of possible severe illness. Some children may also have medical issues that cause one or more symptoms, but the symptoms may not be a sign of possible severe illness (for example, a child that is lactose intolerant may have diarrhea but no other symptoms of an illness).
- To clarify "uncontrolled diarrhea", this is when:
 - A diapered child's stool:
 - Is not contained in the diaper; and/or
 - Exceeds two or more stools above the normal for that child; and
 - A toilet-trained child's diarrhea is causing soiled pants and clothing.

§747.3403. What communicable diseases would exclude a child from attending my child-care home?

You must follow the communicable disease exclusions required for schools as defined by the Texas Department of State Health Services (DSHS) in 25 TAC §97.7 (relating to Diseases Requiring Exclusion from Schools). ~~You can access this information from DSHS or Licensing staff.~~

Helpful Information

You can assess the DSHS rule at:

[http://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tl oc=&p_ploc=&pg=1&p_tac=&ti=25&pt=1&ch=97&rl=7](http://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tl oc=&p_ploc=&pg=1&p_tac=&ti=25&pt=1&ch=97&rl=7)

NEW §747.3406. When may a child who was ill return to my child-care home?

A child who was ill may return to your child-care home when:

- (1) The child is free of symptoms of illness for 24 hours; or
- (2) You have obtained a health-care professional's written statement that the child no longer has an excludable disease or condition.

§747.3407. How should I respond to ~~an critical~~ illness or injury that requires the immediate attention of a health-care professional?

For an ~~If critical~~ illness or injury that requires the immediate attention of a health-care professional, ~~physician~~, you must:

- (1) Contact emergency medical services (or take the child to the nearest emergency room after you have ensured the supervision of other children in the home);
- (2) Give the child first-aid treatment or CPR when needed;
- (3) Contact the child's parent; ~~Contact the physician identified in the child's record;~~
- (4) Contact the physician or other health-care professional identified in the child's record; ~~Contact the child's parent;~~ and
- (5) Ensure supervision of other children in the group.

Helpful Information

If emergency medical services has been contacted, it is not necessary to also contact the child's physician or other health-care professional unless directed to do so by EMS personnel.

§747.3411. What must a policy for protecting children from vaccine-preventable diseases include?

A licensed child-care home that is not located in the primary caregiver's own residence must have a ~~A~~ policy for protecting the children in your care from vaccine-preventable diseases. The policy must:

- (1) - (8) (No change.)

Subchapter S, Safety Practices

Division 1, Safety Precautions

§747.3501. What safety precautions must I take to protect children in my child-care home?

Note: There are no changes to this rule, only new information has been added to the Helpful Information box.

Helpful Information

- The environment must be free of health and safety hazards to reduce risks to children. Additional examples of hazards to children include: sharp scissors, plastic bags, knives,*

cigarettes, matches, lighters, flammable liquids, drugs/medications, sharp instruments such as ice picks, power tools, cleaning supplies, chemicals, and other items labeled keep out of the reach of children.

- It is also important to secure televisions and furniture (for example book cases) so they cannot tip over. For example:
 - Mount flat televisions to the wall, so they cannot be pulled down;
 - If you have an old box television, put it on furniture that is low, stable, and designed for the size and weight of the television; and
 - Use brackets, braces, or wall straps to secure furniture to the wall.
- Buildings, grounds, and equipment in a state of disrepair threaten the health and safety of children.
- According to the U.S. Consumer Product Safety Commission (CPSC), any body of water including bathtubs, pails, and toilets presents a drowning risk to young children. An estimated 50 infants and toddlers drown each year in buckets containing liquid used for mopping floors and other household chores. The 5-gallon bucket presents the greatest hazard to young children because of its tall straight sides and its weight with even a small amount of liquid. It is nearly impossible for top-heavy infants and toddlers to free themselves when they fall into a 5-gallon bucket head first.

§747.3503. How can may I ensure the safety of the children from other persons?

- (a) People whose behavior and/or health status poses an immediate threat or danger to ~~appears to endanger~~ the health or safety of the children must not be present when children are in care.
- (b) People must not consume alcohol or controlled substances without a prescription in the child-care home, during transportation, or on field trips.
- (c) People must not be under the influence of or impaired by alcohol or controlled substances in the child-care home, during transportation, or on field trips.
- (d) People must not smoke any or use tobacco products ~~e-cigarette, vaporizer, or tobacco product or otherwise use any tobacco product~~ during operating hours in your child-care ~~the child-care~~ home, garage, on the playground, in transportation vehicles, or during field trips.

§747.3505. Are firearms or other weapons allowed at my child-care home?

- (a) Firearms, hunting knives, bows and arrows, or other weapons kept on the premises of a child-care home must remain in a locked cabinet that is inaccessible to children during all hours of operation, with the exception of peace officers as listed in §2.12 of the Code of Criminal Procedure and security officers commissioned by the Texas Private Security Board ~~law enforcement officials~~ who are trained and certified to carry a firearm and ammunition.
- (b) Ammunition must be kept ~~You must keep ammunition~~ in a separate locked cabinet that is ~~and~~ inaccessible to children during all hours of operation.

§747.3507. May I have toys or other types of equipment that ~~explodes~~ or ~~shoots~~ things?

~~No.~~ A child may not use any type of toy or Toys equipment that explodes or that shoots things, such as caps, BB guns, darts, or fireworks, are prohibited for children's use at the child-care home or on field trips. These types of toys and equipment and must remain in a locked cabinet, inaccessible to children during your all-hours of operation.

*Subchapter S, Safety Practices
Division 2, Medication and Medical Assistance*

§747.3601. What does "medication" refer to in this division?

In this division, medication means:

- (1) A prescription medication; or
- (2) A non-prescription medication, excluding topical ointments such as diaper ointment, insect repellent, or sunscreen.

§747.3619. When must I have a food allergy plan for a child ~~is this plan required?~~
You must have a A food allergy emergency plan ~~is required~~ for each child with a known food allergy that has been diagnosed by a health-care professional. The child's health-care professional and parent must sign and date the plan. You must keep a copy of the plan in the child's file.

*Subchapter S, Safety Practices
Division 3, Animals at My Child-Care Home*

§747.3701. What steps must I take to have animals at my child-care home or on field trips?

If you choose to have animals on the premises of your child-care home while children are in care or on field trips, you must:

- (1) Notify parents in writing when animals are or will be present;
- (2) Ensure the animals do not create unsafe or unsanitary conditions;
- (3) Ensure that children do not handle any animal that shows signs of illness, such as lethargy or diarrhea; and
- (4) Ensure that caregivers and children practice good hygiene and hand washing after handling or coming in to contact with an animal and items used by an animal, such as water bowls, food bowls, and cages.

Helpful Information

Informing parents in writing when animals are or will be present in the child-care home and/or on field trips allows parents to decide whether to enroll their child and whether to prohibit or allow their child to have contact with the animals.

Subchapter S, Safety Practices

Division 5, Release of Children

§747.3903. How does a caregiver do I, or someone assisting me in my child-care home, verify the identity of a parent or a person a parent has designated to pick up the child?

(a) You must develop policies for the release of children, including a plan to verify the identity of a person authorized to pick up a child, but whom the caregiver does not know. If your child-care home transports children, the plan must include verifying the identity of a person to whom you release a child from a child-care home transportation vehicle.

(b) Caregivers must be the individuals responsible for overseeing the release of children in care.

(c)(b) Your policies must include a reasonable means to record the identity of the individual, such as making a copy of a valid photo identification or instant photograph of the individual or recording the driver's license number or license plate number ~~car tag numbers, or making a copy of a valid photo identification or instant photograph of the individual.~~ You must retain this information in the child's record for at least three months.

(d)(c) You must instruct all caregivers and household members, who are 14 years of age ~~old~~ and older who are regularly or frequently present at the child-care home while children are in care, of in- your policies for the release of children, including the verification plan. ~~Caregivers must handle the release of children in care.~~

§747.3935. What are my responsibilities regarding unsafe children's products in my child-care home?

Note: There are no changes to this rule, only the information in the Helpful Information box has been rewritten for further clarification.

Helpful Information

Regarding subsection (b), the DFPS product certification form may be found at: http://intranet.dfps.txnet.state.tx.us/Forms/CCL_RCCL/CCL_Monitoring/default.asp . Scroll down to "General", and click on Form 2885, Children's Product Certification. ~~A copy of the required form specified in subsection (b) above may be obtained from Licensing staff or the DFPS website at: <http://www.dfps.state.tx.us> .~~

*Subchapter T, Physical Facilities
Division 1, Indoor Space Requirements*

§747.4011. How does Licensing determine the indoor useable activity space?

(a) We determine indoor useable activity space by:

(1) Measuring all indoor useable activity space from wall to wall on the inside at floor level;

- (2) Rounding all measurements up to the nearest inch;
 - (3) Excluding single-use areas, which are areas not routinely used for children's activities, such as a bathroom, hallway, storage room, cooking area of a kitchen, swimming pool, and storage building. ~~See §747.105(44) of this title (relating to What do certain words and terms mean when used in this chapter?) for more information on single-use areas;~~ and
 - (4) Excluding floor space occupied by permanent and stationary fixtures, such as bookcases, shelving, and storage/counter space, that is not intended for use by the children.
- (b) We use the sum of the measurements to calculate the indoor useable activity space and to determine the maximum number of children you may care for.

§747.4015. May I care for children above or below ground level?

You must not care for children on any level above or below ground level without written approval from the state or local fire marshal. ~~If your child-care home was registered or licensed before September 1, 2003, you have one year from September 1, 2003, to obtain written approval or relocate all care to the ground level.~~

Subchapter T, Physical Facilities
Division 2, Outdoor Space Requirements

DELETE §747.4107. Does the fence requirement apply to my home if it was registered or licensed before September 1, 2003?

§747.4113. Must the outdoor activity space area be connected to the child-care home?

We must approve a plan to use an outdoor activity space area that is not connected to your child-care home, such as a near-by park, schoolyard, or other alternative. All outdoor activity areas used by children must be accessible from the home by a safe route. We will consider the following criteria before approving the plan:

- (1) Traffic patterns of vehicles and people in the area;
- (2) Ages of children in your care;
- (3) Availability of appropriate equipment;
- (4) Usage of the location by other groups when the children would be most likely to use it;
- (5) Neighborhood circumstances, Safety hazards, and risks, including ~~related to~~ the crime rate for the area;
- (6) Accessibility to children and caregivers by foot or the availability of push carts or other means of transporting infants and toddlers;
- (7) Reasonable accessibility of restroom facilities; and
- (8) Ability to obtain assistance, if needed, when injury or illness occurs.

Subchapter T, Physical Facilities

Division 3, Toilets and Sinks

§747.4203. Where must the sink and toilet be located for children's use?

- (a) Sinks and toilets must be located inside the child-care home and allow supervision by caregivers as needed.
 - (b) Children must be able to safely and independently access the toilet.
 - (c) Children must be able to safely and independently access the sink for hand washing.
- ~~For further information on hand washing, refer to §747. 3215 of this title (relating to How must children and caregivers wash their hands?).~~

Helpful Information

- For further information on hand washing, please see §747. 3215 of this title (relating to How must children and caregivers wash their hands?).
- *The Centers for Disease Control (CDC) affirms that hand washing is the number one way to control the spread of disease and germs in the child-care setting. Caregivers are less likely to wash hands before and after each diaper change if the sink is not accessible in the room. Infants are more likely to be left unsupervised if the caregiver must leave the room to wash her hands.*

Subchapter T, Physical Facilities

Division 4, Furniture and Equipment

§747.4301. Must I use child-sized tables and chairs for children?

- (a) No, but ~~;~~ ~~however,~~ you must ensure that any table or chair used by a child is safe, easy to clean, and of a height and size that the child can use it safely and easily.
- (b) If the manufacturer requires safety straps on a chair, then the safety straps must be fastened whenever a child is using the chair.

§747.4303. Must I provide a cot or mat for each child to sleep or rest on?

- (a) Yes. You must provide or have the parent provide ~~the following~~ ~~(1) An individual crib meeting requirements specified in Subchapter H of this chapter (relating to Basic Care Requirements for Infants) for each non-walking child younger than 18 months to sleep or rest in;~~
 - ~~(2) An~~ an individual cot, bed, or mat that is waterproof or washable for each walking child through four years to sleep or rest on; ~~and~~
 - ~~(3) Individual arrangements for sleep or rest for children five years and older who are in care for more than five hours per day, or whose individual care needs require a nap or rest time.~~
- (b) Cots, beds, or mats must be labeled with the child's name. As an alternative, you may label ~~Labeling~~ cots, beds, or mats with a number and have a number/child ~~related to a number~~ assignment map available ~~may be used as an alternative~~.
- (c) Floor mats used for napping must be marked or colored so that the sleeping side can be distinguished from the floor side.

§747.4305. Must I have storage for each child's individual belongings?

Yes. You must have individual lockers, cubicles, baskets, separate hooks and shelves, or other adequate storage space for each child's personal belongings. You must clearly label the storage space with the child's name, a photograph of the child, or other symbol the child ~~he~~ recognizes ~~as his own~~.

§747.4307. Must I have a telephone at my child-care home?

Yes. You must have a working telephone or cellular phone at your child-care home with a listed telephone number. ~~The telephone must not be a coin-operated pay phone.~~

§747.4309. May I have indoor lofts?

(a) ~~You may have an indoor loft that is~~ Yes, as long as the lofts are designed and used as an extension of the learning area, if ~~and~~ you comply with the following safety standards:

(1) Caregivers must be able to adequately supervise children at all times;

(2) Stairs and steps, regardless of height, must have handrails the children can reach. Rung ladders do not require handrails;

~~(3)(2)~~ Platforms over 20 inches in height must be equipped with protective barriers that prevent children from crawling over or falling through the barrier, or becoming entrapped; and

(4) Section 747.4015 of this title (relating to May I care for children above or below ground level?).

~~(3) Stairs and steps, regardless of height, must have handrails the children can reach. Rung ladders do not require handrails.~~

(b) If lofts are used as indoor active play space or equipment they must comply with the requirements specified in Subchapter U of this chapter (relating to Indoor and Outdoor Active Play Space and Equipment).

DELETE §747.4311. If my child-care home was registered or licensed before September 1, 2003, will I be given an opportunity to comply?

*Subchapter U, Indoor and Outdoor Active Play Space and Equipment
Division 1, Minimum Safety Requirements*

§747.4401. What minimum safety requirements must my active play equipment meet?

Indoor and outdoor active play equipment ~~and supplies~~ used both at and away from the child-care home must be safe for the children as follows:

(1) The indoor and outdoor active play equipment must be arranged so that caregivers can adequately supervise children at all times;

(2) The design, scale, and location of the equipment must be used according to the manufacturer's instructions~~appropriate for the body size and ability of the children using the equipment;~~

(3) - (8) (No change.)

(9) Porches or platforms more than 20 inches in height for pre-kindergarten and younger children, and more than 30 inches in height for school-age children, must be equipped with protective barriers that surround the elevated surface, except for entrances and exits and that prevent children from crawling over or falling through the barrier, or becoming entrapped; and

(10) (No change.)

§747.4407. What special maintenance procedures must I follow for my active play space and equipment?

(a) You or someone you designate must inspect the indoor and outdoor active play space and equipment daily before children go out to play to ensure there are no hazards present.

(b) You must ensure hazards or defects identified during the daily inspections are repaired promptly, and must arrange for protection of the children, or you must prohibit use of the hazardous equipment, until repairs can be made.

*Subchapter U, Indoor and Outdoor Active Play Space and Equipment
Division 5, Inflatables*

§747.4751. May I use inflatable active play equipment?

You ~~Yes, you~~ may use inflatable equipment both at and away from your child-care home if you follow these as long as it meets the following guidelines:

(1) You use enclosed ~~Enclosed~~ inflatables (such as bounce houses or moon bounces/walks) according to the manufacturer's instructions~~must only be used by one child at a time;~~

(2) You use open ~~Open~~ inflatables (such as obstacle courses, slides, or games) ~~must be used~~ according to the manufacturer's label and instructions for the user; and

(3) Inflatables that include water activity ~~must~~ also comply with all applicable requirements in Subchapter V of this chapter (relating to Swimming Pools, ~~and~~ Wading/Splashing Pools, and Sprinkler Play).

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

§747.4803. How should the swimming pool be ~~built and~~ maintained?

Swimming pools at the child-care home must be maintained according to the standards of the Texas Department of State Health Services for public pools, and any other state or local regulations.

§747.4807. Must I have a fence around ~~How must I prevent children's unsupervised access to~~ a swimming pool at my child-care home?

(a) - (d) (No change.)

§747.4809. Does having a fence affect my ~~relieve me of the~~ duty to supervise children's access to the pool?

No. Although a fence and locked access provides a layer of protection for a child who strays from supervision and may deter some children from entering the pool area, these do not replace the need to supervise children at all times ~~for constant adult supervision~~ and monitoring of safety features to protect children from unsupervised access to the pool.

§747.4815. Are there specific safety requirements for sprinkler play?

(a) You must ensure that no child uses ~~not allow~~ sprinkler equipment ~~to be used by children~~ on or near a hard, slippery surface, such as a concrete driveway, sidewalk, or patio.

(b) You must not leave a child alone with the sprinkler equipment.

(c) You must store sprinkler equipment and water hoses out of the reach of children when not in use ~~so that they do not present a hazard to children~~.

(d) You must maintain your splash pad/sprinkler play area according to manufacturer's instructions.

*Subchapter W, Fire Safety and Emergency Practices
Division 2, Emergency Preparedness*

§747.5013. May I ~~count~~ a window count as one of the designated exits for my child-care home?

~~Yes.~~ You may count a window as an exit for your child-care home if all children in care and caregivers are physically able to get through the window to the ground outside ~~the child-care home~~ safely and quickly.

*Subchapter W, Fire Safety and Emergency Practices
Division 3, Fire Extinguishers and Smoke Detection Systems*

§747.5101. Must my child-care home have a fire-extinguishing system?

Yes. Your child-care home must have a fire-extinguishing system. This may be a sprinkler system and/or fire extinguishers. The ~~local or~~ state or local fire marshal must approve a sprinkler system.

§747.5103. Am I required to have a ~~What type of fire extinguisher am I required to have?~~

Yes, you ~~(a) You~~ must have at least one 3A-40BC dry chemical fire extinguisher, or a fire extinguisher ~~one~~ approved by a ~~local or~~ state or local fire marshal.

~~(b) If you were registered or licensed before September 1, 2003, you may use at least one 40BC rated fire extinguisher until your fire extinguisher is due to be serviced or your permit to operate is no longer valid.~~

§747.5105. Where must I mount ~~the~~ fire extinguishers?

You must mount all ~~the~~ fire extinguishers on the wall by a hanger or bracket. The top of all ~~the~~ extinguishers must be no higher than five feet above the floor and the bottom at least four inches above the floor or any other surface. ~~The fire extinguisher must be readily available for immediate use by household members and caregivers.~~ If a state or local fire marshal or the manufacturer's instructions has different mounting instructions, you ~~may~~ must follow those instructions. All fire extinguishers must be readily available for immediate use by household members and caregivers.

§747.5107. How often must I inspect and service ~~the~~ fire extinguishers?

(a) You must:

(1) Inspect all ~~inspect the~~ fire extinguishers monthly;

(2) Record ~~You must record~~ the date of the ~~fire extinguisher~~ inspection; and

(3) Keep ~~keep~~ this record at your child-care home.

(b) You must service ~~the~~ fire extinguishers as needed and required by the manufacturer's instructions, or as required by the state or local fire marshal.

§747.5109. How often must I inspect my sprinkler system?

If you use a sprinkler system:

(1) The ~~,the system-~~ monitoring company or a ~~local or~~ state or local fire marshal must test the system at least annually;

(2) You must document ~~-Document~~ the date of the inspection, and the name and telephone number of the inspector; and

(3) You must keep ~~-Keep~~ the most recent inspection report at your child-care home.

§747.5115. How often must the smoke detectors at my child-care home be tested?

You must:

(1) Test ~~test~~ all smoke detectors monthly;

(2) Record ~~,record~~ the date of the test inspection and date of the installation of new batteries; and

(3) Keep ~~keep~~ this record at your child-care home ~~for review by Licensing during hours of operation.~~

§747.5117. How often must I have an electronic smoke alarm system tested?

If you use an electronic smoke alarm system:

- (1) The, ~~the~~ monitoring company, or state or local fire marshal must test the system at least annually;
- (2) ~~You must document keep documentation of the date of the inspection and the at the child-care home that indicates the date of the inspection and the inspector's name and telephone number of the inspector; and~~
- (3) You must keep the most recent inspection report at your child-care home.

Subchapter X, Transportation

§747.5401. What types of transportation does Licensing regulate?

We regulate all any transportation provided by or for the child-care home to children in care, including, ~~but not limited to~~, transportation between the child's home and the school, the child's home and your home, your home and the school, your home or the school and field trip locations, and or your home or the school and other drop off locations, ~~authorized by the parent~~.

§747.5405. What safety precautions must I take when loading and unloading children from the vehicle?

You must take the following precautions when loading and unloading children from any vehicle, including any type of bus:

- (1) You must load and unload children at the curbside of the vehicle or in a protected parking area or driveway; ~~-~~
- (2) You must not allow a child to cross a street any time unless the child is accompanied by an adult anytime before a child enters entering or exits after leaving a vehicle, unless the child is accompanied by an adult; -
- (3) You must account for all children exiting the vehicle before leaving the vehicle unattended; and -
- (4) You must never not leave a child unattended in a vehicle.

§747.5407. What child passenger safety seat restraint system must I use when I transport children?

(a) You must use a child passenger safety seat system to restrain a child when transporting the child. The restraint system must meet the federal standards for crash-tested systems as set by the National Highway Traffic Safety Administration and must be properly secured in the vehicle according to manufacturer's instructions.

(b) You must secure each child in an infant safety seat, rear-facing convertible child safety seat, forward-facing child safety seat, child booster seat, safety vest, harness, or a safety belt, as appropriate to the child's age, height, and weight according to manufacturer's instructions for all vehicles specified in subsection (d) of this section, unless otherwise noted in this subchapter.

~~(b) All child passenger safety restraint systems must meet federal standards for crash-tested restraint systems as set by the National Highway Traffic Safety Administration, and must be properly secured in the vehicle according to manufacturer's instructions.~~

(c) - (d) (No change.)

§747.5409. Must caregivers and/or the driver wear a safety belt?

(a) The driver must be properly restrained by a safety belt before starting the vehicle and at during all times the vehicle is in motion.

(b) All adult passengers in a vehicle transporting children, other than a large school bus, must be properly restrained by safety belts.

Helpful Information

Studies indicate the use of restraint devices while riding in a vehicle reduces the likelihood of a passenger ~~suffering serious injury or death if the vehicle is~~ involved in a vehicle crash suffering serious injury or death.

§747.5411. May parents provide the child passenger safety seat equipment required for their child?

~~Yes.~~ Parents may provide the child passenger safety seat system for use in transporting their child, if the equipment is appropriate and can be properly secured in the vehicle. You must use the equipment according to manufacturer's instructions.

§747.5417. Must I carry specific information equipment in the vehicles used vehicle I use to transport children in my care?

(a) You must have the following in each vehicle you use to transport children:

(1) A list of the children being transported;

(2) Emergency medical transport and treatment authorization forms for each child being transported; and

(3) Parent's names and telephone numbers and emergency telephone numbers for each child being transported; and -

(b) The driver must have a current driver's license and carry it while transporting children.

Helpful Information

• ~~Caregivers can respond promptly in emergency situations when they have the proper equipment and necessary telephone numbers in the vehicle.~~

• ~~The contents of first aid kits deteriorate quickly when exposed to long-term high temperatures common in vehicles and we recommend they be checked and updated often.~~

§747.5419. What Must I have a plan must I have to handle transportation emergencies?

~~Yes.~~ You must ensure the ~~driver/caregivers~~ who is transporting a child has ~~have~~ clear instructions ~~for on~~ handling emergency breakdowns and accidents, including vehicle evacuation procedures, supervision of the children, and contacting emergency help.

§747.5421. Must I have a communications device in a transportation ~~the~~ vehicle?

Yes, in case of an emergency you must have a communications device such as a cellular phone or two-way radio when transporting a child. ~~No, you are not required to have a communications device such as a cellular phone, message pager, or two-way radio in the vehicle unless you are on a field trip.~~