

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 A. Purpose and Definitions

40 TAC § 746.101  
Tex. Admin. Code tit. 40, § 746.101

**§ 746.101. What is the purpose of this chapter?**

The purpose of this chapter is to set forth the minimum standards that apply to child-care centers.

40 TAC § 746.103  
Tex. Admin. Code tit. 40, § 746.103

**§ 746.103. What do certain pronouns mean as used in this chapter?**

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

(1) I, my, you, and your--An applicant or permit holder, unless otherwise stated.

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

40 TAC § 746.105  
Tex. Admin. Code tit. 40, § 746.105

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

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

(1) Activity space--An area or room used for children's activities, including areas separate from a group's classroom.

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

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

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

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

(6) Alternate care program--A program in which no child is in care for more than five consecutive days, and no child is in care for more than 15 days in one calendar month, regardless of the duration of each stay.

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

(8) Baby bungee jumper--A baby bungee jumper allows an infant to bounce while supported in a seat by elastic "bungee cord" suspended from a doorway.

(9) Baby walker--A baby walker allows an infant to sit inside the walker equipped with rollers or wheels and move across the floor.

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

(11) Caregiver--A person whose duties include the supervision, guidance, and protection of a child. As used in this chapter, the term means a person who meets the minimum education, work experience, and training qualifications required under Subchapter D of this chapter (relating to Personnel).

(12) Caregiver-initiated activities--Activities that are directed by or chosen by the caregiver.

(13) Certified Child-Care Professional Credential--A credential given to a person working directly with children;

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based on assessed competency in several areas of child care and child development.

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

(15) Child-care center--A child-care facility that is licensed to care for seven or more children for less than 24 hours per day, at a location other than the permit holder's home, except as otherwise provided in § 746.107 of this title (relating to What types of operations do these minimum standards apply to?).

(16) Child-care location--The street address of the child-care center and the lot or lots on which the building or buildings are located.

(17) Child-care program--The services and activities provided by a child-care center.

(18) Child Development Associate Credential--A credential given to staff working directly with children; based on assessed competency in several areas of child care and child development.

(19) Child-initiated activities--Activities that a child chooses on the child's own initiative, and that foster the child's independence. Child-initiated activities require equipment, materials, and supplies to be within a child's reach.

(20) Child passenger safety seat system--An infant or child passenger restraint system that meets the federal standards for crash-tested restraint systems as set by the National Highway Traffic Safety Administration.

(21) Corporal punishment--The infliction of physical pain on a child as a means of controlling behavior. This includes, but is not limited to, spanking, hitting, slapping, thumping, or rapping a child.

(22) Creative activities--Activities that encourage a child to use his imagination. Creative activities include, but are not limited to, dramatic play, block building, stories and books, science and nature activities, and music and art activities.

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(23) Critical illness--An illness requiring the immediate attention of a health-care professional.

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

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

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

(27) Field trips--Activities conducted away from the child-care center.

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

(29) Frequently--More than two times in a 30-day period.

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

(31) Group activities--Activities that allow children to interact with others in large or small groups. Group activities include, but are not limited to, storytelling, finger plays, show and tell, organized games, and singing.

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

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(33) Health-care professional--A licensed physician, licensed registered nurse with appropriate advanced practice authorization from the Texas Board of Nurse Examiners, a licensed vocational nurse (LVN), licensed registered nurse (RN), or other licensed medical personnel providing health care to the child within the scope of his license. This does not include medical doctors or medical personnel not licensed to practice in the United States.

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

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

(36) Inflatable--An amusement ride or device, consisting of air-filled structures designed for use, as specified by the manufacturer, that may include but not be limited to bounce, climb, slide, or interactive play. They are made of flexible fabric, kept inflated by continuous air flow by one or more blowers, and rely upon air pressure to maintain their shape.

(37) Janitorial duties--Those services that involve cleaning and maintenance above that which is required for the continuation of the child-care program. Cleaning and maintenance include such duties as cleansing carpets, washing cots, sweeping, vacuuming, or mopping a classroom.

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

(39) Pre-service training--Training given to a person who has no previous experience in professional child care and no relevant training in specified topics.

(40) Propped bottle--A bottle supported by something other than the child or adult's hand because the child is too young to hold it.

(41) Regularly--On a recurring, scheduled basis.

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

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

(44) Single-use area--Area not routinely used for children's activities, such as a bathroom, hallway, storage room, cooking area of a kitchen, swimming pool, and storage building.

(45) Special care needs--A child with special care needs is a child who has a chronic physical, developmental, behavioral, or emotional condition and who also requires assistance beyond that required by a child generally to perform tasks that are within the typical chronological range of development, including but not limited to, movement of large and/or small muscles, learning, talking, communicating, self-help, social, emotional, seeing, hearing, and breathing.

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

(47) State or local sanitation official--A sanitation official designated by the city, county, or state government.

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

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

(50) Water activities--Related to the use of splashing pools, wading pools, swimming pools, or other similar bodies of water.

**40 TAC § 746.107  
Tex. Admin. Code tit. 40, § 746.107**

**§ 746.107. What types of operations do these minimum standards apply to?**

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(a) The minimum standards in this chapter apply to the following types of child-care facilities:

(1) All child-care centers licensed on or after September 1, 2003, to care for seven or more children for less than 24 hours per day at a location other than the permit holder's home; and

(2) All child-care facilities licensed before September 1, 2003, as a day-care center, kindergarten and nursery school, school: grades kindergarten and above, or drop-in care center, regardless of whether the facility operates in the permit holder's home.

(b) A group day-care home licensed before September 1, 2003, will have a one-time opportunity to elect to be treated either as a child-care center, subject to the minimum standards in this chapter, or as a child-care home, subject to the minimum standards in Chapter 747 of this title (relating to Minimum Standards for Child-Care Homes).

(c) To be considered as operating in one's own home, the location where care is being provided must be at the same address as the permit holder's residence.

(d) On or after September 1, 2003, no child-care center will be issued a new license to care for 13 or more children for less than 24 hours per day in the permit holder's home.

**40 TAC § 746.109  
Tex. Admin. Code tit. 40, § 746.109**

**§ 746.109. Who is responsible for complying with these minimum standards?**

You, the permit holder, must ensure compliance with all minimum standards in this chapter at all times, with the exception of those minimum standards identified for specific types of child-care programs or activities that your child-care center does not offer. For example, if we license you to offer only toddler and pre-kindergarten care programs, you do not have to comply with minimum standards that apply only to infant care, school-age care, get-well care, or nighttime-care programs; however, you must comply with all other minimum standards.

**40 TAC § 746.201  
Tex. Admin. Code tit. 40, § 746.201**

**§ 746.201. What are my responsibilities as the permit holder?**

You are responsible for the following:

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(1) Developing and implementing your child-care center's operational policies, which must comply with or exceed the minimum standards specified in this subchapter;

(2) Developing written personnel policies, including job descriptions, job responsibilities, and requirements;

(3) Making provisions for training that comply with Division 4, Subchapter D of this chapter (relating to Personnel);

(4) Designating a child-care center director who meets minimum standard qualifications and has daily, on-site responsibility for the operation of the child-care center;

(5) Reporting and ensuring your employees and volunteers report suspected abuse, neglect, or exploitation directly to DFPS and may not delegate this responsibility as required by the Texas Family Code, § 261.101;

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

(7) Ensuring parents have the opportunity to visit the child-care center any time during the child-care center's hours of operation to observe their child, program activities, the building, the grounds, and the equipment without having to secure prior approval;

(8) Maintaining liability insurance as required by the Human Resources Code, § 42.049, if we license you to care for 13 or more children;

(9) Complying with the child-care licensing law found in Chapter 42 of the Human Resources Code, the applicable minimum standards, and other applicable rules in the Texas Administrative Code; and

(10) Reporting any Department of Justice substantiated complaints related to Title III of the Americans with Disabilities Act, which applies to commercial public accommodations, to DFPS.

**40 TAC § 746.301  
Tex. Admin. Code tit. 40, § 746.301**

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**§ 746.301. What changes regarding my child-care center must I notify Licensing about before making the change?**

You must notify us in writing before:

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

**40 TAC § 746.303  
Tex. Admin. Code tit. 40, § 746.303**

**§ 746.303. Must I notify Licensing of changes I make regarding the governing body or director of my child-care center?**

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Yes. You must notify us in writing, no later than five days after a change is made, regarding:

- (1) Sale or transfer of the child-care center ownership (including but not limited to incorporation of an existing operation);
- (2) The governing body designee;
- (3) The board chair for a corporate facility or other executive officer of the governing body;
- (4) The address of the governing body or its designee; and
- (5) The center director.

**40 TAC § 746.305  
Tex. Admin. Code tit. 40, § 746.305**

**§ 746.305. What other situations require notification to Licensing?**

- (a) You must notify us as soon as possible, but no later than two days after:
  - (1) Any occurrence that renders all or part of your center unsafe or unsanitary for a child;
  - (2) Injury to a child in your care that requires treatment by a health-care professional;
  - (3) You become aware that an employee or child in your care contracts an illness deemed notifiable by the Texas Department of State Health Services (DSHS) as specified in 25 TAC Chapter 97, Subchapter A (relating to Control of Communicable Diseases);
  - (4) A person for which you are required to request a background check under Chapter 745, Subchapter F of this title (relating to Background Checks) is arrested or charged with a crime;

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(5) The occurrence of any other situation, which places a child at risk, such as forgetting a child in a center vehicle or on the playground or not preventing a child from wandering away from the child-care center unsupervised; and

(6) A new individual becomes a controlling person at your operation, or an individual that was previously a controlling person ceases to be a controlling person at your operation.

(b) You must notify us immediately if a child dies while in your care.

**40 TAC § 746.307  
Tex. Admin. Code tit. 40, § 746.307**

**§ 746.307. What emergency or medical situations must I notify parents about?**

(a) After you ensure the safety of the child, you must notify the parent immediately after a child:

(1) Is injured and the injury requires medical attention by a health-care professional;

(2) Has a sign or symptom requiring exclusion from the child-care center as specified in Subchapter R of this chapter (relating to Health Practices);

(3) Has been involved in any situation that placed the child at risk. For example, a caregiver forgetting a child in a center vehicle or not preventing a child from wandering away from the child-care center unsupervised; or

(4) Has been involved in any situation that renders the child-care center unsafe, such as a fire, flood, or damage to the child-care center as a result of severe weather.

(b) You must notify the parent of less serious injuries when the parent picks the child up from the child-care center. Less serious injuries include, but are not limited to, minor cuts, scratches, and bites from other children requiring first-aid treatment by employees.

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(c) You must notify all parents of children in the child-care center in writing and within 48 hours of becoming aware that a child in your care or an employee has contracted a communicable disease deemed notifiable by the Texas Department of State Health Services as specified in 25 TAC Chapter 97, Subchapter A (relating to Control of Communicable Diseases).

(d) You must provide written notice within 48 hours to the parents of all children in a group when there is an outbreak of lice or other infestation in the group. You must either post this notice in a prominent and publicly accessible place where parents can easily view it or send an individual note to each parent.

**40 TAC § 746.401  
Tex. Admin. Code tit. 40, § 746.401**

**§ 746.401. What items must I post at my child-care center at all times?**

**You must post the following items:**

- (1) The child-care center's license;
- (2) The letter or form from the most recent Licensing inspection or investigation;
- (3) The Licensing notice Keeping Children Safe;
- (4) Emergency and evacuation relocation plans;
- (5) The activity plan for each group of children in the child-care center;
- (6) The daily menu, including all snacks and meals served by the child-care center;**

(7) Licensing Notice of Availability for Review of:

- (A) The most recent fire inspection report;

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(B) The most recent sanitation inspection report;

(C) The most recent gas inspection report, if applicable; and

(D) The Licensing minimum standards applicable for child-care centers;

(8) Telephone numbers specified in § 746.405 of this title (relating to What telephone numbers must I post and where must I post them?);

(9) A list entitled “Current Employees.” The list must be at least 8 1/2 inches by 11 inches in size, printed legibly, and must include each employee’s first and last name; and

(10) Any other Licensing notices with specific instructions to post the notice.

**40 TAC § 746.403  
Tex. Admin. Code tit. 40, § 746.403**

**§ 746.403. When and where must these items be posted?**

(a) Unless otherwise specified, the items specified in § 746.401 of this title (relating to What items must I post at my child-care center at all times?) must be posted at all times, in a prominent and publicly accessible place where employees, parents, and others may easily view them.

(b) Emergency and evacuation relocation plans must be posted in each room used by children.

**40 TAC § 746.405  
Tex. Admin. Code tit. 40, § 746.405**

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

(a) You must post the following telephone numbers:

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

(A) Emergency medical services;

(B) Law enforcement; and

(C) Fire department;

(2) Poison control;

(3) DFPS child abuse hotline;

(4) Nearest Licensing office telephone number and address; and

(5) The child-care center name, address, and telephone number.

(b) You must post the telephone numbers next to each telephone in the child-care center. If the child-care center uses cordless or cellular phones, these same numbers must be posted in a prominent place on the wall near the doorway in each room of the child-care center, or on the phone handset.

**40 TAC § 746.501**

**Tex. Admin. Code tit. 40, § 746.501**

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**§ 746.501. What written operational policies must I have?**

**You must develop written policies that at a minimum address each of the following:**

(1) Hours, days, and months of operation;

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

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(2) Procedures for release of children;

(3) Illness and exclusion criteria;

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

(5) Procedures for handling medical emergencies;

(6) Procedures for parental notifications;

(7) Discipline and guidance practices;

(8) Meals and food service practices;

(9) Immunization requirements for children;

(10) Tuberculin testing requirements;

(11) Hearing and vision screening requirements;

(12) Enrollment procedures, including how and when parents will be notified of policy changes;

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(13) Transportation, if applicable;

(14) Water activities, if applicable;

(15) Field trips, if applicable;

(16) Animals, if applicable;

(17) The procedures for parents to review and discuss with the child-care center director any questions or concerns about the policies and procedures of the child-care center;

(18) The procedures for parents to visit the child-care center at any time during the child-care center's hours of operation to observe their child, the child-care center's operation, and program activities, without having to secure prior approval;

(19) The procedures for parents to participate in the child-care center's operation and activities;

(20) The procedures for parents to review a copy of the minimum standards and the child-care center's most recent Licensing inspection report;

(21) Instructions on how a parent may contact the local Licensing office, DFPS child abuse hotline, and DFPS website;

(22) Your method of informing the parents that under the Texas Penal Code, any area within 1000 feet of a child-care center is a gang-free zone, where criminal offenses related to organized criminal activity are subject to harsher penalty. Your method may include:

(A) providing this information in the parent's handbook;

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(B) distributing the information in writing to the required recipients; or

(C) informing parents verbally as part of the individual or group parent orientation;

(23) Your emergency preparedness plan;

(24) Your provisions to provide a comfortable place with a seat in your center or within a classroom that enables a mother to breastfeed her child. In addition, your policies must inform parents that they have the right to breastfeed or provide breast milk for their child while in care;

(25) Preventing and responding to abuse and neglect of children, including:

(A) Required annual training for employees;

(B) Methods for increasing employee and parent awareness of issues regarding child abuse and neglect, including warning signs that a child may be a victim of abuse or neglect;

(C) Methods for increasing employee and parent awareness of prevention techniques for child abuse and neglect;

(D) Strategies for coordination between the center and appropriate community organizations; and

(E) Actions that the parent of a child who is a victim of abuse or neglect should take to obtain assistance and intervention;

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

(27) Vaccine-preventable diseases for employees, unless your center is in the home of the permit holder. The policy must address the requirements outlined in § 746.3611 of this title (relating to What must a policy for protecting children from vaccine-preventable diseases include?).

**40 TAC § 746.503  
Tex. Admin. Code tit. 40, § 746.503**

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

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

**40 TAC § 746.505  
Tex. Admin. Code tit. 40, § 746.505**

**§ 746.505. What must I do when I change an operational policy or an item in the child-care enrollment agreement?**

You must notify parents in writing of any changes to your operational policies and enrollment agreement. At least one copy of the updated operational policies must be signed and dated for each family. You must keep the updated information in the child's record.

**40 TAC § 746.507  
Tex. Admin. Code tit. 40, § 746.507**

**§ 746.507. Must I provide a copy of my operational policies to my employees?**

Yes. You must share a copy of your operational policies with all employees as specified in Subchapter C of this chapter (relating to Record Keeping).

**40 TAC § 746.601  
Tex. Admin. Code tit. 40, § 746.601**

**§ 746.601. Who has the right to access children's records?**

(a) All children's records must be immediately accessible to caregivers during hours of operation for use in an emergency.

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(b) Parents have the right to access their own child's record during a parent conference with the caregiver or child-care center director.

(c) All children's records are subject to review and/or reproduction by Licensing upon request during hours of operation.

**40 TAC § 746.603  
Tex. Admin. Code tit. 40, § 746.603**

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

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

(1) Child-care enrollment agreement specified in § 746.503 of this title (relating to Must I provide parents with a copy of my operational policies?);

(2) Admission information;

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

(4) Immunization records;

(5) Tuberculin testing information, if applicable;

(6) Hearing and vision screening results, if applicable;

(7) Licensing Incident/Illness Report form;

(8) Sign-in and sign-out logs;

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(9) Medication administration records; and

(10) A copy of any health-care professional recommendations or orders for providing specialized medical assistance to the child.

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

(1) Medication administration records for three months after administering the medication;

(2) Health-care professional recommendations or orders for three months after the health-care professional has indicated that the specialized medical assistance is no longer needed; and

(3) All other records noted in subsection (a) of this section for three months after the child's last day in care.

40 TAC § 746.605  
Tex. Admin. Code tit. 40, § 746.605

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**§ 746.605. What admission information must I obtain for each child?**

**You must obtain at least the following information before admitting a child to care:**

(1) The child's name and birth date;

(2) The child's home address and telephone number;

(3) Date of the child's admission to the child-care center;

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(4) Name and address of parent(s);

(5) Telephone numbers at which parent(s) can be reached while the child is in care;

(6) Name, address, and telephone number of another responsible individual (friend or relative) who should be contacted in an emergency when the parent cannot be reached;

(7) Names and telephone numbers of persons other than a parent to whom the child may be released;

(8) Permission for transportation, if provided;

(9) Permission for field trips, if provided;

(10) Permission for participation in water activities, if provided;

(11) Name, address, and telephone number of the child's physician or an emergency-care facility;

(12) Authorization to obtain emergency medical care and to transport the child for emergency medical treatment;

(13) A statement of the child's special care needs. This includes, but is not limited to, allergies, existing illness, previous serious illness and injuries, hospitalizations during the past 12 months, and any medications prescribed for continuous, long-term use;

(14) The name and telephone number of the school that a school-age child attends, unless the operation is located at the child's school; and

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(15) Permission for a school-age child to ride a bus or walk to or from school or home, or to be released to the care of a sibling under 18 years old, if applicable.

**40 TAC § 746.607  
Tex. Admin. Code tit. 40, § 746.607**

**§ 746.607. Must the child's parent sign the admission information?**

Yes. The parent must sign the admission information before you admit the child to your care.

**40 TAC § 746.609  
Tex. Admin. Code tit. 40, § 746.609**

**§ 746.609. Must I update the admission information?**

(a) Yes. You must develop a procedure for regularly updating the admission information, including information on special care needs.

(b) The parent must sign and date the updated information. You may use a new form or have the parent initial and date amendments to a previously signed form. You must keep the updated information in the child's record.

**40 TAC § 746.611  
Tex. Admin. Code tit. 40, § 746.611**

**§ 746.611. Must I have a health statement for children in my care?**

(a) A health statement is:

(1) A written statement, from a health-care professional who has examined the child within the past year, indicating the child is able to take part in the child-care program;

(2) A signed affidavit from the parent stating that medical diagnosis and treatment conflict with the tenets and practices of a recognized religious organization of which the parent is an adherent or a member; or

(3) A signed statement from the parent giving the name and address of a health-care professional who has examined the child within the past year stating that the child is able to participate in the program. This must be followed by a signed statement from a health-care professional as specified in paragraph (1) of this subsection within 12 months of the date of admission.

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(b) You must have a health statement on file at the center, within one week after the date of admission, for each child who does not attend pre-kindergarten or school away from the child-care center.

**40 TAC § 746.613  
Tex. Admin. Code tit. 40, § 746.613**

**§ 746.613. What immunizations are children in my care required to have?**

(a) Each child enrolled or admitted to child-care centers must meet applicable immunization requirements specified by the Texas Department of State Health Services in 25 TAC Chapter 97, Subchapter B (relating to Immunization Requirements in Texas Elementary and Secondary Schools and Institutions of Higher Education). This requirement applies to all children in care from birth through 14 years of age.

(b) Except as otherwise provided in this division, all immunizations required for the child's age must be completed by the date of admission.

**40 TAC § 746.615  
Tex. Admin. Code tit. 40, § 746.615**

**§ 746.615. Are there exemptions for immunization requirements?**

Yes; however, exemptions for immunization requirements must meet criteria specified by the Texas Department of State Health Services rules in 25 TAC § 97.62 (relating to Exclusions from Compliance).

**40 TAC § 746.617  
Tex. Admin. Code tit. 40, § 746.617**

**§ 746.617. Where can I find more information on immunizations?**

You can find more information in the Texas Department of State Health Services rules at 25 TAC Chapter 97, Subchapter B (relating to Immunization Requirements in Texas Elementary and Secondary Schools and Institutions of Higher Education). You can access it on the Texas Department of State Health Services Internet website at: [www.dshs.state.tx.us/immunize/](http://www.dshs.state.tx.us/immunize/), or you may obtain a copy from Licensing or your local or state health department.

**40 TAC § 746.619  
Tex. Admin. Code tit. 40, § 746.619**

**§ 746.619. When must I have the child's immunization record on file?**

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(a) Except as otherwise provided in this division, you must have a copy of the child's completed immunization record by the date of admission.

(b) If you provide only an alternate-care program, you must have the immunization record for each child who has attended your child-care center two or more times within a 30-day period.

**40 TAC § 746.621  
Tex. Admin. Code tit. 40, § 746.621**

**§ 746.621. May I admit a child who is not current on immunizations?**

Yes; however, you must comply with the rules for provisional admittance established by the Texas Department of State Health Services rules in 25 TAC § 97.66 (relating to Provisional Enrollment).

**40 TAC § 746.623  
Tex. Admin. Code tit. 40, § 746.623**

**§ 746.623. What documentation is acceptable for immunization records?**

(a) Documentation on file at the child-care center may be the original immunization record or a photocopy of the record. An official immunization record generated from a state or local health authority, such as a registry, or a record received from school officials including a record from another state, is also acceptable.

(b) The immunization record must include:

(1) The child's name and birth date;

(2) The number of doses and vaccine type;

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

(4) The signature or stamp of a physician or other health professional validating the record.

**40 TAC § 746.625  
Tex. Admin. Code tit. 40, § 746.625**

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

For each child attending a pre-kindergarten program or school away from the child-care center, you must have either:

(1) A copy of the current immunization record that is on file at the pre-kindergarten program or school the child attends; or

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

**40 TAC § 746.627  
Tex. Admin. Code tit. 40, § 746.627**

**§ 746.627. Must children in my care have a tuberculosis (TB) examination?**

Requirements for tuberculosis screening and testing vary across the state. If your regional Texas Department of State Health Services (DSHS) or local health authority requires tuberculosis testing for children in your child-care center, then you must have documentation to indicate that each child in your care is free of active tuberculosis. Documentation of a TB screening is not required to be on file. If you are unsure of the requirements for your area, contact the TB manager at the DSHS regional office nearest you.

**40 TAC § 746.629  
Tex. Admin. Code tit. 40, § 746.629**

**§ 746.629. Must children in my care have vision and hearing screening?**

(a) The Special Senses and Communication Disorders Act, Texas Health and Safety Code, Chapter 36, requires a screening or a professional examination for possible vision and hearing problems for children of certain ages and grades. Refer to 25 TAC Chapter 37, Subchapter C, (relating to Vision and Hearing Screening), for specifics on vision and hearing screening. This information may be accessed on the Internet at: [www.dshs.state.tx.us/vhs/](http://www.dshs.state.tx.us/vhs/).

(b) You must keep one of the following at the child-care center for each child required to be screened:

(1) The individual visual acuity and sweep check results;

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(2) A signed statement from the child's parent that the child's screening records are current and on file at the pre-kindergarten program or school the child attends away from the center. The statement must be dated and include the name, address, and telephone number of the pre-kindergarten program or school; or

(3) An affidavit stating that the vision or hearing screening conflicts with the tenets or practices of a church or religious denomination of which the affiant is an adherent or member.

**40 TAC § 746.631  
Tex. Admin. Code tit. 40, § 746.631**

**§ 746.631. Must I have a system for signing children in and out of my care?**

(a) Yes. You must have a system for tracking each child coming and going from your child-care center throughout the day. This tracking system must include the name of each child, the date, time of arrival and time of departure, and employee or parent's initials or other unique identification code.

(b) All caregivers must have access to the system to determine which children are in care during their work shift, changes in caregivers, and emergency evacuations.

(c) You must keep tracking information for the previous three months and make it available to Licensing for review upon request.

**40 TAC § 746.701  
Tex. Admin. Code tit. 40, § 746.701**

**§ 746.701. Must I keep a written record of accidents and incidents that occur at my child-care center?**

Yes. You must use a Licensing Incident/Illness Report form, or other form containing at least the same information, to record information regarding:

(1) Injuries that required medical attention by a health-care professional; and

(2) Any other situation that placed a child at risk, such as forgetting a child in a center vehicle or not preventing a child from wandering away from the child-care center unsupervised.

**40 TAC § 746.703  
Tex. Admin. Code tit. 40, § 746.703**

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

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You may obtain a copy of the form from Licensing staff or on the DFPS website at: [http://www.dfps.state.tx.us/Child\\_Care/Information\\_for\\_Providers/cclforms.asp](http://www.dfps.state.tx.us/Child_Care/Information_for_Providers/cclforms.asp).

40 TAC § 746.705  
Tex. Admin. Code tit. 40, § 746.705

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

Yes. The director of the child-care center or the person in charge must sign and date the completed report.

40 TAC § 746.707  
Tex. Admin. Code tit. 40, § 746.707

§ 746.707. Must I share a copy of the Incident/Illness Report form with the child's parent?

Yes. You must share a copy of the report with the child's parent and obtain the parent's signature on the report indicating the parent has reviewed it or received a copy of the report within 48 hours of when the incident occurred.

40 TAC § 746.709  
Tex. Admin. Code tit. 40, § 746.709

§ 746.709. Where must I file the Incident/Illness Report form and how long must I keep it?

You must keep the Incident/Illness Report form with the child's record at the child-care center while the child is in care, and for at least three months after the child's last day in care.

40 TAC § 746.801  
Tex. Admin. Code tit. 40, § 746.801

Green &  
Pale Yellow

§ 746.801. What records must I keep at my child-care center?

You must maintain and make the following records available for our review upon request, during hours of operation. Paragraphs (18), (19), and (20) are optional, but if provided, allow Licensing to avoid duplicating the evaluation of standards that have been evaluated by other state agencies within the past year:

(1) Children's records, as specified in Division 1 of this subchapter (relating to Records of Children);

(2) Infant feeding instructions, if applicable;

(3) Personnel and training records, unless on file at a central administrative location;

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(4) Licensing Child-Care Center Director's Certificate;

(5) Attendance records for employees;

(6) Children's program activity plans for each age group;

(7) Verification of liability insurance or notice of unavailability, if applicable;

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

(9) Daily menus;

(10) Medication records;

(11) Playground maintenance checklists;

(12) Pet vaccination records, if applicable;

(13) Fire safety documentation for emergency drills, fire extinguishers, and smoke detectors;

(14) Most recent Licensing inspection report, letter, or notice requiring posting;

(15) Most recent fire inspection report;

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(16) Most recent sanitation inspection report;

(17) Most recent gas inspection report, if applicable;

(18) Most recent Department of State Health Services immunization compliance review form, if applicable;

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

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

(21) Record of pest extermination, if applicable;

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

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

(24) System to track when a child's care begins and ends daily;

(25) Documentation for cribs as specified in § 746.2409 of this title (relating to What specific safety requirements must my cribs meet?), if applicable; and

(26) Documentation for vehicles specified in § 746.5627 of this title (relating to What documentation must I keep at the child-care center for each vehicle used to transport children in care?), if applicable.

**40 TAC § 746.803**  
**Tex. Admin. Code tit. 40, § 746.803**

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

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**§ 746.803. How long must I keep these records at my child-care center?**

(a) You must keep records at the child-care center for at least three months from the date the record was created, unless otherwise stated in this chapter.

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

**40 TAC § 746.805  
Tex. Admin. Code tit. 40, § 746.805**

**§ 746.805. May I keep electronic records or a combination of paper and electronic records?**

Yes, you may keep electronic records or a combination of paper and electronic records.

(1) If you keep a combination of electronic and paper records, you must develop procedures that address what must be in the external paper file and what can be in the electronic file;

(2) Children's records must be accessible to all caregivers during their work shift, changes in caregivers, and emergency evacuations; and

(3) Records must be available during operating hours for review by Licensing upon request.

**40 TAC § 746.901  
Tex. Admin. Code tit. 40, § 746.901**

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

You must have the following records at the child-care center and available for review during hours of operation for each employee, caregiver, substitute, and volunteer as specified in this chapter:

(1) Documentation showing the dates of the first and last day on the job;

(2) Documentation showing how the employee meets the minimum age and education qualifications, if applicable;

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(3) A copy of a health card or physician's statement verifying the employee is free of active tuberculosis, if required by the regional Texas Department of State Health Services TB program or local health authority;

(4) A notarized Licensing Affidavit for Applicants for Employment form as specified in Human Resources Code, § 42.059;

(5) A record of training hours;

(6) A statement signed and dated by the employee showing he has received a copy of the child-care center's:

(A) Operational policies; and

(B) Personnel policies;

(7) Proof of request for DFPS background checks;

(8) A copy of a photo identification;

(9) A copy of a current driver's license for each person who transports a child in care; and

(10) A statement signed and dated by the employee verifying the date the employee attended training during orientation that includes an overview of your policy on preventing and responding to abuse and neglect of children as outlined in § 746.1303 of this title (relating to What should orientation to my child-care center include?).

**40 TAC § 746.903  
Tex. Admin. Code tit. 40, § 746.903**

**§ 746.903. What additional personnel records must I maintain for my child-care center director?**

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In addition to the personnel records that must be maintained for all child-care center personnel, you must have the original Licensing Child-Care Center Director's Certificate for your child-care center director. If the child-care center director is also the permit holder, a statement showing the director has received a copy of the operational policies and personnel policies is not required.

**40 TAC § 746.905  
Tex. Admin. Code tit. 40, § 746.905**

**§ 746.905. Must I maintain attendance records or time sheets on my employees?**

Yes. You must maintain a record of attendance or time sheets listing all days and hours worked for each employee, caregiver, substitute, and volunteer who is regularly or frequently at the child-care center during hours of operation.

**40 TAC § 746.907  
Tex. Admin. Code tit. 40, § 746.907**

**§ 746.907. How long and where must I keep the required personnel records?**

(a) You must keep all records for at least three months after an employee's last day on the job, with the exception of annual training records.

(b) You must maintain annual training records for current personnel for the last full training year and current training year.

(c) You must keep personnel records at the child-care center or in a central administrative location provided they are immediately available for review during hours of operation.

**40 TAC § 746.909  
Tex. Admin. Code tit. 40, § 746.909**

**§ 746.909. May Licensing access my personnel records?**

Yes. Licensing staff must be given immediate access to all personnel records that document compliance with minimum standards. You must allow Licensing to photocopy these records if requested.