

Texas Administrative Code _Title 40. Social Services and Assistance _Part 19. Department of Family and Protective Services _Chapter 744. Minimum Standards for School-Age and Before or After-School Programs _Subchapter D. Personnel _Division 1. Director

40 TAC § 744.1001
Tex. Admin. Code tit. 40, § 744.1001

§ 744.1001. Am I required to have a director for my operation?

(a) You are required to designate an adult that has the daily, on-site responsibility for your operation, including maintaining compliance with the minimum standards and Licensing laws. You must notify Licensing of changes in directors as specified in § 744.303 of this title (relating to What changes must I notify Licensing of regarding the governing body, a director, or the program at my operation?).

(b) There are three types of recognized directors in a before and after-school or school-age program:

(1) An operation director, who is responsible for your operation without the supervision of a program director;

(2) A program director, who oversees your program at multiple operations and supervises a site director at each operation;

(3) A site director, who has the daily responsibility for a specific operation but is supervised by a program director.

(c) In this subchapter, the term director applies to all types of directors listed in subsection (b) of this section, unless otherwise specified.

40 TAC § 744.1003
Tex. Admin. Code tit. 40, § 744.1003

§ 744.1003. If I have multiple operations, must I designate a director for each operation?

(a) If you have multiple operations under the same governing body, you must designate a director at each operation. However, a site director may share his responsibilities at an operation with a program director, provided the operation maintains substantial compliance with minimum standards and other relevant law.

(b) A program director may supervise no more than:

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(1) Nine site directors at multiple before and after-school care programs operated by the same governing body.

(2) Five site directors at multiple school age programs or at a combination of school age programs and before and after-school programs operated by the same governing body.

**40 TAC § 744.1005
Tex. Admin. Code tit. 40, § 744.1005**

§ 744.1005. What are the director's responsibilities?

(a) Your director must ensure:

(1) Your operation complies with the minimum standards specified in this chapter;

(2) All employees comply with the minimum standards;

(3) All employees have assignments that match their skills, abilities, and training;

(4) All employees are supervised. Supervision includes, but is not limited to, knowing what the employees are doing and ensuring that they fulfill their assignments and responsibilities;

(5) Caregivers are not regularly scheduled for more than ten hours of direct child care during a 24-hour period;
and

(6) Qualified substitutes are called as necessary to meet minimum standards.

(b) If a program director and a site director share the director's responsibilities at an operation, you must provide Licensing with a written plan designating which responsibilities specified in subsection (a) of this section the site director and program director are responsible for on a daily basis. You must follow your plan and submit revisions to Licensing upon request.

**40 TAC § 744.1007
Tex. Admin. Code tit. 40, § 744.1007**

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§ 744.1007. May I be a director of my own operation?

You may be both the director and permit holder of an operation if you meet all of the required qualifications and are able to fulfill the responsibilities of a director.

**40 TAC § 744.1009
Tex. Admin. Code tit. 40, § 744.1009**

§ 744.1009. May I have more than one operation director?

You may designate more than one operation director if each director:

- (1) Meets the qualifications specified in this division; and
- (2) Receives a written job description that includes his job responsibilities.

**40 TAC § 744.1011
Tex. Admin. Code tit. 40, § 744.1011**

§ 744.1011. For how many hours must a director be at my operation?

A director must be present a minimum of 75% of the program's operating hours each week or a minimum of 30 hours per week, whichever is less, to ensure the operation complies with all minimum standards.

**40 TAC § 744.1013
Tex. Admin. Code tit. 40, § 744.1013**

§ 744.1013. Must someone else be designated to be in charge of my operation in the director's absence?

(a) Yes. You or your director must designate a qualified caregiver to be in charge of the operation anytime the director is away from the operation during your hours of operation. If your operation has a program director and a site director, the written plan designating their responsibilities must address whether either or both directors may designate a qualified caregiver to be in charge of your operation in the site director's absence.

(b) Designated individuals must:

- (1) Know they are in charge and for how long;

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(2) Know their responsibilities while in charge;

(3) Have access to all essential information to communicate with parents and state and local authorities as needed; and

(4) Have the authority to direct the operation in compliance with minimum standards.

(c) You or your director must ensure that all other employees know who is in charge in the director's absence.

**40 TAC § 744.1015
Tex. Admin. Code tit. 40, § 744.1015**

§ 744.1015. What qualifications must an operation director or a program director meet?

(a) Except as otherwise provided in this division, an operation director or program director must be at least 21 years of age, have a high school diploma or its equivalent, and meet one of the following combinations of education and experience:

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Figure: 40 TAC §744.1015(a)

Education	Experience
(1) A bachelor's degree with six college credit hours in management,	and at least one year of experience in a licensed operation or similar experience as specified in §744.1021 of this title (relating to What types of experience may count towards meeting director qualifications?);
(2) An associate's of applied science degree in child development or a closely related field with six college credit hours in child development and six college credit hours in 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 two years of experience in a licensed operation or similar experience as specified in §744.1021 of this title;
(3) Sixty college credit hours with nine college credit hours in child development and six college credit hours in management,	and at least two years of experience in a licensed operation or similar experience as specified in §744.1021 of this title, or instructor certification and one year experience in training others in a skill, talent, ability, expertise, or proficiency that is the goal of skill instruction or training that is a core component of your operation's program;
(4) A Child Development Associate credential or Certified Child-Care Professional credential with six college credit hours in management,	and at least two years of experience in a licensed operation or similar experience as specified in §744.1021 of this title;
(5) 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 management,	and at least two years of experience in a licensed operation or similar experience as specified in §744.1021 of this title;
(6) 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 operation or similar experience as specified in §744.1021 of this title; or
(7) Nine college credit hours in child development and nine college credit hours in management,	and at least three years of experience in a licensed operation or similar experience as specified in §744.1021 of this title, or instructor certification and one year experience in training others in a skill, talent, ability, expertise, or proficiency that is the goal of skill instruction or training that is a core component of your operation's program.

(b) Options (4) and (6) in subsection (a) of this section require periodic renewal for the director to remain qualified.

40 TAC § 744.1017

Tex. Admin. Code tit. 40, § 744.1017

§ 744.1017. What qualifications must a site director meet?

(a) The qualifications for education and experience that a site director must meet depend in part on how many site directors are supervised by a program director. Except as otherwise provided in this division, the site director of an operation must have a high school diploma or its equivalent, and meet one of the following combinations of education and experience:

Figure: 40 TAC §744.1017(a)

Program Director to Site Director Ratio	Education	Experience
(1) Equal to or less than 1:5	30 clock hours of training in child or youth development, recreational leadership, or management; and	At least six months of experience in a licensed operation or similar experience as specified in §744.1021 of this title (relating to What types of experience may count towards meeting director qualifications?); or
(2) More than 1:5	70 clock hours of training in child or youth development, recreational leadership, or management; and	At least one year of experience in a licensed operation or similar experience as specified in §744.1021 of this title.

(b) Except as otherwise provided in this division, a site director of an operation that provides care exclusively for children five years old and older must be at least 18 years of age, while the site director of an operation that also provides care for children younger than five years must be at least 21 years of age.

(c) A site director may complete the required education during his first 90 days of employment, if:

(1) The site director completed at least half of the required education prior to his current employment as site director; and

(2) The written plan required in § 744.1005(b) of this title (relating to What are the director’s responsibilities?) includes appropriate program director oversight until the required education is completed.

40 TAC § 744.1019
Tex. Admin. Code tit. 40, § 744.1019

§ 744.1019. Are any directors exempt from the qualifications?

(a) A current director who was a designated director of a DFPS licensed group day-care home before May 1, 1985, is not required to have a high school diploma or its equivalent, and is exempt from the requirements specified in §

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744.1015 of this title (relating to What qualifications must an operation director or a program director meet?) and § 744.1017 of this title (relating to What qualifications must a site director meet?).

(b) A current director who was a designated director before September 1, 2003, of a DFPS licensed group day care home, school: grades kindergarten and above, kindergarten and nursery school, or drop-in care center is exempt from the requirements specified in § 744.1015 and § 744.1017 of this title.

(c) If a current director under exemption changes jobs after September 1, 2010, he must meet director qualifications specified in this subchapter before being designated as a director in a new position.

**40 TAC § 744.1021
Tex. Admin. Code tit. 40, § 744.1021**

§ 744.1021. What types of experience may count towards meeting director qualifications?

(1) Experience as a director, assistant director, or caregiver working directly with children, obtained in any operation regulated by DFPS, whether paid or unpaid;

(2) Experience as a director, assistant director, or caregiver working directly with children in a licensed or certified operation in another state or country;

(3) One year experience providing skill-based instruction or as a caregiver in a recreational or youth development program, where children in pre-kindergarten through grade six are in care for at least two hours a day, three days a week;

(4) One year of full-time classroom teaching in a public or private accredited school in grades pre-kindergarten through grade six, during a customary school year;

(5) Substitute or part-time classroom teaching in a public or private accredited school in grades pre-kindergarten through grade six, if the total length of time adds up to one year of full-time teaching during a customary school year; or

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(6) One year of post-graduate study in child development, early childhood education, or a closely related field.

(b) 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 30 hours per week.

**40 TAC § 744.1023
Tex. Admin. Code tit. 40, § 744.1023**

§ 744.1023. Can Licensing verify whether someone has sufficient experience?

Yes. To determine whether a person has sufficient experience to qualify as a director, we may, at our own discretion, verify your experience and substitute child-care experience via the Internet, telephone or mail contact with previous employer(s), or through our records.

**40 TAC § 744.1025
Tex. Admin. Code tit. 40, § 744.1025**

§ 744.1025. What credit courses does Licensing recognize as child development?

Due to a large variation in credit course titles and content, it is impossible to list all courses that may be counted toward the child development requirement. Courses in early childhood education, child growth and development, psychology, sociology, classroom management, child psychology, health and safety of children, elementary education related to pre-kindergarten through grade six, youth development, kinesiology, biomechanics, motor development and performance, physiology of exercise, physical education, and other similar courses may be counted, provided the course content relates to child development or the topics specified in § 744.1309 of this title (relating to How many clock hours of annual training must be obtained by caregivers and site directors?). Abnormal psychology and secondary education courses are not recognized as child development.

**40 TAC § 744.1027
Tex. Admin. Code tit. 40, § 744.1027**

§ 744.1027. What credit courses does Licensing recognize as management?

Due to a large variation in credit course titles and content, it is impossible to list all courses that may be counted toward the management requirement. Management courses may include administration of a child-care facility, recreational leadership, accounting, goal and objective setting, performance planning and evaluation, management techniques, risk management and other administrative, management, or supervisory-related courses. Courses in office machines or computer training are not recognized as management.

**40 TAC § 744.1029
Tex. Admin. Code tit. 40, § 744.1029**

§ 744.1029. What are clock hours?

Clock hours may consist of documented attendance at:

(1) Seminars, workshops, conferences, and early childhood classes;

Current through 39 Tex.Reg. No. 5000, dated June 27, 2014, as effective on or before June 30, 2014

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(2) Self-instructional programs; or

(3) Planned learning opportunities provided by consultants, a qualified director, or by a child-care association.

40 TAC § 744.1031
Tex. Admin. Code tit. 40, § 744.1031

§ 744.1031. Must the trainer or provider of clock hours meet specific criteria?

We do not have specific criteria established for someone to be a trainer or provider of clock hours.

40 TAC § 744.1033
Tex. Admin. Code tit. 40, § 744.1033

§ 744.1033. What are CEUs?

Continuing education units (CEUs) provide 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 you 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.

40 TAC § 744.1035
Tex. Admin. Code tit. 40, § 744.1035

§ 744.1035. May clock hours or continuing education units (CEUs) be substituted for educational requirements in any of the options specified in this division?

You may only substitute clock hours or CEUs for required credit hours in child development and management. You may substitute 50 clock hours or five CEUs for each three college credit hours required in child development and/or management.

40 TAC § 744.1037
Tex. Admin. Code tit. 40, § 744.1037

§ 744.1037. What kind of documentation must I submit to Licensing to show my director is qualified and when must I submit it?

(a) You must submit the following for each director at your operation:

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(1) A completed Licensing Personal History Statement form specifying the education and experience of each designated director;

(2) A completed Licensing Request for Criminal History and Central Registry Check form or proof a background check request was made online;

(3) A notarized Licensing Affidavit for Applicants for Employment form;

(4) A completed Licensing Governing Body/Director Designation form; and

(5) An original and current Licensing Director's Certificate form, or an original college transcript or original training certificates which verify the educational requirements; and complete dates, names, addresses, and telephone numbers which support the required experience. Original letters may be substituted for training certificates, provided they include the same information as specified in § 744.1331 of this title (relating to What documentation must I provide to Licensing to verify that training requirements have been met?).

(b) You must submit the information to us:

(1) As part of a new application for a permit; and

(2) Within ten days of designating a new operation director, program director, or site director.

40 TAC § 744.1039
Tex. Admin. Code tit. 40, § 744.1039

§ 744.1039. What documentation must I have to prove that the person received the clock hours or CEUs?

You must have documentation specified in § 744.1331 of this title (relating to What documentation must I provide to Licensing to verify that training requirements have been met?).

40 TAC § 744.1041
Tex. Admin. Code tit. 40, § 744.1041

§ 744.1041. What documentation must I provide to Licensing to show that my director has acceptable

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child development and management education?

If requested by Licensing, you must provide original transcripts or training certificates. Supporting documentation, such as credit course catalog descriptions, or a course syllabus or outline may also be requested by Licensing to assist in determining whether the course is recognized as child development or management.

40 TAC § 744.1043
Tex. Admin. Code tit. 40, § 744.1043

§ 744.1043. Does education received outside of the United States substitute for the education requirements for a child-care director?

Yes. However, you must provide supporting information such as a copy of the diploma or transcript or letter from the school to indicate that the education is equivalent to a program in the United States. Documents written in a foreign language must be translated into English.

40 TAC § 744.1045
Tex. Admin. Code tit. 40, § 744.1045

§ 744.1045. Will Licensing keep the original training certificates and college transcripts I submit to obtain a Licensing director's certificate?

No. After we evaluate this information and issue a director's certificate, we will return the original documents to you along with the certificate or if a certificate is not issued, along with the letter notifying you of the decision.

40 TAC § 744.1047
Tex. Admin. Code tit. 40, § 744.1047

§ 744.1047. What happens if Licensing determines that a director for my operation does not meet minimum standard qualifications?

We will notify you that your director is in violation of minimum standards for failure to meet director qualifications as soon as possible, but no later than ten days after a determination is made. We will give you a deadline to submit additional paperwork or to designate another director and submit new paperwork.

40 TAC § 744.1049
Tex. Admin. Code tit. 40, § 744.1049

§ 744.1049. Will my director receive a certificate verifying that director qualifications have been met?

Yes. After we determine that your director meets minimum standard qualifications, we will issue a Licensing Director's Certificate. The certificate verifies only that the named person meets minimum standard qualifications specified in § 744.1015 of this title (relating to What qualifications must an operation director or a program director meet?) or § 744.1017 of this title (What qualifications must a site director meet?).

40 TAC § 744.1051
Tex. Admin. Code tit. 40, § 744.1051

§ 744.1051. Will the director's certificate expire?

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The director's certificate will have an expiration date, if the director was qualified under § 744.1015(a) options (4) or (6) of this title (relating to What qualifications must an operation director or a program director meet?). Otherwise, the Licensing Director's Certificate will not expire.

**40 TAC § 744.1053
Tex. Admin. Code tit. 40, § 744.1053**

§ 744.1053. How often must an expiring certificate be renewed?

If you qualify under § 744.1015(a), options (4) or (6) of this title (relating to What qualifications must the director or program director meet?), you must maintain your credential according to the issuing organization's or educational institution'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 Director's Certificate.

**40 TAC § 744.1055
Tex. Admin. Code tit. 40, § 744.1055**

§ 744.1055. What happens if I do not submit the documentation confirming the credential is current?

We will give you a deadline to submit the required documentation or to designate another qualified director. If your director allows the certificate to expire without submitting the required documentation and no longer meets requirements for a center director, you violate minimum standards.

**40 TAC § 744.1057
Tex. Admin. Code tit. 40, § 744.1057**

§ 744.1057. If I hire someone who was qualified as a director at another licensed operation in Texas, must I resubmit all of the information to Licensing staff for review?

(a) If you can provide an original and current Licensing Director's Certificate, you will not be required to resubmit the information establishing qualifications.

(b) If an original and current Licensing Director's Certificate is not available, or Licensing cannot verify the director is qualified, you must resubmit the information to us to determine if your designated director meets minimum director qualifications.

**40 TAC § 744.1059
Tex. Admin. Code tit. 40, § 744.1059**

§ 744.1059. Does Licensing charge a fee for issuing the director's certificate?

No. We do not charge a fee for processing a director's certificate.

**40 TAC § 744.1061
Tex. Admin. Code tit. 40, § 744.1061**

§ 744.1061. Can my director get a replacement Director's Certificate?

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

- (1) The name and address of your operation;
- (2) The name of the director for whom the replacement certificate is needed;
- (3) The date we issued the original certificate; and
- (4) The reason a replacement certificate is needed.

40 TAC § 744.1101
Tex. Admin. Code tit. 40, § 744.1101

§ 744.1101. What is the difference between an employee and a caregiver?

- (a) An employee is any person employed by the operation, including caregivers, kitchen, office, or maintenance personnel; other personnel; a director.
- (b) A caregiver is an employee counted in the child/caregiver ratio, whose duties include direct care, supervision, guidance, training, and the protection of children in care.

40 TAC § 744.1103
Tex. Admin. Code tit. 40, § 744.1103

§ 744.1103. What minimum qualifications must each of my employees meet?

Each employee who is regularly or frequently present while children are in care must:

- (1) Meet the requirements in Chapter 745, Subchapter F of this title (relating to Background Checks);
- (2) Have a current record of a tuberculosis examination (TB), showing he is free of contagious TB, if required by the Texas Department of State Health Services or local health authority;

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(3) Complete a notarized Licensing Affidavit for Applicants for Employment form as specified in Human Resources Code, § 42.059; and

(4) Complete orientation to your operation as specified in Division 4 of this subchapter (relating to Professional Development).

40 TAC § 744.1105
Tex. Admin. Code tit. 40, § 744.1105

§ 744.1105. What additional minimum qualifications must each of my caregivers meet?

Except as otherwise provided in this division, each employee counted in the child/caregiver ratio must comply with minimum standards for employees and must:

(1) Be at least 18 years of age;

(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); and

(3) Complete pre-service training, as specified in Division 4 of this subchapter (relating to Professional Development).

40 TAC § 744.1107
Tex. Admin. Code tit. 40, § 744.1107

§ 744.1107. Under what circumstances may I employ a person under the age of 18 or a person who does

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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 and count the person in the child/caregiver ratio, provided that:

(1) You don't leave the person alone with or in charge of the operation or a group of children;

(2) The person works in the same room with and is supervised by a caregiver qualified under § 744.1105 of this title (relating to What additional minimum qualifications must each of my caregivers meet?); and

(3) The person has completed a child-care-related career program, which 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 and count the person in the child/caregiver ratio, provided that:

(1) You do not leave the person alone with or in charge of a group of children or the operation;

(2) The person works in the same room with and is supervised by a caregiver qualified under § 744.1105 of this title;

(3) The person is currently enrolled in or has completed a child-care-related career program that the Texas Education Agency or another state or federal agency approves; and

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

**40 TAC § 744.1109
Tex. Admin. Code tit. 40, § 744.1109**

§ 744.1109. Does education received outside of the United States count toward caregiver qualifications?

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Yes. However, you must provide supporting information such as a copy of the diploma or letter from the school district to indicate that the education is equivalent to a high school diploma program in the United States. Documents written in a foreign language must be translated into English.

**40 TAC § 744.1111
Tex. Admin. Code tit. 40, § 744.1111**

§ 744.1111. What does Licensing mean by the term “high school equivalent”?

(a) A high school equivalent is a program recognized by the Texas Education Agency or other public educational entity outside of Texas, which offers training similar to reading, writing, and problem-solving skills taught at the high school level, such as a General Educational Development certificate.

(b) You must provide original documentation to us to verify completion of any high school equivalency program.

**40 TAC § 744.1201
Tex. Admin. Code tit. 40, § 744.1201**

§ 744.1201. What general responsibilities do my employees have?

All employees, including persons not counted in the child/caregiver ratio, must:

(1) Demonstrate competency, good judgment, and self-control in the presence of children and when performing assigned responsibilities;

(2) Relate to children with courtesy, respect, acceptance, and patience;

(3) Recognize and respect the uniqueness and potential of all children, their families, and their cultures;

(4) Ensure that no child is abused, neglected, or exploited while in the care of the operation; and

(5) Report suspected abuse, neglect, and exploitation to DFPS or to law enforcement, as specified in the Texas Family Code § 261.10140 TAC § 744.1203
Tex. Admin. Code tit. 40, § 744.1203

§ 744.1203. What additional responsibilities do my caregivers counted in the child/caregiver ratio have?

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In addition to the responsibilities for employees specified in this division, caregivers counted in the child/caregiver ratio must:

- (1) Know and comply with the minimum standards in this chapter;
- (2) Know which children they are responsible for;
- (3) Know each child's name and have information showing each child's age;
- (4) Supervise children at all times, as specified in § 744.1205 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 activities not directly involving the teaching, care, and supervision of children, such as:
 - (A) Administrative and clerical functions that take the caregiver's attention away from the children;
 - (B) Meal preparation, except when 12 or fewer children are in care;
 - (C) Janitorial duties, such as mopping, vacuuming, and cleaning restrooms. Sweeping up after an activity or mopping up spills may be necessary for the children's safety and are not considered janitorial duties; and
 - (D) Personal use of electronic devices, such as cell phones, MP3 players, and video games;
- (7) Interact routinely with children in a positive manner;

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(8) Foster developmentally appropriate independence in children through planned but flexible program activities;

(9) Foster a cooperative rather than a competitive atmosphere;

(10) Show appreciation of children's efforts and accomplishments; and

(11) Ensure continuity of care for children by sharing with incoming caregivers information about each child's activities during the previous shift and any verbal or written instructions given by the parent.

40 TAC § 744.1205
Tex. Admin. Code tit. 40, § 744.1205

§ 744.1205. What does Licensing mean by "supervise children at all times"?

Supervising children at all times means that the assigned caregiver is accountable for each child's care. This includes responsibility for the ongoing activity of each child, appropriate visual and/or auditory awareness, physical proximity, and knowledge of activity requirements and each child's needs. The caregiver must intervene when necessary to ensure children's safety. In deciding how closely to supervise children, the caregiver must take into account:

(1) Ages of the children;

(2) Individual differences and abilities;

(3) Indoor and outdoor layout of the operation; and

(4) Neighborhood circumstances, hazards, and risks.

40 TAC § 744.1301
Tex. Admin. Code tit. 40, § 744.1301

§ 744.1301. What training must I ensure that my employees have?

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You must make sure that each employee has the following training, as specified in this division:

- (1) Orientation to the operation for all employees;
- (2) Eight clock hours of pre-service training, or documentation of exemption, for caregivers;
- (3) 15 clock hours of annual training for caregivers and site directors;
- (4) 20 clock hours of annual training for the operation director and program director; and
- (5) CPR and first-aid certification.

**40 TAC § 744.1303
Tex. Admin. Code tit. 40, § 744.1303**

§ 744.1303. What should orientation to my operation include?

Your orientation for employees must include at least the following:

- (1) An overview of the minimum standards found in this chapter;
- (2) Your operation's policies including discipline, guidance, and the release of children;
- (3) An overview of symptoms of child abuse, neglect, and sexual abuse and the responsibility for reporting these;
- (4) The procedures to follow in handling emergencies. Emergencies may include, but are not limited to, fire, explosion, tornado, toxic fumes, volatile persons, and severe injury or illness of a child or adult; and

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(5) The use and location of fire extinguishers and first-aid equipment.

40 TAC § 744.1305
Tex. Admin. Code tit. 40, § 744.1305

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

Before a caregiver can be counted in the child/caregiver ratio, the caregiver must complete eight clock hours of pre-service training that covers the following areas:

- (1) Developmental stages of children;
- (2) Age-appropriate activities for children;
- (3) Positive guidance and discipline of children;
- (4) Fostering children's self-esteem;
- (5) Supervision and safety practices in the care of children;
- (6) Positive interaction with children; and
- (7) Preventing the spread of communicable diseases.

40 TAC § 744.1307
Tex. Admin. Code tit. 40, § 744.1307

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

Yes. Caregivers with at least six months prior experience in a regulated operation or with documentation of equivalent child-care training are exempt from the pre-service training requirements.

40 TAC § 744.1309
Tex. Admin. Code tit. 40, § 744.1309

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

(a) Each caregiver and site director must obtain at least 15 clock hours of training each year relevant to the age of the children for whom the person provides care. The 15 clock hours of annual training are exclusive of orientation, pre-service training requirements, CPR and first aid, transportation safety training, and high school child-care work-study classes.

(b) At least six clock hours of annual training must be in one or more of the following topics:

(1) Child growth and development;

(2) Guidance and discipline;

(3) Age-appropriate curriculum; and

(4) Teacher-child interaction.

(c) The remaining clock hours of annual training must be in one or more of the following topics:

(1) Care of children with special needs;

(2) Child health (for example, nutrition or physical activity);

(3) Safety;

(4) Risk management;

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(5) Identification and care of ill children;

(6) Cultural diversity for children and families;

(7) Professional development (for example, effective communication with families, time and stress management);

(8) Preventing the spread of communicable diseases;

(9) Topics relevant to the particular age group the caregiver is assigned;

(10) Planning developmentally appropriate learning activities; and

(11) Minimum standards and how they apply to the caregiver.

(d) A caregiver who transports a child whose chronological or developmental age is younger than nine years old must meet additional training requirements as outlined in § 744.1317 of this title (relating to What additional training must a person have in order to transport a child in care?).

(e) A caregiver or site director may obtain no more than 50% of annual training through self-instructional training.

40 TAC § 744.1311
Tex. Admin. Code tit. 40, § 744.1311

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

(a) An operation director and/or a program director must obtain at least 20 clock hours of training each year relevant to the age of the children for whom the operation provides care. The 20 clock hours of annual training are exclusive

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of CPR and first aid, orientation, pre-service, and transportation safety training requirements.

(b) At least six clock hours of the annual training must be in one or more of the following topics:

(1) Child growth and development;

(2) Guidance and discipline;

(3) Age-appropriate curriculum;

(4) Teacher-child interaction; and

(5) Serving children with special care needs.

(c) An operation director or program director with five or fewer years of experience as a designated director of an operation or as a program director must also complete at least six clock hours of the annual training in management techniques, leadership, or staff supervision.

(d) A director with more than five years of experience as a designated director of an operation or as a program director must complete at least three clock hours of the annual training in management techniques, leadership, or staff supervision.

(e) The remainder of the 20 clock hours of annual training must be selected from the training topics specified in § 744.1309(c) of this title (relating to How many clock hours of annual training must be obtained by caregivers and site directors?).

(f) If the operation transports a child whose chronological or developmental age is younger than nine years old, the director must complete two hours of annual training on transportation safety, as outlined in § 744.1317 of this title

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(relating to What additional training must a person have in order to transport a child in care?).

(g) The director may obtain clock hours or CEUs from the same sources as caregivers.

(h) Training hours may not be earned for presenting training to others, with the exception of up to two hours of training on transportation safety.

(i) No more than 50% of annual training may be obtained through self-instructional training.

40 TAC § 744.1313
Tex. Admin. Code tit. 40, § 744.1313

§ 744.1313. When must annual training for my caregivers and director be obtained?

Each caregiver and director must obtain their annual training within 12 months from the date of their employment and during each subsequent 12-month period, unless otherwise specified in this division. If they obtain more than the minimum number of annual training clock hours required, they may not carry the additional clock hours over to the next year.

40 TAC § 744.1315
Tex. Admin. Code tit. 40, § 744.1315

§ 744.1315. Who must have first-aid and CPR training?

(a) One caregiver per group of children must have current training in first aid with rescue breathing and choking. Pediatric first aid is preferred, but not required.

(b) One caregiver or employee per operation, and one caregiver or employee for each group of children away from the operation, must have current training in cardiopulmonary resuscitation (CPR) for children and adults.

(c) CPR training and re-certification must adhere to the guidelines for CPR for laypersons established by the American Heart Association, and consist of a curriculum that includes use of a CPR manikin and both written and hands-on skill-based instruction, practice, and testing.

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

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40 TAC § 744.1317

Tex. Admin. Code tit. 40, § 744.1317

§ 744.1317. What additional training must a person have in order to transport a child in care?

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

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

40 TAC § 744.1319

Tex. Admin. Code tit. 40, § 744.1319

§ 744.1319. Must the training for my caregivers and the director meet certain criteria?

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

(1) A training provider registered with the Texas Early Care and Education Career Development 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; or

(6) 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:

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(A) Has 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 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.

40 TAC § 744.1321
Tex. Admin. Code tit. 40, § 744.1321

§ 744.1321. Does Licensing approve training resources or trainers for training hours?

No. We do not approve or endorse training resources or trainers for training hours. You should, however, ensure you and your employees receive relevant training from reliable resources, in topics specified in this division, and that participants receive original documentation of completion, as specified in this division.

40 TAC § 744.1323

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Tex. Admin. Code tit. 40, § 744.1323

§ 744.1323. If I have a caregiver who attends college or a Child Development Associate/Certified Child-Care Professional credential program, may I count these clock hours toward the annual training requirement?

Yes. If the training is in a topic specified in this division and the caregiver can provide documentation of completion as specified in this division, then you may count this training toward the annual training requirement.

40 TAC § 744.1325

Tex. Admin. Code tit. 40, § 744.1325

§ 744.1325. If I hire a caregiver or a director that received training at another operation, may these hours count towards the annual training requirement at my operation?

If the caregiver or director is able to provide documentation of training, as specified in § 744.1331 of this title (relating to What documentation must I provide to Licensing to verify that training requirements have been met?), obtained from another child-day care operation that we regulate within two months before coming to work for your operation, 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 for this person accordingly.

40 TAC § 744.1327

Tex. Admin. Code tit. 40, § 744.1327

§ 744.1327. What is self-instructional and instructor-led training?

(a) Self-instructional training is designed to be used by one individual working alone and at their own pace to complete the lessons or modules. Lessons or modules commonly include questions with clear right and wrong answers. Examples include, but are not limited to, self-paced web-based training, written materials, or a combination of video or web-based and written materials.

(b) Instructor-led training is characterized by the communication and interaction that takes place between the learner and the instructor and must include an opportunity for the learner to interact with the instructor to obtain information beyond the scope of the training materials. The instructor must be able to communicate with the learner in a timely and organized fashion, including but not limited to the instructor answering questions, providing feedback on skills practice, providing guidance or information on additional resources, and proactively contacting learners. Examples include, but are not limited to, classroom training, web-based on-line facilitated learning, video-conferencing, or other group learning experiences.

(c) Both self-instructional and instructor-led training must also include the components listed in § 744.1319(d) of this title (relating to Must the training for my caregivers and the director meet certain criteria?).

40 TAC § 744.1331

Tex. Admin. Code tit. 40, § 744.1331

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§ 744.1331. What documentation must I provide to Licensing to verify that training requirements have been met?

(a) Except as provided in this section, you must maintain original certificates documenting CPR/first-aid and annual training in each employee's personnel record at the operation. To be counted toward compliance with the minimum standards, the trainer or training source must provide the participant with an original certificate or letter showing:

(1) The participant's name;

(2) Date of the training;

(3) Title/subject of the training;

(4) The trainer's name, or the source of the training for self-instructional training;

(5) The trainer's qualifications, in compliance with § 744.1319 of this title (relating to Must the training for my caregivers and the director meet certain criteria?); and

(6) Length of the training specified in clock hours, CEUs, or college credit hours, as appropriate.

(b) Documentation of CPR/first-aid training must include the same information in subsection (a) of this section, and must also include the expiration date of the training, as determined by the organization providing the training. A photocopy of the original CPR/first-aid certificate or letter may be maintained in the personnel record, as long as the employee can provide an original document upon request by Licensing.

(c) You must obtain a signed and dated statement from the employee and the person providing the orientation and pre-service training stating the employee has received the orientation and pre-service training, or you may obtain documentation as specified in subsection (a) of this section.

40 TAC § 744.1401
Tex. Admin. Code tit. 40, § 744.1401

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§ 744.1401. With what minimum standards must substitutes comply?

(a) Substitutes counted in the child/caregiver ratio, whether paid or unpaid, are considered caregivers and must comply with minimum standards that apply to employees and caregivers, except as otherwise provided in this division.

(b) Substitutes not counted in the child/caregiver ratio, whether paid or unpaid, must comply with minimum standards that apply to employees, except as otherwise provided in this division.

40 TAC § 744.1403

Tex. Admin. Code tit. 40, § 744.1403

§ 744.1403. With what minimum standards must volunteers or any person under contract with the operation comply?

(a) Volunteers and any person under contract with the operation, whether paid or unpaid, who are regularly or frequently present at the operation but not counted in the child/caregiver ratio, must comply with minimum standards that apply to employees.

(b) Volunteers and any person under contract with the operation, whether paid or unpaid, who are regularly or frequently present at the operation and counted in the child/caregiver ratio, must comply with minimum standards that apply to employees and caregivers.

(c) Volunteers and any person under contract with the operation that do not meet caregiver qualifications, whether paid or unpaid, must never be left alone with children.

40 TAC § 744.1501

Tex. Admin. Code tit. 40, § 744.1501

§ 744.1501. What is child/caregiver ratio?

(a) The child/caregiver ratio is the maximum number of children one caregiver can be responsible for.

(b) Each child must have a caregiver who is responsible for the child and who is aware of details of the child's habits, interests, and any special needs.

40 TAC § 744.1503

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Tex. Admin. Code tit. 40, § 744.1503

§ 744.1503. What is considered a group?

A group of children is defined by the number of children assigned to a specific caregiver or group of caregivers, occupying an individual classroom or well-defined physical space within a larger room. Each child in any group has two things in common with every other child in his group: the same caregiver(s) responsible for the child's basic needs and the same classroom or activity space. Generally, the group stays with the assigned caregiver(s) throughout the day and may move to different areas throughout the operation, indoors and out. The group may not mix freely with other children, unless specific criteria are met as specified in this subchapter. The number of children who may be in a group varies according to the age of the children and the number of caregivers as specified in this subchapter.

40 TAC § 744.1505

Tex. Admin. Code tit. 40, § 744.1505

§ 744.1505. May I place more than one group of children in a large room?

Yes. More than one group of children may occupy a room, provided the following conditions are met:

(1) The room is divided so that groups are separated. For example, a group of 25 children and another group of 10 children may be cared for in the same room if the placement of shelves, accordion doors, low movable walls, or symbolic boundaries divide the area so that children in one group do not freely mix with children in another group;

(2) Groups may move from one activity area to another within the room during the day, but individual children may not freely mingle between groups; and

(3) The total number of children must not routinely exceed the room capacity based on activity space.

40 TAC § 744.1507

Tex. Admin. Code tit. 40, § 744.1507

§ 744.1507. How do I determine the child/caregiver ratio?

In determining child/caregiver ratio, the following apply:

(1) Child/caregiver ratio is based on the specified age of the children in the caregiver's group or the age of the youngest child in the group, depending on the activity and the number of children at the operation.

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(2) You may use the developmental or emotional age, rather than the chronological age, of a child with special care needs, if this is recommended by a health-care professional or other qualified professional and is documented in the child's record.

(3) You must consider the skills of the caregiver and the needs of the individual children and the group when assigning a caregiver to a group of children.

(4) You must include all children in care, including children related to the director and employees.

(5) In emergency situations, you may use employees of the operation who do not meet caregiver qualifications for a limited time while a substitute caregiver is being secured. The time must be no longer than is reasonably necessary to secure a qualified substitute caregiver. Emergency situations include, but are not limited to, illness, accident, or death.

(6) The total number of children in care at the operation and in care away from the operation, such as during a field trip, must never exceed the licensed capacity of the operation.

**40 TAC § 744.1601
Tex. Admin. Code tit. 40, § 744.1601**

§ 744.1601. How many children may one caregiver supervise?

You must comply with the classroom ratios and group sizes in § 746.1601 of this title (relating to How many children may one caregiver supervise?) and § 746.1615 of this title (relating to May I adjust the child/caregiver ratio when I am opening and closing my child-care center?).

**40 TAC § 744.1603
Tex. Admin. Code tit. 40, § 744.1603**

§ 744.1603. How do I determine the specified age of the children in each group?

Identify the specified age of the children in each group using this formula:

(1) List all of the children in the group in order of their ages from youngest to oldest;

(2) Determine the total number of children in the group and divide this number by two. If the result is not a whole

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number but is .5, such as 6.5, round up to the next number, which is 7. This will be the core number of the group; and

(3) Begin counting at the first or youngest child on your list and count down the list from youngest to oldest, until you reach the core number. The age of this child is the specified age of the children in this group.

**40 TAC § 744.1605
Tex. Admin. Code tit. 40, § 744.1605**

§ 744.1605. If I have two or more caregivers with each group, what is the maximum number of children each caregiver may supervise?

The maximum number of children two or more caregivers may supervise is limited by the maximum group size.

**40 TAC § 744.1607
Tex. Admin. Code tit. 40, § 744.1607**

§ 744.1607. What is the maximum group size?

You must comply with § 746.1609 of this title (relating to What is the maximum group size?).

**40 TAC § 744.1609
Tex. Admin. Code tit. 40, § 744.1609**

§ 744.1609. Are there times when I may mix groups of children and exceed the maximum group size?

(a) Yes. When 13 or more children are in care, you may mix groups for joint activities and exceed the maximum group size for limited times under the following conditions:

(1) For children three years through four years old, for a maximum of 30 minutes;

(2) For children five years old and older, for a maximum of 1 1/2 hours;

(3) For mealtimes, field trips, outdoor play, and naptimes, for the length of that activity; and

(4) For activities that are fundamental to the core development of a skill, talent, ability, expertise, or proficiency that is the goal of skill instruction or training that is a core component of your operation's program, for the length of the activity.

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(b) The child/caregiver ratio must be met for each group and activity.

40 TAC § 744.1611
Tex. Admin. Code tit. 40, § 744.1611

§ 744.1611. May I reduce the number of caregivers supervising children during naptime?

(a) Yes. If 13 or more children are in care, you may reduce the child/caregiver ratio for children by 50% during naptime under the following conditions:

(1) Groups of children using reduced ratio must be combined in a central sleeping location that safely accommodates naptime equipment;

(2) Groups of children that cannot be combined in a central location due to space limitations must not use reduced ratios;

(3) Caregivers with groups that cannot be combined must not be counted as additional caregivers in the building or in the naptime ratio;

(4) If only one caregiver is required to supervise the naptime group, at least one other employee or caregiver must be present in the building;

(5) If more than one caregiver(s) must supervise the naptime group, one additional employee or caregiver must be present in the building for every two caregivers supervising the naptime group;

(6) Caregivers supervising during naptime must be physically present in the room or area in which children are napping and must be able to summon the additional employee(s) without leaving the room or area; and

(7) Other employees, such as the director or cook, who are not supervising a group of children may be counted as additional adults required in the building during naptime.

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(b) The following chart shows the 50% naptime ratio and the number of additional caregivers required in the building:

Figure: 40 TAC §744.1611(b)

If the total number of caregivers required to supervise the combined groups before naptime is...	Then the number of caregivers needed to supervise groups combined in a central sleeping location is...	And the number of additional employees required in the building must be at least...
10	5	3
9	5	3
8	4	2
7	4	2
6	3	2
5	3	2
4	2	1
3	2	1
2	1	1
1	1	1

40 TAC § 744.1613
 Tex. Admin. Code tit. 40, § 744.1613

§ 744.1613. Will I be given an opportunity to comply with changes in child/caregiver ratio and group sizes?

You will have the same opportunity to comply with changes in child/caregiver ratios and group sizes as provided in Subchapter E of Chapter 746 of this title (relating to Child/Caregiver Ratios and Group Sizes), unless stated otherwise. This will also include any opportunity to comply with child/caregiver ratios relating to field trips, splashing/wading activities, and swimming activities.

40 TAC § 744.1701
 Tex. Admin. Code tit. 40, § 744.1701

§ 744.1701. Do I need additional caregivers when I take children away from the operation for field trips or walks?

You must comply with § 746.1801 of this title (relating to Do I need additional caregivers when I take children away from the child-care center for field trips or walks?).

40 TAC § 744.1705
 Tex. Admin. Code tit. 40, § 744.1705

§ 744.1705. If I provide transportation, how many caregivers must I have in the vehicle to supervise the children?

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You must comply with classroom child/caregiver ratios when transporting children. The driver may be counted in this ratio if the driver meets caregiver qualifications.

40 TAC § 744.1801
Tex. Admin. Code tit. 40, § 744.1801

§ 744.1801. Must I have additional caregivers during nighttime care?

No. Additional caregivers are not needed for the child/caregiver ratio for nighttime care, although naptime ratios must not be used during nighttime care.

0 TAC § 744.1901
Tex. Admin. Code tit. 40, § 744.1901

§ 744.1901. Must I have additional caregivers for splashing/wading activities?

You must comply with § 746.2101 of this title (relating to Must I have additional caregivers for splashing/wading activities?).

40 TAC § 744.1905
Tex. Admin. Code tit. 40, § 744.1905

§ 744.1905. What are the child/caregiver ratios for swimming activities?

You must comply with § 746.2105 of this title (relating to What are the child/caregiver ratios for swimming activities?).

40 TAC § 744.1907
Tex. Admin. Code tit. 40, § 744.1907

§ 744.1907. Must a certified lifeguard be on duty when children are swimming in more than two feet of water?

Yes. When children are swimming in more than two feet of water, a certified lifeguard must be on duty at all times.

40 TAC § 744.1909
Tex. Admin. Code tit. 40, § 744.1909

§ 744.1909. May I count the certified lifeguard in the child/caregiver ratio?

(a) You must not count the certified lifeguard in the child/caregiver ratio when people other than the children from

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your operation are swimming.

(b) If only children from your operation are swimming, you may count the certified lifeguard in the child/caregiver ratio, although the lifeguard must never be left alone with any of the children unless the lifeguard is also a qualified caregiver you employ at your operation.

40 TAC § 744.1911
Tex. Admin. Code tit. 40, § 744.1911

§ 744.1911. Must persons who are counted in the child/caregiver ratio during swimming activities know how to swim?

Yes. Each person included in the child/caregiver ratio for swimming in two feet or more of water must be able to swim and must be prepared to do so in an emergency.

40 TAC § 744.1913
Tex. Admin. Code tit. 40, § 744.1913

§ 744.1913. May I include volunteers or child-care employees who do not meet minimum qualifications for caregivers in the child/caregiver ratio for water activities?

Yes. To meet the child/caregiver ratio for splashing/wading and swimming activities, you may include adult volunteers and employees of your operation who do not meet the minimum qualifications for caregivers specified in Subchapter D of this chapter (relating to Personnel), provided that:

(1) You maintain at least the classroom child/caregiver ratios required in this subchapter with caregivers who do meet the minimum qualifications for caregivers;

(2) All persons included in the ratios for water activities must be able to swim and must be prepared to do so in an emergency; and

(3) You ensure compliance with all other minimum standards, including, but not limited to, standards relating to supervision, discipline, and guidance.

40 TAC § 744.1915
Tex. Admin. Code tit. 40, § 744.1915

§ 744.1915. Must I have additional caregivers for sprinkler play?

We do not require additional caregivers for sprinkler play; however, you must not leave a child alone with the sprinkler equipment.

40 TAC § 744.2001

Texas Administrative Code _Title 40. Social Services and Assistance _Part 19. Department of Family and Protective Services _Chapter 744. Minimum Standards for School-Age and Before or After-School Programs _Subchapter D. Personnel _Division 1. Director

Tex. Admin. Code tit. 40, § 744.2001

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§ 744.2001. Must caregivers provide planned activities for the children in their care?

(a) Yes. Caregivers must ensure children receive individual attention and care including:

- (1) Flexible programming according to each child's age, interest, and abilities;
- (2) Encouraging communication and expression of feelings in appropriate ways;
- (3) Study time for those children who choose to work on homework assignments;
- (4) Physical care routines appropriate to each child's developmental needs; and
- (5) A caregiver who is aware of the arrival and departure of each child, including dismissing children who ride the bus or walk home.

(b) In addition, the following activities must be included for children who are in care five or more consecutive hours in a day:

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

(2) A balance of active and quiet play, including group and individual activities;

(3) Opportunities for active play both indoors and outdoors. Examples 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;

Texas Administrative Code _Title 40. Social Services and Assistance _Part 19. Department of Family and Protective Services _Chapter 744. Minimum Standards for School-Age and Before or After-School Programs _Subchapter D. Personnel _Division 1. Director

(4) Regular meal and snack times as specified in § 744.2403 of this title (relating to How often must I feed children in my care?);

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

(6) Both child-initiated and caregiver-initiated activities;

(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.

(c) You must ensure that children who need special care due to disabling or limiting conditions receive the care recommended by a health-care professional or qualified professionals affiliated with the local school district or early childhood intervention program. These basic care requirements must be documented and on file for review at the operation during your hours of operation. Activities must integrate all children with or without special care needs. You may need to adapt equipment and vary methods to ensure that you care for children with special needs in a natural environment.

40 TAC § 744.2003
Tex. Admin. Code tit. 40, § 744.2003

§ 744.2003. Are there additional requirements if my operation cares for children under the age of five?

Yes. If your operation cares for children under the age of five, you must:

(1) Have a written plan that includes the following:

(A) How children under the age of five will be supervised while transitioning to and from restrooms, indoor and outdoor activity spaces, and spaces shared by other persons outside of the operation;

(B) How caregivers will meet the unique care needs of children younger than five years old;

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(C) Under what circumstances children under five years old will be mixing with older children in the operation; and

(D) Any modifications to space or equipment that will be made to accommodate children under five years old.

(2) Follow the plan and make the plan available for review by Licensing and parents upon request during your hours of operation.

**40 TAC § 744.2005
Tex. Admin. Code tit. 40, § 744.2005**

§ 744.2005. Must caregivers have written activity plans?

(a) You must have a written activity plan for children who are in care for five or more consecutive hours. The plan must outline the daily routines and specific activities for each group and the plan must be followed by the caregiver(s) responsible for that group.

(b) The activity plan must be inclusive for all children in the group regardless of disabling or limiting conditions.

(c) The plan must indicate the age group it is designed for and dates (daily, weekly, or monthly) the plan covers.

(d) You must post the written activity plan for each group of children as specified in § 744.403 of this title (relating to When and where must these items be posted?).

(e) You must keep a written activity plan at your operation for at least three months. You must make them available for review by Licensing and parents upon request during your hours of operation.

**40 TAC § 744.2007
Tex. Admin. Code tit. 40, § 744.2007**

§ 744.2007. May I use TV/video, computer, or video games for activities with children?

(a) TV/video, computer, or video games may be used to supplement, but may not be used to replace, the activities for children described in § 744.2001 of this title (relating to Must caregivers provide planned activities for the children in their care?).

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(b) If you use TV/video, computer, or video games as an activity for children, you must ensure that they:

(1) Are age-appropriate; and

(2) Do not exceed two hours per day.

40 TAC § 744.2051
Tex. Admin. Code tit. 40, § 744.2051

§ 744.2051. What physical space and equipment must I provide for children in my care?

Physical space and equipment for children must include:

(1) Space for furnishings and activities without limiting children's movement;

(2) Space where children can be supervised while they participate in individual activities;

(3) Space for quiet time to do homework, if applicable;

(4) Workspace to do homework and table-top activities, if applicable;

(5) Tables and chairs that are safe, easy to clean, and of a height and size appropriate for each age group in care;

(6) Age-appropriate nap or rest equipment for children who are in care more than five consecutive hours per day or whose physical needs otherwise require nap or rest;

(7) Containers or low shelving available so items children can safely use without direct supervision are accessible to children; and

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(8) A system for storing each child's belongings, which allows a child to easily recognize and retrieve his belongings.