

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 G. Discipline and Guidance

40 TAC § 744.2101
Tex. Admin. Code tit. 40, § 744.2101

§ 744.2101. What discipline techniques may be used with children in care?

(a) Each disciplinary measure must:

- (1) Be consistent with your policies and procedures;
- (2) Not be physically or emotionally damaging to the child;
- (3) Be appropriate to the child's age and level of understanding; and
- (4) Be appropriate to the incident and severity of the behavior demonstrated.

(b) The caregiver must explain the reason for the disciplinary measure when the caregiver imposes the measure.

40 TAC § 744.2103
Tex. Admin. Code tit. 40, § 744.2103

§ 744.2103. What methods of discipline and guidance may a caregiver use?

A caregiver may only use positive methods of discipline and guidance that encourage self-esteem, self-control, and self-direction, which include at least the following:

- (1) Using praise and encouragement of good behavior instead of focusing only upon unacceptable behavior;
- (2) Reminding a child of behavior expectations daily by using clear, positive statements;

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(3) Redirecting behavior using positive statements; and

(4) 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.

40 TAC § 744.2105
Tex. Admin. Code tit. 40, § 744.2105

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§ 744.2105. 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) Corporal punishment or threats of corporal punishment;

(2) Punishment associated with food, naps, or toilet training;

(3) Pinching, shaking, or biting a child;

(4) Hitting a child with a hand or instrument;

(5) Putting anything in or on a child's mouth;

(6) Humiliating, ridiculing, rejecting, or yelling at a child;

(7) Subjecting a child to harsh, abusive, or profane language;

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(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.

40 TAC § 744.2107
Tex. Admin. Code tit. 40, § 744.2107

§ 744.2107. May my employees discipline their own children who are in care at my operation?

Yes, during operating hours an employee may discipline the employee's own child as long as the employee does not violate the requirements specified in this subchapter.

40 TAC § 744.2109
Tex. Admin. Code tit. 40, § 744.2109

§ 744.2109. May I use disciplinary measures that are fundamental to teaching a skill, talent, ability, expertise, or proficiency?

You may use disciplinary measures for teaching 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 so long as:

(1) The measures are considered commonly accepted teaching or training techniques;

(2) You provide a description of the training and disciplinary measures in writing to parents and employees and include the following information:

(A) The disciplinary measures that may be used, such as physical exercise or sparring used in martial arts programs;

(B) What behaviors would warrant the use of these measures; and

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(C) The maximum amount of time the measures would be imposed;

(3) Inform parents that they have the right to ask for additional information; and

(4) Ensure that the disciplinary measures used are not considered abuse, neglect, or exploitation as specified in the Texas Family Code § 261.401 and Chapter 745, Subchapter K, Division 5, of this title (relating to Abuse and Neglect).

40 TAC § 744.2111
Tex. Admin. Code tit. 40, § 744.2111

§ 744.2111. Must I have a written discipline and guidance policy?

(a) You are required to have a written discipline and guidance policy that complies with the rules in this subchapter. You may use a copy of this subchapter for your written discipline and guidance policy, unless you use disciplinary and training measures specific to a skills-based program, as specified in § 744.2109 of this title (relating to May I use disciplinary measures that are fundamental to teaching a skill, talent, ability, expertise, or proficiency?).

(b) You must provide a copy of your written discipline and guidance policy to parents and employees.

40 TAC § 744.2113
Tex. Admin. Code tit. 40, § 744.2113

§ 744.2113. Must I give a copy of my written discipline and guidance policy to parents and my employees?

(a) You must give a copy of your written discipline and guidance policy or a copy of this subchapter to parents and operation employees as specified in Subchapter B of this chapter (relating to Administration and Communication).

(b) You must keep documentation showing that all parents and employees have received a copy of your written discipline and guidance policy or a copy of this subchapter. You may do this as a part of your operation's policies or in a separate document.

40 TAC § 744.2115
Tex. Admin. Code tit. 40, § 744.2115

§ 744.2115. How often must I update my written discipline and guidance policy?

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You must update your written discipline and guidance policy each time you make changes. You must keep documentation at your operation showing that all parents and employees have received a copy of your revised discipline and guidance policy.

40 TAC § 744.2201
Tex. Admin. Code tit. 40, § 744.2201

§ 744.2201. Must children have a naptime every day?

You must provide a supervised nap, or a period of rest for those children too old to nap, for all children who are in care five or more consecutive hours, or according to the child's individual physical needs. You may provide a sleep or rest period for each child who attends the program for fewer than five hours and whose individual physical needs call for a rest period while the child is in care.

40 TAC § 744.2203
Tex. Admin. Code tit. 40, § 744.2203

§ 744.2203. How long may the nap and rest time last each day?

The nap or rest period must not exceed three hours.

40 TAC § 744.2205
Tex. Admin. Code tit. 40, § 744.2205

§ 744.2205. Are children required to sleep during this time?

No. You must not 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.

40 TAC § 744.2207
Tex. Admin. Code tit. 40, § 744.2207

§ 744.2207. Must I provide an alternative activity for those children who cannot sleep?

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

40 TAC § 744.2209
Tex. Admin. Code tit. 40, § 744.2209

§ 744.2209. Must I arrange the napping equipment in a specific manner?

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Napping equipment must:

- (1) Not block entrances or exits to the area;
- (2) Not be set up during other activities or left in place to interfere with children's activity space;
- (3) Be arranged so that each child and caregiver has access to a walkway without having to walk on or over the sleep or rest equipment of other children; and
- (4) Be arranged so the caregiver can adequately supervise all of the children in the group as specified in § 744.1205 of this title (relating to What does Licensing mean by "supervise children at all times"?).

40 TAC § 744.2211
Tex. Admin. Code tit. 40, § 744.2211

§ 744.2211. May I darken the room while children are sleeping?

Yes. You may lower the lighting, provided there is adequate lighting to allow visual supervision of all children in the group at all times.

40 TAC § 744.2251
Tex. Admin. Code tit. 40, § 744.2251

§ 744.2251. May I provide nighttime care to children at my operation?

If your operation offers nighttime care, you must follow the rules specified in Chapter 746, Subchapter P of this title (relating to Nighttime Care).

40 TAC § 744.2301
Tex. Admin. Code tit. 40, § 744.2301

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

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Yes. You must ensure the safety of all children on field trips or excursions and during any transportation provided by the operation. Anytime you take a child away from the operation for a field trip, you must comply with each of the following requirements:

(1) You must have signed permission from the parent to take a child on a field trip, including permission to transport the child, if applicable;

(2) One or more caregivers must carry emergency medical consent forms and emergency contact information for each child on the field trip;

(3) Caregivers must have a written list of all children on the field trip and must check the list frequently to account for the presence of all children;

(4) Caregivers must have a first-aid kit immediately available on field trips;

(5) Each child must wear a shirt, nametag, or other identification listing the name of the operation and the operation's telephone number;

(6) Each caregiver must be easily identifiable by all children on the field trip by wearing a hat, operation tee-shirt, brightly-colored clothes, or other easily spotted identification;

(7) Each caregiver supervising a field trip must have transportation available, or a communication device such as a cellular phone, message pager, or two-way radio available or an alternate plan for transportation at the field-trip location in case of emergency; and

(8) Caregivers with training in CPR and first aid with rescue breathing and choking must be present on the field trip.

40 TAC § 744.2303
Tex. Admin. Code tit. 40, § 744.2303

§ 744.2303. Must I notify parents before I take children away from the operation on a field trip?

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Yes. You must notify the parent of each child who will be on the field trip, indicating when and where the child will be going, and when the child is expected to return to the operation. The notice must be posted at least 48 hours in advance of a field trip. You must post the field trip notice in a prominent place where parents and others may view it. The notice must remain posted until all children on the field trip have returned to the operation.

40 TAC § 744.2305
Tex. Admin. Code tit. 40, § 744.2305

§ 744.2305. Must I have additional caregivers present to take children on a field trip?

Refer to Subchapter E of this chapter (relating to Child/Caregiver Ratios and Group Sizes) for child/caregiver ratios relating to field trips.