

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 A. Purpose and Definitions

40 TAC § 747.101
Tex. Admin. Code tit. 40, § 747.101

§ 747.101. What is the purpose of this chapter?

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

40 TAC § 747.103
Tex. Admin. Code tit. 40, § 747.103

§ 747.103. What do certain pronouns mean when used in this chapter?

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

(1) I, my, you, and your--A permit holder who is the primary caregiver in a licensed or registered child-care home, unless otherwise stated.

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

40 TAC § 747.105
Tex. Admin. Code tit. 40, § 747.105

§ 747.105. 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.

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

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

(5) After-school hours--Hours before and after school, and days when school is not in session, such as school holidays, summer vacations, and teacher in-service days.

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

(7) 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.

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

(9) 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.

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

(11) 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.

(12) 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).

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

(14) Certified Child-Care Professional Credential--A credential given to a person working directly with children; based on assessed competency in several areas of child care and child development.

(15) 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.

(16) Child-care home--A registered or licensed child-care home, as specified in § 747.109 of this title (relating to What is a registered child-care home?) or § 747.111 of this title (relating to What is a licensed child-care home?). This term includes the program, building, grounds, furnishings, and equipment.

(17) Child-care location--The street address of the child-care home and the lot on which the building is located.

(18) Child-care program--The services and activities provided by a child-care home.

(19) 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.

(20) 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.

(21) 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.

(22) Corporal punishment--The infliction of physical pain on a child as a means of controlling behavior. This

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includes, but is not limited to, spanking, hitting, slapping, thumping, or rapping a child.

(23) 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.

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

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

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

(27) 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.

(28) Field trips--Activities conducted away from the child-care home.

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

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

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

(32) Group activities--Activities that allow children to interact with others in large or small groups. Group activities

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include, but are not limited to, storytelling, finger plays, show and tell, organized games, and singing.

(33) 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.

(34) Health-care professional--A licensed physician, licensed registered nurse with appropriate advanced practice authorization from the Texas Board of Nursing, 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.

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

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

(37) 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.

(38) 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 an area while children are in care.

(39) 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 home or whatever setting exists for toddlers without disabilities.

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

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

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

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

(44) 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 home in August or September of that year.

(45) 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.

(46) 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.

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

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

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

(50) 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.

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

**40 TAC § 747.107
Tex. Admin. Code tit. 40, § 747.107**

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

(a) The minimum standards in this chapter apply to all:

(1) Child-care homes registered or licensed by us to care for 12 or fewer children in the caregiver's own home for less than 24 hours per day; and

(2) Family homes registered by us before September 1, 2003.

(b) To be considered 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, unless the exception in § 747.111(b) of this title (relating to What is a licensed child-care home?) is met.

**40 TAC § 747.109
Tex. Admin. Code tit. 40, § 747.109**

§ 747.109. What is a registered child-care home?

In a registered child-care home, the registered primary caregiver provides care in the caregiver's own residence for not more than six children from birth through 13 years, and may provide care after-school hours for not more than six additional elementary school children. The total number of children in care at any given time, including the children related to the caregiver, must not exceed 12.

**40 TAC § 747.111
Tex. Admin. Code tit. 40, § 747.111**

§ 747.111. What is a licensed child-care home?

(a) In a licensed child-care home, the licensed primary caregiver provides care in the caregiver's own residence for children from birth through 13 years, unless the operation was licensed as a group day care home prior to September 1, 2003.

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(b) A child-care home licensed as a group day care home prior to September 1, 2003, may provide care at a location other than the primary caregiver's own residence, until the permit is no longer valid. A location, other than the primary caregiver's own residence, is subject to the minimum standards in this chapter and, if applicable, the conditions specified in § 745.373 of this title (relating to May I have more than one licensed child-care home?)

(c) The total number of children in care varies with the ages of the children, but the total number of children in care in a licensed child-care home at any given time, including the children related to the caregiver, must not exceed 12.

**40 TAC § 747.113
Tex. Admin. Code tit. 40, § 747.113**

§ 747.113. Who is responsible for complying with the minimum standards?

(a) If the child-care home is registered, the permit holder must ensure compliance with all minimum standards in this chapter, with the exception of any minimum standard requirements specified for licensed child-care homes.

(b) If the child-care home is licensed, the permit holder must ensure compliance with all minimum standards in this chapter, with the exception of any minimum standard requirements specified only for registered child-care homes.

(c) The permit holder is not required to comply with minimum standards identified for specific types of child-care programs or activities the child-care home does not offer, such as transportation or swimming activities.

**40 TAC § 747.201
Tex. Admin. Code tit. 40, § 747.201**

§ 747.201. Who is a primary caregiver?

(a) The primary caregiver is the person responsible for ensuring that the home operates in compliance with these minimum standards and the licensing laws. The primary caregiver of a licensed or registered child-care home must:

(1) Live in the home where care is provided, unless the home was licensed as a group day care home prior to September 1, 2003. Refer to § 747.111 of this title (relating to What is a licensed child-care home?); and

(2) Be the permit holder unless the primary caregiver forms a business entity that is the permit holder for the home.

(b) A permit holder licensed to operate one or more group day care homes prior to September 1, 2003, must

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designate, on a DFPS form, a person who meets the qualifications in § 747.1101 of this title (relating to Who is required to meet the qualifications specified in this division?) to act as the primary caregiver for each licensed child-care home. This exception will not apply to an operation when the permit issued prior to September 1, 2003, is no longer valid.

**40 TAC § 747.203
Tex. Admin. Code tit. 40, § 747.203**

§ 747.203. As the primary caregiver, may I leave someone else in charge if I cannot be home during all hours of operation?

Yes. When you are absent from the child-care home, you must designate a substitute caregiver to be in charge of the child-care home. Substitutes must:

- (1) Know they are in charge and for how long;
- (2) Know their responsibilities while in charge;
- (3) Have access to all essential information to communicate with parents and state and local authorities as needed; and
- (4) Have the authority to run the child-care home in compliance with minimum standards.

**40 TAC § 747.205
Tex. Admin. Code tit. 40, § 747.205**

§ 747.205. Must I be present at my child-care home during all hours of operation?

As the primary caregiver, you must routinely be present in your child-care home during its hours of operation; however, you may be temporarily absent for limited periods of time for vacations, short-term family emergencies or family business, illness, hospitalization or doctor appointments, jury duty, to attend training, or to attend to child-care business.

**40 TAC § 747.207
Tex. Admin. Code tit. 40, § 747.207**

§ 747.207. What are my responsibilities as the primary caregiver?

You are responsible for the following:

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- (1) Developing and implementing your child-care home's operational policies, which comply with or exceed the minimum standards;
- (2) Complying with all minimum standards that apply to your licensed or registered child-care home, as specified in this chapter;
- (3) Ensuring all substitute and assistant caregivers comply with the minimum standards for caregivers, as specified in this chapter, and are provided assignments that match their skills, abilities, and training;
- (4) Ensuring all household members comply with the minimum standards that apply to household members, as specified in this chapter;
- (5) Reporting suspected abuse, neglect, and exploitation as required by the Texas Family Code, § 261.401;
- (6) Ensuring parents have the opportunity to visit your child-care home any time during all hours of operation to observe their child, program activities, the home, the grounds, and the equipment, without having to secure prior approval;
- (7) Initiating background checks as specified in Chapter 745, Subchapter F of this title (relating to Background Checks);
- (8) Ensuring all information related to background checks is kept confidential as required by the Human Resources Code, § 40.005(d) and (e); and
- (9) Complying with the child-care licensing law, found in Chapter 42 of the Human Resources Code, and all other applicable rules in the Texas Administrative Code, including the minimum standards in this chapter.

40 TAC § 747.209
Tex. Admin. Code tit. 40, § 747.209

§ 747.209. Must I maintain liability insurance?

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No. We do not require you to have liability insurance.

**40 TAC § 747.301
Tex. Admin. Code tit. 40, § 747.301**

§ 747.301. What changes regarding my child-care home 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) Adding a swimming pool or other permanent body of water;
- (4) Changing the age range of children to be cared for;
- (5) Changing the hours, days, or months of operation;
- (6) Offering new services relating to minimum standards found in this chapter, such as transportation or field trips;
- (7) 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
- (8) Going out of business.

**40 TAC § 747.303
Tex. Admin. Code tit. 40, § 747.303**

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§ 747.303. 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 child-care home 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 a household member, caregiver, or child in 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 Disease);

(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;

(5) The occurrence of any other situation that places a child at risk, such as forgetting a child in a vehicle or not preventing a child from wandering away from your child-care home 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 § 747.305
Tex. Admin. Code tit. 40, § 747.305**

§ 747.305. What emergency and 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;

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(2) Has a sign or symptom requiring exclusion from the child-care home as listed 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, forgetting a child in a vehicle or not preventing a child from wandering away from your child-care home unsupervised; or

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

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

(c) You must notify all parents of children in the child-care home within 48 hours when any child in your care, a caregiver, or a household member 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 Disease).

(d) You must notify parents within 48 hours when there is an outbreak of lice or other infestation in the child-care home.

**40 TAC § 747.401
Tex. Admin. Code tit. 40, § 747.401**

§ 747.401. What items must I post at my child-care home during hours of operation?

You must post the following in a prominent and publicly accessible place where parents and others may easily view them during all hours of operation:

(1) The child-care home's license or registration certificate;

(2) The letter or form from the most recent Licensing inspection or investigation;

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(3) The Licensing notice Keeping Children Safe;

(4) Telephone numbers specified in this division;

(5) A list of your employees, as defined in § 745.21(16) of this title (relating to What do the following word and terms mean when used in this chapter?). The list must be printed on paper at least 8 1/2 inches by 11 inches in size and must include each employee's first and last name; and

(6) Any other Licensing notices requiring posting.

**40 TAC § 747.403
Tex. Admin. Code tit. 40, § 747.403**

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

(a) You must post the following telephone numbers:

(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;

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(3) DFPS child abuse hotline;

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

(5) Your name, home address, and telephone number.

(b) You must post the telephone numbers next to each telephone in the child-care home. If you use a cordless or cellular phone, you must post these same numbers in a prominent place on the wall near the base of the phone or on the handset.

**40 TAC § 747.501
Tex. Admin. Code tit. 40, § 747.501**

§ 747.501. What written operational policies must I have?

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

(1) Procedure for release of children;

(2) Illness and exclusion criteria;

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

(4) Procedures for handling medical emergencies;

(5) Discipline and guidance practices;

(6) Animals, if applicable;

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

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

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

(10) Your emergency preparedness plan;

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

(12) Vaccine-preventable diseases for employees if your licensed child-care home is not in your home. The policy must address the requirements outlined in § 747.3411 of this title (relating to What must a policy for protecting children from vaccine-preventable diseases include?).

**40 TAC § 747.503
Tex. Admin. Code tit. 40, § 747.503**

§ 747.503. 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, before the date of the child's admission. You must keep a copy of 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 § 747.505
Tex. Admin. Code tit. 40, § 747.505**

§ 747.505. What must I do when I change an operational policy or an item in the enrollment agreement?

You must notify parents in writing of any changes to your policies and enrollment agreement. Parents must sign and date the updated information. You must keep the updated information in the child's record or at least one for each family, if siblings are enrolled at the same time.

**40 TAC § 747.601
Tex. Admin. Code tit. 40, § 747.601**

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

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

(b) Parents have the right to access their own child's record during a scheduled parent conference with the primary caregiver.

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

**40 TAC § 747.603
Tex. Admin. Code tit. 40, § 747.603**

§ 747.603. What records must I have for the 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 home:

(1) Child-care enrollment agreement specified in § 747.503 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;

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(8) Medication administration records; and

(9) 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 home and available for review during operating hours 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 above for three months after the child's last day in care.

40 TAC § 747.605
Tex. Admin. Code tit. 40, § 747.605

Green &
Pale Yellow

§ 747.605. What admission information must I obtain on 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 home;

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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 a school-age child attends; 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 younger than 18 years, if applicable.

**40 TAC § 747.607
Tex. Admin. Code tit. 40, § 747.607**

§ 747.607. 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 § 747.609
Tex. Admin. Code tit. 40, § 747.609**

§ 747.609. 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 § 747.611
Tex. Admin. Code tit. 40, § 747.611**

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

(a) A health statement is:

(1) A written statement, from a licensed health-care professional who has examined the child within the past year, indicating the child is able to take part in the child-care home's 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 at your child-care home, within one week after the date of admission, for each child who does not attend pre-kindergarten or school away from the child-care home.

**40 TAC § 747.613
Tex. Admin. Code tit. 40, § 747.613**

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

Each child enrolled or admitted to a child-care home 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 the child-care home from birth through 14 years.

**40 TAC § 747.615
Tex. Admin. Code tit. 40, § 747.615**

§ 747.615. Are there exemptions for these immunization requirements?

Yes; however, exemptions for immunization 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 § 747.617
Tex. Admin. Code tit. 40, § 747.617**

§ 747.617. Where can I find more information on immunizations?

You can find this 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/, or you may obtain a copy from Licensing or your local or state health department.

**40 TAC § 747.619
Tex. Admin. Code tit. 40, § 747.619**

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

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

**40 TAC § 747.621
Tex. Admin. Code tit. 40, § 747.621**

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

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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 § 747.623
Tex. Admin. Code tit. 40, § 747.623**

§ 747.623. What documentation is acceptable for immunization records?

(a) Documentation may be the original immunization record or a photocopy. 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 care professional validating the record.

**40 TAC § 747.625
Tex. Admin. Code tit. 40, § 747.625**

§ 747.625. If a child's immunization record is already on file at a pre-kindergarten program or school away from my child-care home, 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, 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,

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and telephone number of the pre-kindergarten program or school listed in the statement.

**40 TAC § 747.627
Tex. Admin. Code tit. 40, § 747.627**

§ 747.627. Must I maintain immunization and health records on children in my care that are related to me?

Yes. Any child in care during hours of operation, whether the child is related to you or not, must have these records at your child-care home.

**40 TAC § 747.629
Tex. Admin. Code tit. 40, § 747.629**

§ 747.629. 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 area, 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 program manager at the DSHS regional office nearest you.

**40 TAC § 747.631
Tex. Admin. Code tit. 40, § 747.631**

§ 747.631. Must children in my registered child-care home have vision and hearing screening?

No. The Special Senses and Communication Disorders Act, Texas Health and Safety Code, Chapter 36, does not require a screening or a professional examination for possible vision and hearing problems for a child enrolled in a child-care home that we register.

**40 TAC § 747.633
Tex. Admin. Code tit. 40, § 747.633**

§ 747.633. Must children in my licensed child-care home 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/.

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

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

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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 child-care home. 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 § 747.635
Tex. Admin. Code tit. 40, § 747.635**

§ 747.635. Must I keep attendance records or a sign-in and sign-out log for children in my care?

(a) Yes. You must maintain a record of attendance for each child in your care. You may use a sign-in and sign-out log or other attendance chart.

(b) You must keep attendance records for the previous three months and make them available to Licensing for review upon request.

**40 TAC § 747.701
Tex. Admin. Code tit. 40, § 747.701**

§ 747.701. Must I keep a written record of accidents and injuries that occur at my child-care home?

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 vehicle or not preventing a child from wandering away from the child-care home.

**40 TAC § 747.703
Tex. Admin. Code tit. 40, § 747.703**

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

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.

40 TAC § 747.705

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Tex. Admin. Code tit. 40, § 747.705

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

Yes. You or your substitute caregiver must sign and date the completed report.

40 TAC § 747.707

Tex. Admin. Code tit. 40, § 747.707

§ 747.707. 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 § 747.709

Tex. Admin. Code tit. 40, § 747.709

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

You must keep the form with the child's record at the child-care home while the child is in care and for at least three months after the child's last day in care.

40 TAC § 747.801

Tex. Admin. Code tit. 40, § 747.801

§ 747.801. What records must I keep at my child-care home?

You must maintain and make the following records available for our review upon request during hours of operation. Paragraphs (10), (11), and (12) are optional, but if provided, will allow Licensing to avoid duplicating the evaluation of standards that have been evaluated by another state agency 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, as required in § 747.2321 of this title (relating to Must I obtain written feeding instructions for children not ready for table food?), if applicable;

(3) Personnel and training records, as required in § 747.901 of this title (relating to What information must I maintain in my personnel records?), and in § 747.1327 of this title (relating to What documentation must I provide to Licensing to verify that training requirements have been met?);

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

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Background Checks);

(5) Menus, as required in § 747.3113 of this title (relating to Must I post and maintain daily menus?);

(6) Medication records, as required in § 747.3605 of this title (relating to How must I administer medication to a child in my care?);

(7) Pet vaccination records, as required in § 747.3703 of this title (relating to Must I keep documentation of vaccinations for the animals?), if applicable;

(8) Fire safety documentation for emergency drills, fire extinguishers, smoke detectors and emergency evacuation and relocation diagram, as required in § 747.5005 of this title (relating to Must I practice my emergency preparedness plans?), § 747.5007 of this title (relating to Must I have an emergency evacuation and relation diagram?), § 747.5107 of this title (relating to How often must I inspect and service the fire extinguisher?), § 747.5115 of this title (relating to How often must the smoke detectors at my child-care home be tested?), and § 747.5117 of this title (relating to How often must I have an electronic smoke alarm system tested?);

(9) Most recent Licensing inspection report, letter, or notice;

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

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

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

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

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(14) 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 home; and

(15) Documentation for cribs as specified in § 747.2309 of this title (relating to What specific safety requirements must my cribs meet?), if applicable.

**40 TAC § 747.803
Tex. Admin. Code tit. 40, § 747.803**

§ 747.803. How long must I keep these records at my child-care home?

(a) You must keep these records at your child-care home for at least three months from the date the record was created, unless otherwise stated in these minimum standards.

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

**40 TAC § 747.901
Tex. Admin. Code tit. 40, § 747.901**

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

You must keep at least the following at the child-care home for each assistant caregiver and substitute, as specified in this chapter:

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

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

(3) A copy of a health card or physician's statement verifying the caregiver 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;

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(5) A record of training hours;

(6) Proof of request for all Background Checks;

(7) A copy of a photo identification;

(8) A copy of a current driver's license for each person or caregiver that transports a child in care; and

(9) A statement signed and dated by the caregiver in a licensed child-care home verifying the date the caregiver attended training during orientation that includes an overview of symptoms of child abuse, neglect, and sexual abuse and the responsibility for reporting these as outlined in § 747.1305 of this title (relating to What should orientation to my child-care home include?).

**40 TAC § 747.903
Tex. Admin. Code tit. 40, § 747.903**

§ 747.903. Must I keep records for my household members who are counted in the child/caregiver ratio?

Yes. You must keep the same personnel records specified in § 747.901 of this title (relating to What information must I maintain in my personnel records?) for all household members who are used as assistant or substitute caregivers as defined in Subchapter D, Division 3 of this chapter (relating to Assistant and Substitute Caregivers), whether they are paid or unpaid.

**40 TAC § 747.905
Tex. Admin. Code tit. 40, § 747.905**

§ 747.905. What records must I keep for my household members who are not counted in the child/caregiver ratio?

You must keep at least the following for each person that you are required to request a background check on, as specified in Chapter 745, Subchapter F of this title (relating to Background Checks):

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

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(2) Documentation verifying orientation to the child-care home was completed; and

(3) Proof of request for a DFPS Background Check.

**40 TAC § 747.907
Tex. Admin. Code tit. 40, § 747.907**

§ 747.907. Where can I obtain a copy of the Licensing Affidavit for Applicants for Employment form?

You may request a copy from us or you may obtain a copy from our DFPS website at: http://www.dfps.state.tx.us/Child_Care/Information_for_Providers/cclforms.asp.

**40 TAC § 747.909
Tex. Admin. Code tit. 40, § 747.909**

§ 747.909. What records must I maintain on myself?

You must have the following records available for review during hours of operation:

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

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

(3) A record of your training hours; and

(4) A copy of a current driver's license or other photo identification.

**40 TAC § 747.911
Tex. Admin. Code tit. 40, § 747.911**

§ 747.911. Must I maintain attendance records or time sheets on caregivers that assist me?

We do not require you to maintain attendance records or time sheets for yourself or any other person you count in the child/caregiver ratio.

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**40 TAC § 747.913
Tex. Admin. Code tit. 40, § 747.913**

§ 747.913. How long must I keep the required records on caregivers and household members?

You must keep records for at least three months after a caregiver's last day on the job or after the household member is no longer living in your home.

**40 TAC § 747.915
Tex. Admin. Code tit. 40, § 747.915**

§ 747.915. May Licensing access my records?

All records required to be maintained under this division are subject to our immediate review and reproduction, upon our request, during all hours of operation.

**40 TAC § 747.917
Tex. Admin. Code tit. 40, § 747.917**

§ 747.917. May I keep electronic records or a combination of paper and electronic records, and what procedures must I have for these 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 business hours for review by Licensing upon request.