

Texas Administrative Code \_Title 40. Social Services and Assistance \_Part 19. Department of Family and Protective Services \_Chapter 747. Minimum Standards for Child-Care Homes \_Subchapter D. Personnel \_Division 1. Primary Caregiver of a Registered Child-Care Home

40 TAC § 747.1001  
Tex. Admin. Code tit. 40, § 747.1001

§ 747.1001. Who is required to meet the qualifications specified in this division?

The primary caregiver of a registered child-care home, as defined in § 747.201 of this title (relating to Who is a primary caregiver?) must meet the qualifications specified in this division.

40 TAC § 747.1003  
Tex. Admin. Code tit. 40, § 747.1003

§ 747.1003. When must I meet qualifications to be a primary caregiver?

You must meet the qualifications before we register your child-care home.

40 TAC § 747.1005  
Tex. Admin. Code tit. 40, § 747.1005

§ 747.1005. May I have more than one primary caregiver for my child-care home?

No. A registered child-care home may have only one primary caregiver.

40 TAC § 747.1007  
Tex. Admin. Code tit. 40, § 747.1007

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

Except as otherwise provided in this division, you must:

(1) Be at least 21 years old;

(2) Have a:

(A) High school diploma; or

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(B) High school equivalent;

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

(4) Have current certification in CPR and first aid with rescue breathing and choking; and

(5) Be free of active tuberculosis, if required by the regional Texas Department of Health TB program or local health authority.

**40 TAC § 747.1009  
Tex. Admin. Code tit. 40, § 747.1009**

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

A primary caregiver who registered before July 1, 1990, and who was still registered on September 1, 2003, is not required to obtain a high school diploma or its equivalent or to attend Licensing orientation.

**40 TAC § 747.1013  
Tex. Admin. Code tit. 40, § 747.1013**

**§ 747.1013. What if I am younger than 21 years old but I want to be registered?**

You may be a registered caregiver if you are 18 through 20 years old, have a high school diploma or its equivalent, and one of the following:

(1) A Child Development Associate or Certified Child-Care Professional credential;

(2) An associate's of applied science degree in child care;

(3) A community college certificate in child care;

(4) A day-care administrator's credential approved by Licensing; or

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(5) Six college credit hours in child development and nine months' experience in a licensed child-care center or in a licensed or registered child-care home, as specified in § 747.1113 of this title (relating to What constitutes experience in a licensed child-care center, or in a licensed or registered child-care home?).

**40 TAC § 747.1015  
Tex. Admin. Code tit. 40, § 747.1015**

**§ 747.1015. Does education received outside of the United States count toward primary 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. Documentation written in a foreign language must be translated into English.

**40 TAC § 747.1101  
Tex. Admin. Code tit. 40, § 747.1101**

**§ 747.1101. Who is required to meet the qualifications specified in this division?**

The primary caregiver of a licensed child-care home, as defined in § 747.201 of this title (relating to Who is a primary caregiver?) must meet the qualifications specified in this division.

**40 TAC § 747.1103  
Tex. Admin. Code tit. 40, § 747.1103**

**§ 747.1103. When must I meet qualifications to be a primary caregiver?**

You must meet the qualifications before we license your child-care home.

**40 TAC § 747.1105  
Tex. Admin. Code tit. 40, § 747.1105**

**§ 747.1105. May I have more than one primary caregiver for my licensed child-care home?**

No. A licensed child-care home may have only one primary caregiver.

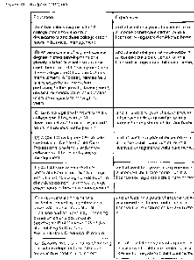
**40 TAC § 747.1107  
Tex. Admin. Code tit. 40, § 747.1107**

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

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

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- (1) Be at least 21 years of age;
- (2) Have a high school diploma or its equivalent;
- (3) Have a certificate of completion of the Licensing orientation within one year prior to your application date;
- (4) Have current certification in CPR and first aid with rescue breathing and choking; and
- (5) Have one of the following combinations of education and experience in a licensed child-care center, or in a licensed or registered child-care home, as defined in § 747.1113 of this title (relating to What constitutes experience in a licensed child-care center, or in a licensed or registered child-care home?):



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

**40 TAC § 747.1109**  
**Tex. Admin. Code tit. 40, § 747.1109**

**§ 747.1109. Are there exemptions from the qualifications listed in this division?**

A primary caregiver who was the director of a licensed group day-care home before May 1, 1985, is exempt from the requirements specified in this division.

**40 TAC § 747.1113**  
**Tex. Admin. Code tit. 40, § 747.1113**

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

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

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(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 and nursery school, school: 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:

(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 30 hours per week.

**40 TAC § 747.1115  
Tex. Admin. Code tit. 40, § 747.1115**

**§ 747.1115. 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:

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(1) One year of full-time classroom teaching in a public or private accredited school setting 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 setting 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 postgraduate study in child development, early childhood education, or a related field.

**40 TAC § 747.1117  
Tex. Admin. Code tit. 40, § 747.1117**

**§ 747.1117. 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 primary caregiver, 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 § 747.1119  
Tex. Admin. Code tit. 40, § 747.1119**

**§ 747.1119. 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, youth development and other similar courses may be counted if they are related to child development or the topics specified in § 747.1307 of this title (relating to What topics must the 15 clock hours of annual training for caregivers include?). Abnormal psychology and secondary education courses are not recognized as child development.

**40 TAC § 747.1121  
Tex. Admin. Code tit. 40, § 747.1121**

**§ 747.1121. 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.

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40 TAC § 747.1123

Tex. Admin. Code tit. 40, § 747.1123

§ 747.1123. 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 primary caregiver, or by a child-care association.

40 TAC § 747.1125

Tex. Admin. Code tit. 40, § 747.1125

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

We do not have any specific criteria for whether someone may be a trainer or provider of child-care training.

40 TAC § 747.1127

Tex. Admin. Code tit. 40, § 747.1127

§ 747.1127. 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 § 747.1129

Tex. Admin. Code tit. 40, § 747.1129

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

You may only substitute clock hours or CEUs for required college 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 business management.

40 TAC § 747.1131

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**Tex. Admin. Code tit. 40, § 747.1131**

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

(a) You must submit the following to Licensing staff:

- (1) A completed Licensing Personal History Statement form specifying your education and experience;
- (2) An original college transcript or original training certificates which verify the educational requirements; and
- (3) Complete dates, names, addresses, and telephone numbers which support the required experience.

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

**40 TAC § 747.1133**

**Tex. Admin. Code tit. 40, § 747.1133**

**§ 747.1133. What documentation must I provide to Licensing to show I have 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 § 747.1135**

**Tex. Admin. Code tit. 40, § 747.1135**

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

You must have documentation specified in § 747.1327 of this title (relating to What documentation must I provide to Licensing to verify that training requirements have been met?).

**40 TAC § 747.1137**

**Tex. Admin. Code tit. 40, § 747.1137**

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



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Yes, provided you submit to us information that we can use to interpret and evaluate educational qualifications. Documentation written in a foreign language must be translated into English.

**40 TAC § 747.1139**  
**Tex. Admin. Code tit. 40, § 747.1139**

**§ 747.1139. Will Licensing keep the original training certificates and college transcripts I submit to obtain a Licensing Child-Care Director's Certificate?**

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

**40 TAC § 747.1141**  
**Tex. Admin. Code tit. 40, § 747.1141**

**§ 747.1141. What if Licensing determines I do not meet minimum standard qualifications?**

We will notify you that you do not meet minimum standard qualifications. We will give you a deadline to submit additional paperwork, or ask you to withdraw your application and re-apply after you have obtained the necessary training and experience.

**40 TAC § 747.1143**  
**Tex. Admin. Code tit. 40, § 747.1143**

**§ 747.1143. Will I receive a certificate verifying that I meet qualifications?**

Yes. After we determine that you meet minimum standard qualifications for a licensed primary caregiver we will issue a Licensing Child-Care Director's Certificate. The certificate verifies only that you meet minimum standard qualifications specified in § 747.1107 of this title (relating to What qualifications must I meet to be the primary caregiver of a licensed child-care home?).

**40 TAC § 747.1145**  
**Tex. Admin. Code tit. 40, § 747.1145**

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

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

**40 TAC § 747.1147**  
**Tex. Admin. Code tit. 40, § 747.1147**

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

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

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40 TAC § 747.1149

Tex. Admin. Code tit. 40, § 747.1149

§ 747.1149. 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. If you allow the certificate to expire without submitting the required documentation, and you no longer meet primary caregiver qualifications, you violate minimum standards.

40 TAC § 747.1151

Tex. Admin. Code tit. 40, § 747.1151

§ 747.1151. Does Licensing charge a fee for issuing the director's certificate?

No. We do not charge a fee for processing a Licensing Child-Care Director's Certificate.

40 TAC § 747.1153

Tex. Admin. Code tit. 40, § 747.1153

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

Yes. We will issue a replacement Child-Care Director's Certificate if you submit your request to us in writing, specifying your name and address, the date when we issued the original certificate, and the reason a replacement certificate is needed.

40 TAC § 747.1201

Tex. Admin. Code tit. 40, § 747.1201

§ 747.1201. What types of caregivers may I use in my child-care home?

There are two kinds of caregivers: assistant caregivers and substitute caregivers.

40 TAC § 747.1203

Tex. Admin. Code tit. 40, § 747.1203

§ 747.1203. What is the difference between an assistant caregiver and a substitute caregiver?

(a) An assistant caregiver is counted in the child/caregiver ratio and assists in the care and supervision of children.

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An assistant caregiver may not be left to supervise and care for children without the primary caregiver or a substitute caregiver being present in the child-care home at the same time.

(b) A substitute caregiver is the caregiver you leave in charge of your child-care home in your absence. You must give the substitute caregiver the authority to administer your child-care home in compliance with the minimum standards and the Licensing law in your absence. Your substitute caregiver may also be counted in the child/caregiver ratio.

40 TAC § 747.1205  
Tex. Admin. Code tit. 40, § 747.1205

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

Yes. Caregiver qualifications are different for assistant and substitute caregivers. The qualifications for assistant and substitute caregivers are outlined in the following chart:

Figure: 40 TAC §747.1205

A substitute caregiver is...	An assistant caregiver is...
18 years old;	18 years old;
Qualified as a caregiver with A high school diploma; or A high school equivalent;	Qualified as a caregiver with A high school diploma; or A high school equivalent;
Required to complete orientation to your home;	Required to complete orientation to your home;
Required to meet the requirements in Subchapter F of Chapter 745 of this title (relating to Background Checks);	Required to meet the requirements in Subchapter F of Chapter 745 of this title (relating to Background Checks);
Required to be free of active tuberculosis;	Required to be free of active tuberculosis; and
Required to complete a notarized <i>Licensing Affidavit for Applicants for Employment</i> form as specified in Human Resources Code, §42.059; and	Required to complete a notarized <i>Licensing Affidavit for Applicants for Employment</i> form as specified in Human Resources Code, §42.059.
Trained in CPR and first aid with rescue breathing and choking.	

40 TAC § 747.1207  
Tex. Admin. Code tit. 40, § 747.1207

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

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

(1) Be 18 years old;

(2) Have a:

(A) High school diploma;

(B) High school equivalent; or

(C) High school certificate of coursework completion, as defined in Texas Education Code, § 28.025(d);

(3) Have completed orientation to your child-care home;

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

(5) Be free of active tuberculosis; and

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

**40 TAC § 747.1209  
Tex. Admin. Code tit. 40, § 747.1209**

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

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

**40 TAC § 747.1211  
Tex. Admin. Code tit. 40, § 747.1211**

**§ 747.1211. Are there circumstances when I may 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 responsible for a child or as the substitute caregiver in your absence;

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

(3) The person has completed a child-care-related career program, which 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 responsible for a child or as the substitute caregiver in your absence;

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

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

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

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40 TAC § 747.1213

Tex. Admin. Code tit. 40, § 747.1213

§ 747.1213. 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 § 747.1215

Tex. Admin. Code tit. 40, § 747.1215

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

An assistant caregiver who worked in a licensed child-care home before May 1, 1985, is exempt from the qualifications for assistant caregivers specified in this division.

40 TAC § 747.1217

Tex. Admin. Code tit. 40, § 747.1217

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

Yes. The substitute caregiver that has the authority to operate the child-care home in your absence must meet the current qualifications for a substitute caregiver.

40 TAC § 747.1219

Tex. Admin. Code tit. 40, § 747.1219

§ 747.1219. 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 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) Original documentation must be provided to Licensing to verify completion of any high school equivalency program.

40 TAC § 747.1301

Tex. Admin. Code tit. 40, § 747.1301

§ 747.1301. What training must I ensure that my caregivers have?

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

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(1) Orientation to your child-care home as specified in § 747.1305 of this title (relating to What should orientation to my child-care home include?), within seven days of employment for a caregiver hired after September 1, 2011;

(2) 15 clock hours of annual training for a caregiver in a registered family home, as specified in § 747.1307 of this title (relating to What topics must the annual training for caregivers include?);

(3) 24 clock hours of annual training for a caregiver in a licensed child-care home as specified in § 747.1307 of this title; and

(4) CPR and first-aid training as specified in § 747.1313 of this title (relating to Who must have first-aid and CPR training?).

**40 TAC § 747.1303  
Tex. Admin. Code tit. 40, § 747.1303  
§ 747.1303. What training must I have?**

You must have the following training:

(1) Licensing pre-application interview, before being issued a permit;

(2) 30 clock hours of annual training; and

(3) CPR and first-aid training.

**40 TAC § 747.1305  
Tex. Admin. Code tit. 40, § 747.1305**

**§ 747.1305. What should orientation to my child-care home include?**

Orientation to your child-care home must include at least the following:

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

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(2) Your home's child-care policies including discipline, guidance, and the release of children;

(3) An overview of symptoms of child abuse, neglect, and sexual abuse and the responsibility for reporting these;

(4) The procedures to follow in handling emergencies. Emergencies include, but are not limited to, fire, explosion, tornado, toxic fumes, volatile individuals, 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 § 747.1307  
Tex. Admin. Code tit. 40, § 747.1307

§ 747.1307. What topics must the annual training for caregivers include?

(a) Each caregiver counted in the child/caregiver ratio on more than ten separate occasions in one training year, as specified in § 747.1311 of this title (relating to When must the annual training be obtained?) must obtain annual training relevant to the age of the children for whom the caregiver provides care.

(b) Annual training is exclusive of CPR, first aid, orientation, transportation safety, and any training received through a high school child-care work-study program.

(c) 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.



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(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 physical activity);

(3) Safety;

(4) Risk management;

(5) Identification and care of ill children;

(6) Cultural diversity of 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 ages of children in care (for example, caregivers working with infants or toddlers should receive training on biting and toilet training);

(10) Planning developmentally appropriate learning activities;

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(11) Observation and assessment;

(12) Attachment and responsive care giving; and

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

(e) If the home provides care for a child younger than 24 months, one hour of 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 § 747.1314 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 80% of annual training from self-instructional materials.

40 TAC § 747.1309  
Tex. Admin. Code tit. 40, § 747.1309

§ 747.1309. What training topics must be included in my annual training as the primary caregiver?

(a) You must obtain at least 30 clock hours of training annually that is:

(1) Relevant to the age of the children for whom you provide care;

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(2) Exclusive of the Licensing pre-application interview, CPR and first-aid training, and transportation safety training; and

(3) Not earned for presenting training to others.

(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) A primary caregiver with five or fewer years of experience as a primary caregiver in a licensed or registered child-care home must complete at least six of the 30 clock hours in management techniques, leadership, or staff supervision.

(d) A primary caregiver with more than five years of experience as a primary caregiver in a licensed or registered child-care home must complete at least three of the 30 clock hours in management techniques, leadership, or staff supervision.

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

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(1) Recognizing and preventing shaken baby syndrome;

(2) Preventing sudden infant death syndrome; and

(3) Understanding early childhood brain development.

(f) The remainder of annual training hours must be selected from the training topics specified in § 747.1307(d) of this title (relating to What topics must the annual training for caregivers include?).

(g) If the home transports children whose chronological or developmental age is younger than nine years old, the primary caregiver must complete two hours of annual training on transportation safety in addition to the other training hours.

(h) A primary caregiver may obtain no more than 80% of annual training from self-instructional materials.

40 TAC § 747.1311  
Tex. Admin. Code tit. 40, § 747.1311

§ 747.1311. When must the annual training be obtained?

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

(b) Annual training for each caregiver must be obtained within 12 months from the date of the caregiver's employment and during each subsequent 12-month period. If a caregiver obtains more than the minimum number of annual training clock hours required, this caregiver may not carry the additional hours over to the next year.

40 TAC § 747.1313  
Tex. Admin. Code tit. 40, § 747.1313

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

(a) The primary caregiver and any substitute caregiver must have current training in first aid with rescue breathing and choking. Pediatric first aid is preferred, but not required.

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(b) The primary caregiver and any substitute caregiver, and one assistant caregiver for each group of children in care away from the child-care home, 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 § 747.1314  
Tex. Admin. Code tit. 40, § 747.1314**

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

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

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

**40 TAC § 747.1315  
Tex. Admin. Code tit. 40, § 747.1315**

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

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

(1) A training provider registered with the Texas Early 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;

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(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 licensed child-care home or a registered family home provider who has demonstrated core knowledge in child development and caregiving, if:

(A) Providing training to his own staff; and

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

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

(A) Has 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:

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(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 § 747.1317  
Tex. Admin. Code tit. 40, § 747.1317

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

No. We do not approve or endorse training resources or trainers for training clock hours. You should, however, ensure you and your caregivers 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 § 747.1319  
Tex. Admin. Code tit. 40, § 747.1319

**§ 747.1319. If I am attending, or I have a caregiver who is attending, a college or 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 you can provide documentation of completion as specified in this division, then you may count this training toward the annual training requirement.

40 TAC § 747.1321  
Tex. Admin. Code tit. 40, § 747.1321

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

If the caregiver can provide documentation of training obtained within two months before coming to work at your child-care home, this training may apply toward the annual training requirement. If you apply this training to the annual requirement, you must adjust the annual training due dates accordingly.

40 TAC § 747.1323

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Tex. Admin. Code tit. 40, § 747.1323

§ 747.1323. 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 § 747.1315(d) of this title (relating to Must child-care training meet certain criteria?).

40 TAC § 747.1327  
Tex. Admin. Code tit. 40, § 747.1327

§ 747.1327. 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 training in each caregiver's personnel record at your child-care home. 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;



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(5) The trainer's qualifications, in compliance with § 747.1315 of this title (relating to Must child-care training 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 caregiver can provide an original document upon request by Licensing.

(c) You may obtain a signed statement stating the caregiver has received the orientation or you may use original certificates, as specified in this division.

**40 TAC § 747.1401**  
**Tex. Admin. Code tit. 40, § 747.1401**

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

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

(1) Provide a copy of a health card or physician's statement verifying they are free of active tuberculosis if required by the regional Texas Department of State Health Services TB program or local health authority; and

(2) Complete orientation to your child-care home.

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

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

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

**40 TAC § 747.1403**  
**Tex. Admin. Code tit. 40, § 747.1403**

**§ 747.1403. What must orientation to my child-care home for household members include?**

The orientation must include the topics specified in § 747.1305 of this title (relating to What should orientation to my child-care home include?).

**40 TAC § 747.1405**  
**Tex. Admin. Code tit. 40, § 747.1405**

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

The minimum qualifications and training requirements for volunteers or any other person under contract with the home are the same as those specified in § 747.1401 of this title (relating to Must members of my household meet specific qualifications?).

**40 TAC § 747.1501**  
**Tex. Admin. Code tit. 40, § 747.1501**

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

(a) You and all other caregivers are responsible for seeing that children are:

- (1) Treated with courtesy, respect, acceptance, and patience;
- (2) Recognized and respected for their uniqueness as an individual;
- (3) Not abused, neglected, or exploited; and

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(4) Released only to a parent or a person designated by a parent.

(b) You and all other caregivers must report suspected abuse, neglect, or exploitation to DFPS as specified in Texas Family Code § 261.101.

(c) You and all other caregivers must also:

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

(2) Know and comply with the minimum standards specified in this chapter;

(3) Know each child's name and have information showing the child's age;

(4) Supervise children at all times, as specified in § 747.1503 of this title (relating to What does Licensing mean by "supervise children at all times"?);

(5) Ensure the children are not out of control;

(6) Be free from other activities not directly involving the teaching, care, and supervision of children, such as:

(A) Administrative and clerical duties that take the caregiver away from the children except for brief periods, such as for necessary phone calls, as long as appropriate supervision is maintained;

(B) Janitorial duties, such as mopping, vacuuming, and cleansing bathrooms. Sweeping up after an activity or mopping up spills may be necessary for the children's safety and are not considered janitorial duties; and

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(C) Personal use of electronic devices, such as MP3 players, video games, and cell phones. Cell phones may be briefly used for necessary phone calls, as long as appropriate supervision is maintained; and

(7) Interact with children in a positive manner.

**40 TAC § 747.1503  
Tex. Admin. Code tit. 40, § 747.1503**

**§ 747.1503. What does Licensing mean by “supervise children at all times”?**

Supervising children at all times means the primary caregiver or substitute caregiver and assistant caregivers are 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) Layout of the home and play area; and

(4) Neighborhood circumstances, hazards, and risks.

**40 TAC § 747.1601  
Tex. Admin. Code tit. 40, § 747.1601**

**§ 747.1601. What is child/caregiver ratio?**

The child/caregiver ratio is the maximum number of children one caregiver may be responsible for.

**40 TAC § 747.1603  
Tex. Admin. Code tit. 40, § 747.1603**

**§ 747.1603. How do I determine child/caregiver ratio?**

In determining child/caregiver ratio, the following apply:

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(1) The total number of children you may supervise is determined by the ages of the children in the child-care home.

(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 a qualified professional and is documented in the child's record.

(3) All children present, including children related to you, assistant and substitute caregiver's children, and drop-in and part-time children must be counted in the child/caregiver ratio, by age of the child, regardless of the length of time they are present.

(4) You must also count neighborhood children visiting your child-care home, if you are responsible for their care and supervision in the absence of the parent.

(5) In a registered child-care home, you may count a child who is at least four years of age and attending a pre-kindergarten program during the customary school day in the same way children five years old and older who are in care after school hours are counted. The pre-kindergarten program must be operated by or in collaboration with the local school district.

**40 TAC § 747.1605  
Tex. Admin. Code tit. 40, § 747.1605**

**§ 747.1605. May I ever care for more than 12 children in my registered or licensed child-care home?**

No. The total number of children in care must never exceed 12, and may be fewer than 12 depending on the ages of the children in the child-care home. This number includes all children present in the child-care home and any children in your care away from the child-care home, such as those on a field trip or being transported.

**40 TAC § 747.1607  
Tex. Admin. Code tit. 40, § 747.1607**

**§ 747.1607. May I reduce the number of caregivers supervising children during naptime?**

No. You may not reduce the number of caregivers while children are napping.

**40 TAC § 747.1609  
Tex. Admin. Code tit. 40, § 747.1609**

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§ 747.1609. May I adjust the child/caregiver ratio when I am opening and closing my child-care home?

No. You may not reduce the number of caregivers supervising the children during opening and closing times.

**40 TAC § 747.1701**  
**Tex. Admin. Code tit. 40, § 747.1701**

**§ 747.1701. How many children may I care for in my registered child-care home?**

There must not be more children in your registered child-care home at the same time than is shown in the following chart:

Figure: 40 TAC §747.1701

Number of Children One Caregiver May Care for in a Registered Child-Care Home			
Number of children birth through 17 months old	Number of children 18 months and older	Number of children five years old and older after school hours	Maximum number of children allowed in the child-care home at any one time, including children related to the caregiver
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	4	10
1	4	5	10
1	3	6	10
1	2	7	10
1	1	8	10
1	0	9	10
2	4	2	8
2	3	3	8
2	2	4	8
2	1	5	8
2	0	6	8
3	3	1	7
3	2	2	7
3	1	3	7
3	0	4	7
4	2	0	6
4	1	1	6
4	0	2	6

**40 TAC § 747.1703**  
**Tex. Admin. Code tit. 40, § 747.1703**

**§ 747.1703. If I have an additional caregiver present to supervise children in my registered child-care home, may I care for more children?**

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If your child-care home is registered, you may not increase the number of children in care if two or more caregivers are caring for the children.

40 TAC § 747.1801  
 Tex. Admin. Code tit. 40, § 747.1801

§ 747.1801. How many children may I care for in my licensed child-care home?

There must not be more children in your licensed child-care home at the same time than is shown in the following chart:

Figure: 40 TAC §747.1801

Number of Children One Caregiver May Care for in a Licensed Child-Care Home			
Number of children birth through 17 months old	Number of children 18 months through three years old	Number of children four years old and older	Maximum number of children one caregiver may supervise
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	6	4	11
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	5	3	10
2	4	4	10
2	3	5	10
2	2	6	10
2	1	7	10
2	0	8	10
3	3	1	7
3	2	2	7
3	1	3	7
3	0	4	7
4	2	0	6
4	1	1	6
4	0	2	6

40 TAC § 747.1803  
 Tex. Admin. Code tit. 40, § 747.1803

§ 747.1803. If I have an additional caregiver present to supervise children in my licensed child-care home, may I care for more children?

If your child-care home is licensed, then the following child/caregiver ratio and maximum group size applies when two caregivers are caring for the children:

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 Figure: 40 TAC §747.1803

Number of Children Two Caregivers May Care for in a Licensed Child-Care Home		
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 § 747.1805  
 Tex. Admin. Code tit. 40, § 747.1805

§ 747.1805. Must I limit the ages of children in care if there are three or more caregivers present?

If your child-care home is licensed and more than two caregivers are present caring for the children, then you may care for 12 children of any age from birth through 13 years.

40 TAC § 747.1901  
 Tex. Admin. Code tit. 40, § 747.1901

§ 747.1901. Do I need additional caregivers when I take children away from my licensed or registered child-care home 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 home, including but not limited to, trips to the skating rink, shopping, public park, or amusement park, you must meet the following child/caregiver ratio:



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**Figure: 40 TAC §747.1901(a)**

Ratios for Field Trips Mixing with Other Children or Adults Away from the Child-Care Home		
If the age of the youngest child in the group is...	Then you must have (Number) adults to supervise...	Every (Number) children
0 through 23 months	1	3
2 years	1	6
3 years	1	6
4 years	1	9
5 years	1	11
6 years and older	1	12

(b) The child/caregiver ratio for field trips may include adult volunteers or household members who are not qualified as caregivers only for trips when children are mixing with children and adults who are not from your child-care home, as long as you maintain at least the regular ratio for your registered or licensed child-care home, as applicable, with qualified caregivers.

(c) You must maintain the regular child/caregiver ratio specified in this subchapter for registered and licensed child-care homes, as applicable, when children are on a field trip in an enclosed controlled area, including but not limited to, events planned only for your group such as library story time, tours of the fire department, or on a walk in the neighborhood.

**40 TAC § 747.1903**  
**Tex. Admin. Code tit. 40, § 747.1903**

**§ 747.1903. If I provide transportation, how many caregivers must I have in the vehicle to supervise the children?**

(a) You must have one caregiver in addition to the driver if you transport more than four children who are younger

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than 24 months.

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

**40 TAC § 747.2001**

**Tex. Admin. Code tit. 40, § 747.2001**

**§ 747.2001. Must I have additional caregivers for wading/splashing activities?**

(a) Whenever children use a wading or splashing pool (two feet of water or less), you must use the child/caregiver ratio for wading/splashing activities for all children in care.

(b) If there is more than one child under 24 months in care, a second adult must be present.

(c) 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:

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 Figure: 40 TAC §747.2001(c)

Ratio for Splashing or Wading Pools (Less Than Two Feet Deep)		
If the age of the youngest child is...	Then you must have (number) adults to supervise...	A maximum of (number) children.
0 through 23 months	1	1
	2	6
2 years	1	5
	2	11
3 years	1	6
4 years	1	12
5 years	1	12
6 years and older	1	12

40 TAC § 747.2005  
 Tex. Admin. Code tit. 40, § 747.2005

§ 747.2005. What are the child/caregiver ratios for swimming activities?

(a) When your child-care home uses a swimming pool (more than two feet of water) and four or more children are swimming, there must be at least two caregivers present supervising the children who 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. You must use the following child/caregiver ratio for swimming activities:

Figure: 40 TAC §747.2005(b)

Ratio for Swimming Pools (More Than Two Feet Deep)		
If the age of the youngest child in the group is...	Then you must have (number) adults to supervise...	Every (number) children.
0 through 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 § 747.2009  
 Tex. Admin. Code tit. 40, § 747.2009

§ 747.2009. Must I have a certified lifeguard 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 § 747.2011  
 Tex. Admin. Code tit. 40, § 747.2011

§ 747.2011. 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 home are swimming.

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

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40 TAC § 747.2013

Tex. Admin. Code tit. 40, § 747.2013

§ 747.2013. 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 of water or more must be able to swim and must be prepared to do so in an emergency.

40 TAC § 747.2015

Tex. Admin. Code tit. 40, § 747.2015

§ 747.2015. May I include volunteers or household members 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 household members 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 child/caregiver ratios required in Division 2 of this subchapter (relating to Regular Ratios and Group Sizes in the Registered Child-Care Home), or Division 3 of this subchapter (relating to Regular Ratios and Group Sizes in the Licensed Child-Care Home), as applicable, 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 § 747.2017

Tex. Admin. Code tit. 40, § 747.2017

§ 747.2017. 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 § 747.2101

Tex. Admin. Code tit. 40, § 747.2101

§ 747.2101. Must I provide planned activities for the children in my child-care home?

(a) Yes. You must provide a planned program of activities designed to meet the individual needs and developmental levels of the children in the group.

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(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 home 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 § 747.2103  
Tex. Admin. Code tit. 40, § 747.2103

Green,  
Blue,  
& Gray

§ 747.2103. What should the activity plan include?

Green  
& Blue

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

(1) A variety of creative activities;

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

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

(4) Regular meal and snack times;

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

(6) A variety of child-initiated and caregiver-initiated activities;

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

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

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

40 TAC § 747.2105  
Tex. Admin. Code tit. 40, § 747.2105

§ 747.2105. May I use TV/video, computer, and video games for activities with children?

(a) TV/video, computer, and video games may be used to supplement, but may not be used to replace, the activities for children described in § 747.2317 of this title (relating to What activities must I provide for infants?), § 747.2407 of this title (relating to What activities must I provide for toddlers?), § 747.2507 of this title (relating to What activities must I provide for pre-kindergarten age children?), and § 747.2607 of this title (relating to What activities must I provide for school-age children?).

(b) 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 § 747.2107  
Tex. Admin. Code tit. 40, § 747.2107

§ 747.2107. Am I required to have a written activity plan?

No. You are not required to have a written plan of activities, although you may find this helpful in planning for the various age groups in your care.