

40 TAC § 746.1001
Tex. Admin. Code tit. 40, § 746.1001

§ 746.1001. Who is the child-care center director?

The child-care center director is the adult you designate to have the daily, on-site responsibility for the operation of the child-care center, including maintaining compliance with the minimum standards and Licensing laws.

40 TAC § 746.1003
Tex. Admin. Code tit. 40, § 746.1003

§ 746.1003. What are the director's responsibilities while at the child-care center?

Your child-care center director must ensure:

- (1) The child-care center's daily operation is administered in compliance 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.

40 TAC § 746.1007
Tex. Admin. Code tit. 40, § 746.1007

§ 746.1007. May I be the director of my own child-care center?

Yes. You may be both the director and permit holder of a child-care center if you meet all of the required qualifications and are able to fulfill the responsibilities of a child-care center director.

40 TAC § 746.1009
Tex. Admin. Code tit. 40, § 746.1009

§ 746.1009. May I have more than one director for my child-care center?

Yes. You may designate more than one director for your child-care center; however, each director must meet the qualifications specified in this division and receive a written job description that includes job responsibilities.

40 TAC § 746.1011
Tex. Admin. Code tit. 40, § 746.1011

§ 746.1011. Must my director be at my child-care center during all hours of operation?

No; however, your director's presence during operating hours must be routine and adequate enough to meet the position's responsibilities as described in § 746.1003 of this title (relating to What are the director's responsibilities while at the child-care center?), including the responsibility to ensure the child-care center complies with all minimum standards.

40 TAC § 746.1013
Tex. Admin. Code tit. 40, § 746.1013

§ 746.1013. Must someone else be designated to be in charge of my child-care center in my director's absence?

(a) Yes. Anytime your director is away from the child-care center during hours of operation, you or your director must designate a qualified caregiver or director to be in charge of the child-care center. Designated individuals must:

- (1) Know they are in charge and for how long;
- (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 child-care center in compliance with minimum standards.

(b) If the director must be absent for an extended period of time for any reason, you must name someone who meets director qualifications to serve during the director’s absence and you must report the name of the temporary director to Licensing.

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

40 TAC § 746.1015
Tex. Admin. Code tit. 40, § 746.1015

§ 746.1015. What qualifications must the director of my child-care center licensed for 13 or more children meet?

(a) Except as otherwise provided in this division, the director of a child-care center licensed for 13 or more children 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, as defined in § 746.1021 of this title (relating to What constitutes experience in a licensed child-care center, or in a licensed or registered child-care home?):

Figure: 40 TAC §746.1015(a)

Education	Experience
(1) A bachelor's degree with 12 college credit hours in child development and six college credit hours in business management,	and at least one year of experience in a licensed child-care center;
(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 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 two years of experience in a licensed child-care center;
(3) Sixty college credit hours with nine college credit hours in child development and six college credit hours in business management,	and at least two years of experience in a licensed child-care center;
(4) 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;
(5) A Child Development Associate credential or Certified Child-Care Professional credential with six college credit hours in business management,	and at least two years of experience in a licensed child-care center;
(6) A day-care administrator's credential issued by a professional organization or 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
(7) Nine college credit hours in child development and nine college credit hours in business management,	and at least three years of experience in a licensed child-care center.

(b) Options (5) and (6) in subsection (a) of this section require periodic renewal to remain qualified.

40 TAC § 746.1017
Tex. Admin. Code tit. 40, § 746.1017

§ 746.1017. What qualifications must the director of my child-care center licensed for 12 or fewer children meet?

(a) Except as otherwise provided in this division, the director of a child-care center licensed for 12 or fewer children must be at least 21 years old, have a high school diploma or its equivalent, and meet one of the following combinations of education and experience, as defined in § 746.1021 of this title (relating to What constitutes experience in a licensed child-care center, or in a licensed or registered child-care home?):

Figure: 40 TAC §746.1017(a)	
Education	Experience
(1) 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 a licensed or registered child-care home;
(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 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 a licensed or registered child-care home;
(3) Sixty college credit hours with six 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 a licensed or registered child-care home;
(4) 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 a licensed or registered child-care home;
(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 business management,	and at least two years of experience in a licensed child-care center or a licensed or registered child-care home;
(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 child-care center or licensed or registered child-care home; or
(7) 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 a licensed or registered child-care home.

(b) Options (4) and (6) in subsection (a) of this section require periodic renewal.

40 TAC § 746.1019
Tex. Admin. Code tit. 40, § 746.1019

§ 746.1019. Are any directors exempt from the qualifications?

(a) A current director who was director of a DFPS licensed group day-care home before May 1, 1985, is exempt from the requirements specified in § 746.1017 of this title (relating to What qualifications must the director of my child-care center licensed for 12 or fewer children meet?).

(b) A current director who was director before September 1, 2003, of a DFPS licensed school: grades kindergarten and above, kindergarten and nursery school, or drop-in care center is exempt from the requirements specified in § 746.1015 of this title (relating to What qualifications must the director of my child-care center licensed for 13 or more children meet?).

(c) If a current director under exemption changes jobs after December 1, 2010, this person must meet director qualifications specified in this subchapter before being designated a child-care center director in a new position.

40 TAC § 746.1021
Tex. Admin. Code tit. 40, § 746.1021

§ 746.1021. 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 any DFPS licensed child-care center, whether paid or unpaid;

(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 may be counted as experience in a licensed or registered child-care home:

Texas Administrative Code _Title 40. Social Services and Assistance _Part 19. Department of Family and Protective Services _Chapter 746. Minimum Standards for Child-Care Centers _Subchapter D. Personnel_Division 1. Child

(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.

**40 TAC § 746.1023
Tex. Admin. Code tit. 40, § 746.1023**

§ 746.1023. May other types of experience be substituted for the required experience in a licensed child-care center, or in a licensed or registered child-care home?

The following types of experience may be substituted for one year of the required experience:

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

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

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

**40 TAC § 746.1025
Tex. Admin. Code tit. 40, § 746.1025**

§ 746.1025. Can Licensing verify whether someone has sufficient experience in a licensed child-care center, or in a licensed or registered child-care home?

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

40 TAC § 746.1027
Tex. Admin. Code tit. 40, § 746.1027

§ 746.1027. 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 third grade, and other similar courses may be counted, provided the course content relates to child development or the topics specified in § 746.1309 of this title (relating to How many clock hours of annual training must be obtained by caregivers?). Abnormal psychology and secondary education courses are not recognized as child development.

40 TAC § 746.1029
Tex. Admin. Code tit. 40, § 746.1029

§ 746.1029. 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 § 746.1031
Tex. Admin. Code tit. 40, § 746.1031

§ 746.1031. What are clock hours?

Clock hours may consist of documented attendance at:

- (1) Seminars, workshops, conferences, and early childhood classes;
- (2) Self-instructional programs; or
- (3) Planned learning opportunities provided by consultants, a qualified director, or by a child-care association.

40 TAC § 746.1033
Tex. Admin. Code tit. 40, § 746.1033

§ 746.1033. 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 § 746.1035
Tex. Admin. Code tit. 40, § 746.1035

§ 746.1035. What are CEUs?

CEUs (continuing education units) 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 § 746.1037
Tex. Admin. Code tit. 40, § 746.1037

§ 746.1037. 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 business management. You may substitute 50 clock hours or five CEUs for each three college credit hours required in child development and/or business management.

40 TAC § 746.1039
Tex. Admin. Code tit. 40, § 746.1039

§ 746.1039. What kind of documentation must I submit to Licensing to show my child-care center director is qualified and when must I submit it?

(a) You must submit the following for each director at your child-care center:

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

(2) A completed Licensing Request for Criminal History and Central Registry Check form;

(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 Child-Care Center 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.

(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 director.

40 TAC § 746.1041
Tex. Admin. Code tit. 40, § 746.1041

§ 746.1041. What documentation must I have to prove that the person received the clock hours or CEUs?

You must have documentation specified in § 746.1329 of this title (relating to What documentation must I provide to Licensing to verify that training requirements have been met?).

40 TAC § 746.1043
Tex. Admin. Code tit. 40, § 746.1043

§ 746.1043. What documentation must I provide to Licensing to show that my director has acceptable child development and business management education?

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

40 TAC § 746.1045
Tex. Admin. Code tit. 40, § 746.1045

§ 746.1045. 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 § 746.1047

Tex. Admin. Code tit. 40, § 746.1047

§ 746.1047. 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 § 746.1049

Tex. Admin. Code tit. 40, § 746.1049

§ 746.1049. What happens if Licensing determines that my child-care center director does not meet minimum standard qualifications?

We will notify you that your director is in violation of minimum standards for failure to meet child-care center 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 § 746.1051

Tex. Admin. Code tit. 40, § 746.1051

§ 746.1051. 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 Child-Care Center Director's Certificate. The certificate verifies only that the named person meets minimum standard qualifications specified in § 746.1015 of this title (relating to What qualifications must the director of my child-care center licensed for 13 or more children meet?) or § 746.1017 of this title (relating to What qualifications must the director of my child-care center licensed for 12 or fewer children meet?).

40 TAC § 746.1053

Tex. Admin. Code tit. 40, § 746.1053

§ 746.1053. Will the director's certificate expire?

The director's certificate will have an expiration date, if the director was qualified under subsection (a), options (5) or (6) in § 746.1015 of this title (relating to What qualifications must the director of my child-care center licensed for 13 or more children meet?) or subsection (a), options (4) or (6) in § 746.1017 of this title (relating to What qualifications must the director of my child-care center licensed for 12 or fewer children meet?). Otherwise the Licensing Child-Care Center Director's Certificate will not expire.

40 TAC § 746.1055

Tex. Admin. Code tit. 40, § 746.1055

§ 746.1055. How often must an expiring certificate be renewed?

Texas Administrative Code _Title 40. Social Services and Assistance _Part 19. Department of Family and Protective Services _Chapter 746. Minimum Standards for Child-Care Centers _Subchapter D. Personnel_Division 1. Child

If you qualify under subsection (a), options (5) or (6) in § 746.1015 of this title (relating to What qualifications must the director of my child-care center licensed for 13 or more children meet?) or subsection (a), options (4) or (6) in § 746.1017 of this title (relating to What qualifications must the director of my child-care center licensed for 12 or fewer children 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 Child-Care Center Director's Certificate.

**40 TAC § 746.1057
Tex. Admin. Code tit. 40, § 746.1057**

§ 746.1057. 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 child-care center director, you violate minimum standards.

**40 TAC § 746.1059
Tex. Admin. Code tit. 40, § 746.1059**

§ 746.1059. If I hire someone who was qualified as a director at another licensed child-care center 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 Child-Care Center 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 child-care center director qualifications.

**40 TAC § 746.1061
Tex. Admin. Code tit. 40, § 746.1061**

§ 746.1061. 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 § 746.1063
Tex. Admin. Code tit. 40, § 746.1063**

§ 746.1063. Can my director get a replacement Child-Care Center Director's Certificate?

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

(1) The name and address of your child-care center;

(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 § 746.1101
Tex. Admin. Code tit. 40, § 746.1101

§ 746.1101. What is the difference between a child-care center employee and a child-care center caregiver?

(a) An employee is any person employed by the child-care center, including caregivers; kitchen, office, or maintenance personnel; other child-care center personnel; and the child-care center director.

(b) A caregiver is an employee counted in the child/caregiver ratio, whose duties include direct care, supervision, guidance, and the protection of children in care.

40 TAC § 746.1103
Tex. Admin. Code tit. 40, § 746.1103

§ 746.1103. Are there different personnel qualifications for employees and caregivers?

Yes. Personnel requirements for employees apply to all employees and caregivers. Personnel requirements for caregivers apply only to those persons counted in child/caregiver ratio. The following chart outlines the personnel qualifications for employees and caregivers:

Figure: 40 TAC §746.1103

Employees not counted in child/caregiver ratio:	Caregivers counted in child/caregiver ratio:
DFPS background check	DFPS background check
Be free of active tuberculosis	Be free of active tuberculosis
Notarized Licensing <i>Affidavit for Applicants for Employment</i> form; and	Notarized Licensing <i>Affidavit for Applicants for Employment</i> form; and
Orientation to the child-care center	Orientation to the child-care center
	18 years old or older
	High school diploma or equivalent
	Eight hours pre-service training

40 TAC § 746.1105
Tex. Admin. Code tit. 40, § 746.1105

§ 746.1105. What minimum qualifications must each of my child-care center employees meet?

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

- (1) Meet the requirements in Subchapter F of Chapter 745 of this title (relating to Background Checks);
- (2) Have a current record of a tuberculosis examination, showing they are free of contagious TB, if required by the regional Texas Department of State Health Services or local health authority;
- (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 child-care center as specified in Division 4 of this subchapter (relating to Professional Development).

40 TAC § 746.1107
Tex. Admin. Code tit. 40, § 746.1107

§ 746.1107. 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:

Texas Administrative Code _Title 40. Social Services and Assistance _Part 19. Department of Family and Protective Services _Chapter 746. Minimum Standards for Child-Care Centers _Subchapter D. Personnel_Division 1. Child

(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 eight hours of pre-service training, as specified in Division 4 of this subchapter (relating to Professional Development) before being counted in the child/caregiver ratio.

40 TAC § 746.1109
Tex. Admin. Code tit. 40, § 746.1109

§ 746.1109. Under what circumstances 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 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 child-care center or a group of children;

(2) The person works in the same room with and is supervised by a caregiver qualified under § 746.1107 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 don't leave the person alone with or in charge of a group of children or the child-care center;

(2) The person works in the same room with and is supervised by a caregiver qualified under § 746.1107 of this title (relating to What additional minimum qualifications must each of my caregivers meet?);

(3) The person is currently enrolled in or has completed a child-care-related career program, which 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 § 746.1111
Tex. Admin. Code tit. 40, § 746.1111

§ 746.1111. Does education received outside of the United States count toward caregiver qualifications?

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 § 746.1113
Tex. Admin. Code tit. 40, § 746.1113

§ 746.1113. Do the caregiver qualifications specified in this division apply to a caregiver that was employed before May 1, 1985?

A caregiver who worked in a licensed child-care center before May 1, 1985, must comply with all caregiver qualifications with the exception of the educational requirement specified in § 746.1107(2) of this title (relating to What additional minimum qualifications must each of my caregivers meet?).

40 TAC § 746.1115
Tex. Admin. Code tit. 40, § 746.1115

§ 746.1115. What does Licensing mean by the term "high school equivalent"?

(a) A high school equivalent is a program recognized by the Texas Education Agency (TEA) 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 (GED) certificate.

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

40 TAC § 746.1201
Tex. Admin. Code tit. 40, § 746.1201

§ 746.1201. What general responsibilities do my child-care center employees have?

All child-care center 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 center; and
- (5) Report suspected abuse, neglect, and exploitation to DFPS as specified in the Texas Family Code, § 261.101.

40 TAC § 746.1203
Tex. Admin. Code tit. 40, § 746.1203

§ 746.1203. What additional responsibilities do my caregivers counted in the child/caregiver ratio have?

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 for child-care centers;
- (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 § 746.1205 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;

(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 § 746.1205
Tex. Admin. Code tit. 40, § 746.1205

§ 746.1205. 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 child-care center; and
- (4) Neighborhood circumstances, hazards, and risks.

40 TAC § 746.1301
Tex. Admin. Code tit. 40, § 746.1301

§ 746.1301. What training must I ensure that my employees have?

(a) You must make sure that each employee has the following training:

(1) Orientation to the child-care center for all employees, within seven days of employment for an employee hired after September 1, 2011;

(2) Pre-service training, unless there is documentation of exemption from the training, in the amount of:

(A) Eight clock hours for caregivers hired prior to September 1, 2011; or

(B) 24 clock hours for caregivers hired after September 1, 2011;

(3) 24 clock hours of annual training for caregivers;

(4) 30 clock hours of annual training for the director; and

(5) CPR and first aid as specified in this division.

(b) For caregivers hired after September 1, 2011:

(1) Eight clock hours of the required 24 clock hours for pre-service training must be completed before a caregiver is given responsibility for a group of children; and

(2) The remaining 16 hours of pre-service training must be completed within 90 days of employment.

40 TAC § 746.1303
Tex. Admin. Code tit. 40, § 746.1303

§ 746.1303. What should orientation to my child-care center include?

Your orientation for employees must include at least the following:

(1) An overview of the minimum standards found in this chapter;

(2) Your center's operational policies including discipline, guidance, and the release of children;

(3) An overview of your policy on preventing and responding to abuse and neglect of children;

(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

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

40 TAC § 746.1305
Tex. Admin. Code tit. 40, § 746.1305

§ 746.1305. What must be covered in pre-service training for caregivers?

(a) Pre-service training for caregivers must cover 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.

(b) If a caregiver provides care for children younger than 24 months of age, one hour of that caregiver's pre-service training must cover the following topics:

(1) Recognizing and preventing shaken baby syndrome;

(2) Preventing sudden infant death syndrome; and

(3) Understanding early childhood brain development.

40 TAC § 746.1307
Tex. Admin. Code tit. 40, § 746.1307

§ 746.1307. Are any caregivers exempt from the pre-service training?

Yes. A caregiver is exempt from the pre-service training requirements if he has:

(1) At least two years prior experience in a regulated child-care center; or

(2) Documentation of at least 24 clock hours of training at another regulated child-care center.

40 TAC § 746.1309
Tex. Admin. Code tit. 40, § 746.1309

§ 746.1309. How many clock hours of annual training must be obtained by caregivers?

(a) Each caregiver must obtain at least 24 clock hours of training each year relevant to the age of the children for whom the caregiver provides care. The 24 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) At least one clock hour of annual training must focus on prevention, recognition, and reporting of child abuse and neglect, including:

(1) Factors indicating a child is at risk for abuse or neglect;

(2) Warning signs indicating a child may be a victim of abuse or neglect;

(3) Internal procedures for reporting child abuse or neglect; and

(4) Community organizations that have training programs available to child-care center staff members, children, and parents.

(d) 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 and activity);

(3) Safety;

(4) Risk management;

(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 (for example, caregivers assigned to an infant or toddler group should receive training on biting and toilet training);

(10) Planning developmentally appropriate learning activities;

(11) Observation and assessment;

(12) Attachment and responsive care giving; and

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

(e) If a caregiver provides care for children younger than 24 months of age, one hour of that caregiver's annual training must cover the following topics:

(1) Recognizing and preventing shaken baby syndrome;

(2) Preventing sudden infant death syndrome; and

(3) Understanding early childhood brain development.

(f) 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 § 746.1316 of this title (relating to What additional training must a person have in order to transport a child in care?).

(g) A caregiver may obtain no more than 50% of annual training through self-instructional training.

40 TAC § 746.1311
Tex. Admin. Code tit. 40, § 746.1311

§ 746.1311. How many clock hours of training must my child-care center director obtain each year?

(a) The child-care center director must obtain at least 30 clock hours of training each year relevant to the age of the children for whom the child-care center provides care. The 30 clock hours of annual training are exclusive of CPR and first aid, orientation, pre-service training requirements, and transportation safety.

(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) At least one clock hour of annual training must focus on prevention, recognition, and reporting of child abuse and neglect, including:

(1) Factors indicating a child is at risk for abuse or neglect;

(2) Warning signs indicating a child may be a victim of abuse or neglect;

(3) Internal procedures for reporting child abuse or neglect; and

(4) Community organizations that have training programs available to child-care center staff members, children, and parents.

(d) A director with five or fewer years of experience as a designated director of a child-care center must also complete at least six clock hours of the annual training in management techniques, leadership, or staff supervision.

(e) A director with more than five years of experience as a designated director of a child-care center must complete at least three clock hours of the annual training in management techniques, leadership, or staff supervision.

(f) If the center provides care for children younger than 24 months of age, one hour of the annual training must cover the following topics:

(1) Recognizing and preventing shaken baby syndrome;

(2) Preventing sudden infant death syndrome; and

(3) Understanding early childhood brain development.

(g) The remainder of the 30 clock hours of annual training must be selected from the training topics specified in § 746.1309(d) of this title (relating to How many clock hours of annual training must be obtained by caregivers?).

(h) If the center transports a child younger than nine years old, the director must complete two hours of annual training on transportation safety in addition to the other training requirements.

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

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

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

40 TAC § 746.1313
Tex. Admin. Code tit. 40, § 746.1313

§ 746.1313. 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 § 746.1315
Tex. Admin. Code tit. 40, § 746.1315

§ 746.1315. 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.

Texas Administrative Code _Title 40. Social Services and Assistance _Part 19. Department of Family and Protective Services _Chapter 746. Minimum Standards for Child-Care Centers _Subchapter D. Personnel_Division 1. Child

(b) One caregiver or employee per child-care center, and one caregiver or employee for each group of children away from the child-care center, must have current training in CPR for infants, children, and adults.

(c) CPR training and re-certification must adhere to the guidelines for cardiopulmonary resuscitation (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.

**40 TAC § 746.1316
Tex. Admin. Code tit. 40, § 746.1316**

§ 746.1316. 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 § 746.1317
Tex. Admin. Code tit. 40, § 746.1317**

§ 746.1317. 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;

(6) A director at your child-care center who has demonstrated core knowledge in child development and caregiving if:

(A) Providing training to his own staff; and

(B) Your child-care center 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 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 § 746.1319
Tex. Admin. Code tit. 40, § 746.1319

§ 746.1319. 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 § 746.1321
Tex. Admin. Code tit. 40, § 746.1321

§ 746.1321. 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 § 746.1323
Tex. Admin. Code tit. 40, § 746.1323

§ 746.1323. If I hire a caregiver or a director that received training at another child day-care operation, may these hours count towards the annual training requirement at my center?

If the caregiver or director is able to provide documentation of training as specified in § 746.1329 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 child-care center, 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 § 746.1325
Tex. Admin. Code tit. 40, § 746.1325

§ 746.1325. 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 § 746.1317(d) of this title (relating to Must the training for my caregivers and the director meet certain criteria?).

40 TAC § 746.1329
Tex. Admin. Code tit. 40, § 746.1329

§ 746.1329. 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 child-care center. 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 § 746.1317 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 § 746.1401
Tex. Admin. Code tit. 40, § 746.1401

§ 746.1401. What minimum standards must substitutes comply with?

(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 § 746.1403
Tex. Admin. Code tit. 40, § 746.1403

§ 746.1403. What minimum standards must volunteers or any person under contract with the center comply with?

(a) Volunteers and any person under contract with the center, whether paid or unpaid, who are regularly or frequently present at the child-care center 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 center, whether paid or unpaid, who are regularly or frequently present at the child-care center 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 center that do not meet caregiver qualifications, whether paid or unpaid, must never be left alone with children.

40 TAC § 746.1501
Tex. Admin. Code tit. 40, § 746.1501
§ 746.1501. 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 problems.

40 TAC § 746.1503
Tex. Admin. Code tit. 40, § 746.1503
§ 746.1503. 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 child-care center, 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 § 746.1505
Tex. Admin. Code tit. 40, § 746.1505

§ 746.1505. 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 ten children may be cared for in the same room if the placement of shelves, accordion doors, or low movable walls 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 § 746.1507
Tex. Admin. Code tit. 40, § 746.1507

§ 746.1507. 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 child-care center.

(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. For example, if a group of toddlers is experiencing biting, consider assigning a caregiver who is trained to handle these behaviors and perhaps additional caregivers or volunteers to assist in the supervision and redirection of the children.

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

(5) In emergency situations, you may use child-care center employees 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 center and in care away from the center, such as during a field trip, must never exceed the licensed capacity of the center.

40 TAC § 746.1601
Tex. Admin. Code tit. 40, § 746.1601

§ 746.1601. How many children may one caregiver supervise?

The classroom ratio is the number of children one caregiver may supervise and is shown in the following chart. The classroom ratio is based on the specified age of the children in the group, unless otherwise stated in this subchapter:

Figure: 40 TAC §746.1601	
If the specified age of the children in the group is...	Then the maximum number of children one caregiver may supervise is...
0-11 months	4
12-17 months	5
18-23 months	9
2 years	11
3 years	15
4 years	18
5 years	22
6-8 years	26
9-13 years	26

40 TAC § 746.1603

Tex. Admin. Code tit. 40, § 746.1603

§ 746.1603. 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. Children younger than 24 months should be listed by their age in months. Children two years and older are listed by their age in years.

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

(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 § 746.1605
Tex. Admin. Code tit. 40, § 746.1605

§ 746.1605. May I combine infants with children 18 months and older?

Yes. If you have 13 or more children in care, you may combine infants with older children as long as the oldest child in the group is not more than 18 months older than the youngest child. For example, if the youngest child in a group is eight months old, the oldest child in the group must not be more than 26 months old.

40 TAC § 746.1607
Tex. Admin. Code tit. 40, § 746.1607

§ 746.1607. If I have two caregivers with each group, may I double the number of children one caregiver may supervise?

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

40 TAC § 746.1609
Tex. Admin. Code tit. 40, § 746.1609

§ 746.1609. What is the maximum group size?

The maximum group size and the number of children two or more caregivers may supervise when 13 or more children are in care is specified in the following chart and is based on the specified age of the children in the group:

Figure: 40 TAC §746.1609	
If the specified age of the children in the group is...	The maximum group size and number of children two or more caregivers may supervise is...
0-11 months	10
12-17 months	13
18-23 months	18
2 years (24 months)	22
3 years	30
4 years	35
5 years	35
6-8 years	35
9-13 years	35

40 TAC § 746.1611

Tex. Admin. Code tit. 40, § 746.1611

§ 746.1611. 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 18 months through four years, for a maximum of 30 minutes;
- (2) For children five years 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.

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

40 TAC § 746.1613
Tex. Admin. Code tit. 40, § 746.1613

§ 746.1613. If 13 or more children are in care, 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 18 months and older 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 child-care center 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.

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

Figure: 40 TAC 746.1613(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 § 746.1615
 Tex. Admin. Code tit. 40, § 746.1615

§ 746.1615. May I adjust the child/caregiver ratio when I am opening and closing my child-care center?

Yes. When 13 or more children are in care, children who are 18 months and older may be grouped at a ratio of one caregiver per group of 16 children during the 45 minutes after opening and 45 minutes before closing. Child/caregiver ratios cannot be adjusted during opening and closing for children who are younger than 18 months.

40 TAC § 746.1701
 Tex. Admin. Code tit. 40, § 746.1701

§ 746.1701. How many children may one caregiver supervise if 12 or fewer children are in care?

The number of children one caregiver may supervise when 12 or fewer children are present at the child-care center is specified in the following ratio chart and is based on the number of children in each age category:

Texas Administrative Code _Title 40. Social Services and Assistance _Part 19. Department of Family and Protective Services _Chapter 746. Minimum Standards for Child-Care Centers _Subchapter D. Personnel_Division 1. Child

Figure: 40 TAC §746.1701

Number of children 0 - 17 months old	Number of children 18 months - 4 years old	Number of children 5 years old and older	Maximum number of children to be supervised by one caregiver
0	8	4	12
0	7	5	12
0	6	6	12
0	5	7	12
0	4	8	12
0	3	9	12
0	2	10	12
0	1	11	12
0	0	12	12
1	5	5	11
1	4	6	11
1	3	7	11
1	2	8	11
1	1	9	11
1	0	10	11
2	4	4	10
2	3	5	10
2	2	6	10
2	1	7	10
2	0	8	10
3	2	2	7
3	1	3	7
3	0	4	7
4	0	0	4

40 TAC § 746.1703
Tex. Admin. Code tit. 40, § 746.1703

§ 746.1703. If I have 12 or fewer children in care, may I combine infants with children 18 months and older?

Yes. If you have 12 or fewer children in care, infants may be cared for with older children without regard to age, although you must ensure the safety of all children in the group.

40 TAC § 746.1705
Tex. Admin. Code tit. 40, § 746.1705

§ 746.1705. If I have two caregivers with each group, may I double the number of children one caregiver may supervise?

No. The maximum number of children two caregivers may supervise is limited by the maximum group size. When 12 or fewer children are in care, the number of children two caregivers may supervise and the maximum group size

is specified in the following chart and is based on the number of children in each age group:

Figure: 40 TAC §746.1705

Number of children 0 - 17 months old	Number of children 18 months old and older	Maximum group size and number of children two caregivers may supervise
0	12	12
1	11	12
2	10	12
3	9	12
4	8	12
5	7	12
6	6	12
7	5	12
8	4	12
9	3	12
10	0	10

40 TAC § 746.1707
 Tex. Admin. Code tit. 40, § 746.1707

§ 746.1707. What is the maximum group size if I have more than two caregivers supervising the children?

If 12 or fewer children are in care and you have more than two caregivers supervising the children, the 12 children in care may be any age from birth through 13 years.

40 TAC § 746.1709
 Tex. Admin. Code tit. 40, § 746.1709

§ 746.1709. May I adjust the child/caregiver ratio when I am opening and closing my child-care center?

No. Ratios may not be adjusted for opening and closing when 12 or fewer children are in care.

40 TAC § 746.1801
 Tex. Admin. Code tit. 40, § 746.1801

§ 746.1801. Do I need additional caregivers when I take children away from the child-care center for field trips or walks?

(a) When children are on a field trip and are mixing with children and adults who are not from your child-care center, including but not limited to, trips to the skating rink, shopping center, public or amusement park, you must meet the following child/caregiver ratio:

Figure: 40 TAC §746.1801(a)

If the age of the youngest child in the group is...	Then you must have (number of caregivers) caregivers to supervise...	Every (number of children) children
0 - 23 months	1	1
2 years	1	2
3 years	1	6
4 years	1	8
5 years	1	10
6 years and older	1	12

(b) The child/caregiver ratio for field trips may include adult volunteers or child-care center employees who are not qualified as caregivers only for trips when children are mixing with non-center children and adults, as long as you maintain at least the classroom child/caregiver ratio with qualified caregivers.

(c) When children are on a walk or field trip in an enclosed, controlled area, including but not limited to, specially arranged trips to the fire station, library or museum class for children in your child-care center only, you must maintain at least the classroom child/caregiver ratio. Refer to § 746.2101 of this title (relating to Must I have additional caregivers for splashing/wading activities?) and § 746.2105 of this title (relating to What are the child/caregiver ratios for swimming activities?) for child/caregiver ratios for splashing/wading and swimming activities when children are not mixing with other children and adults.

40 TAC § 746.1805
Tex. Admin. Code tit. 40, § 746.1805

§ 746.1805. If I provide transportation, how many caregivers must I have in the vehicle to supervise the children?

(a) When you transport children younger than two years, you must have one caregiver in addition to the driver for each group of four children younger than two years.

(b) When you transport children two years and older, you must comply with classroom child/caregiver ratio. The driver may be counted in this ratio if the driver meets caregiver qualifications.

40 TAC § 746.1901
Tex. Admin. Code tit. 40, § 746.1901

§ 746.1901. If I operate a get-well care program, must I use a different child/caregiver ratio?

The number of children one caregiver may supervise in a get-well care program is specified in the following chart and is based on the age of the youngest child in the program:

Figure: 40 TAC §746.1901

If the age of the youngest child is...	Then you must have (number of caregivers) caregivers to supervise...	Every (number of children) children
0 - 23 months	1	3
2 - 5 years	1	4
6 -13 years	1	6

40 TAC § 746.1903
Tex. Admin. Code tit. 40, § 746.1903

§ 746.1903. What is the child/caregiver ratio if I have more than two caregivers supervising the children in the get-well care program?

The maximum number of children two caregivers may supervise is limited by the maximum group size. The number of children two caregivers may supervise in a get-well care program is specified in the following chart and is based

on the age of the youngest child in the group:

Figure: 40 TAC §746.1903

If the age of the youngest child is...	Then maximum group size and maximum number of children two caregivers may supervise is...
0 - 23 months	6
2 - 5 years	8
6 -13 years	12

40 TAC § 746.1905
Tex. Admin. Code tit. 40, § 746.1905

§ 746.1905. May I combine infants with children 18 months and older in my get-well care program?

You may care for infants with older children only if there are 12 or fewer children present in the get-well care program.

40 TAC § 746.2001
Tex. Admin. Code tit. 40, § 746.2001

§ 746.2001. 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.

40 TAC § 746.2101
Tex. Admin. Code tit. 40, § 746.2101

§ 746.2101. Must I have additional caregivers for splashing/wading activities?

(a) The maximum number of children one caregiver can supervise while children use a splashing or wading pool (two feet of water or less) is based on the age of the youngest child in the group and is specified in the following chart:

Figure: 40 TAC §746.2101(a)

Ratio for Splashing or Wading Pools (Two Feet Deep or Less)		
If the age of the youngest child is...	Then you must have (number) adults to supervise...	Every (number) children.
0 - 23 months	1	1
	2	4
2 years	1	2
	2	5
3 years	1	6
4 years	1	16
5 years	1	20
6 - 8 years	1	22
9 years and older	1	25

(b) When children are mixing with children and adults who are not from your child-care center during splashing or wading activities, the child/caregiver ratios for field trips as specified in § 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?) must be followed.

40 TAC § 746.2103
Tex. Admin. Code tit. 40, § 746.2103

§ 746.2103. Will I be given an opportunity to comply with the minimum standards for splashing/wading activities, if my child-care center was licensed before September 1, 2003?

(a) If your child-care center was licensed before September 1, 2003, you have one year from September 1, 2003, to comply with child/caregiver ratios for splashing/wading activities as specified in § 746.2101 of this title (relating to Must I have additional caregivers for splashing/wading activities?), unless stated otherwise. You must maintain at least the following ratios when children use a splashing/wading pool (two feet of water or less) at or away from your child-care center during the one-year period beginning September 1, 2003.

(1) If your child-care center was licensed as a group day care home, the following chart applies:

Figure: 40 TAC §746.2103(a)(1)

If the age of the youngest child in the group is...	Then you must have (number of caregivers) caregivers to supervise...	Every (number of children) children
6 months - 23 months	2	6
2 years	2	11
3 years	2	12
4 years and older	1	12

(2) If your child-care center was licensed as kindergarten and nursery school, the following chart applies:

Figure: 40 TAC §746.2103(a)(2)

If the age of the youngest child in the group is...	Then you must have (number of caregivers) caregivers to supervise...	Every (number of children) children
2 years	2	11
3 years	2	13
4 years	1	18
5 years	1	22
6 years	1	25

(3) If your child-care center was licensed as a school: grades kindergarten and above, the following chart applies:

Figure: 40 TAC §746.2103(a)(3)

If the age of youngest child in the group is...	Then the maximum number of children to be supervised by one adult is...
4 years	8
5 years	22
6 years and older	26

(4) If your child-care center was licensed as a drop-in care center, splashing/wading activities are not allowed unless the child/caregiver ratio in § 746.2101 of this title (relating to Must I have additional caregivers for splashing/wading activities?) is followed.

(b) When children are mixing with children and adults who are not from your child-care center during splashing or wading activities, the child/caregiver ratios for field trips as specified in § 746.1803 of this title (relating to Will I be given an opportunity to comply, if my child-care center was licensed before September 1, 2003?) must be followed.

(c) A child-care center licensed before September 1, 2003, must comply with the child/caregiver ratios in this division when your existing permit is no longer valid.

40 TAC § 746.2105
Tex. Admin. Code tit. 40, § 746.2105

§ 746.2105. What are the child/caregiver ratios for swimming activities?

(a) When your child-care center uses a swimming pool (more than two feet of water), there must be at least two caregivers supervising the children if four or more children are swimming.

(b) The maximum number of children one caregiver can supervise while children are swimming is based on the age of the youngest child in the group and is specified in the following chart:

Figure: 40 TAC §746.2105(b)

Ratio for Swimming Pools (More Than Two Feet Deep)		
If the age of the youngest child is...	Then you must have (number) adult to supervise...	Every (number) children.
0 - 23 months	1	1
2 years	1	2
3 years	1	6
4 years	1	8
5 years	1	10
6 years and older	1	12

40 TAC § 746.2109
Tex. Admin. Code tit. 40, § 746.2109

§ 746.2109. 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 § 746.2111
Tex. Admin. Code tit. 40, § 746.2111

§ 746.2111. 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 your child-care center are swimming.

(b) If only children from your child-care center 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 for your center.

40 TAC § 746.2113
Tex. Admin. Code tit. 40, § 746.2113

§ 746.2113. Must persons who are counted in the child/caregiver ratio during swimming 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 § 746.2115
Tex. Admin. Code tit. 40, § 746.2115

§ 746.2115. 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 adult child-care center employees 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 § 746.2117
Tex. Admin. Code tit. 40, § 746.2117

§ 746.2117. 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 § 746.2201
Tex. Admin. Code tit. 40, § 746.2201

§ 746.2201. Must caregivers provide planned activities for the children in their care?

(a) Yes. Caregivers must provide planned activities designed to meet the individual needs and developmental level of each child.

(b) 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 child-care center during operating hours. 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 § 746.2203
Tex. Admin. Code tit. 40, § 746.2203

§ 746.2203. Must caregivers have written activity plans?

(a) Yes. Your director or each caregiver must develop a written activity plan. The plan must outline the daily routines and specific activities for each age 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.

40 TAC § 746.2205
Tex. Admin. Code tit. 40, § 746.2205

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§ 746.2205. What should the activity plan include?

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

(1) The group the activity plan is designed for and dates (daily, weekly, or monthly) the plan covers;

(2) A variety of activities daily;

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

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

(5) Regular meal and snack times;

(6) Supervised naptimes;

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

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

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

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

40 TAC § 746.2207
Tex. Admin. Code tit. 40, § 746.2207

§ 746.2207. May I use TV/video, computer, or video games for activities with children?

(a) Activities using TV/video, computer, or video games are prohibited for children under the age of two years.

(b) TV/video, computer, or video games may be used to supplement, but may not be used to replace, the activities for children ages two years and older provided as described in § 746.2507 of this title (relating to What activities must I provide for toddlers?); § 746.2607 of this title (relating to What activities must I provide for pre-kindergarten-age children?); and § 746.2707 of this title (relating to What activities must I provide for school-age children?).

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

(1) Are related to the planned activities;

(2) Are age-appropriate; and

(3) Do not exceed two hours per day.

40 TAC § 746.2209
Tex. Admin. Code tit. 40, § 746.2209

§ 746.2209. Must I post the activity plan?

Yes. You must post the activity plan for each group of children in the child-care center in a prominent place where parents and others can see it.

40 TAC § 746.2211
Tex. Admin. Code tit. 40, § 746.2211

§ 746.2211. How long must I keep the activity plan?

You must keep activity plans at your child-care center for at least three months and you must make them available for review by Licensing and parents upon request during hours of operation.