

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 H. Basic Care Requirements for Infants

40 TAC § 747.2301  
Tex. Admin. Code tit. 40, § 747.2301

§ 747.2301. What are the basic care requirements for infants?

Basic care for infants must include:

(1) Individual attention given to each child including playing, talking, cuddling, and holding;

(2) Holding and comforting a child who is upset;

(3) Prompt attention given to physical needs, such as feeding and diapering;

(4) Talking to children as they are fed, changed, and held, such as naming objects, singing, or saying rhymes; and

(5) Ensuring objects less than 1 and 1/4 inches in diameter are kept out of the reach of children younger than three years.

40 TAC § 747.2303  
Tex. Admin. Code tit. 40, § 747.2303

§ 747.2303. How must I arrange the space where I care for infants?

The room arrangement of the infant care area must:

(1) Make it possible for caregivers to see and/or hear infants and be able to intervene when necessary;

(2) Include safe, open, floor space for floor time play;

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(3) Have cribs far enough apart so that one infant may not reach into another crib; and

(4) Provide caregivers enough space to walk and work between cribs, cots, and mats.

40 TAC § 747.2305  
Tex. Admin. Code tit. 40, § 747.2305

§ 747.2305. What furnishings and equipment must I have available for the infants?

Furnishings and equipment for infants must include at least the following:

(1) An individual crib for each non-walking infant;

(2) An individual crib, cot, bed, or mat that is waterproof or washable for each walking infant;

(3) A sufficient number of toys to keep the children engaged in activities.

40 TAC § 747.2307  
Tex. Admin. Code tit. 40, § 747.2307

§ 747.2307. Must the equipment I use for infants be equipped with safety straps?

If you use high chairs, swings, strollers, infant carriers, rockers, and bouncer seats or similar types of equipment, they must be equipped with safety straps that must be fastened whenever a child is using the equipment.

40 TAC § 747.2309  
Tex. Admin. Code tit. 40, § 747.2309

§ 747.2309. What specific safety requirements must my cribs meet?

(a) All cribs must have:

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- (1) A firm, flat mattress that snugly fits the sides of the crib. The mattress must not be supplemented with additional foam material or pads;
  
  - (2) Sheets that fit snugly and do not present an entanglement hazard;
  
  - (3) A mattress that is waterproof or washable;
  
  - (4) Secure mattress support hangers, and no loose hardware, or improperly installed or damaged parts;
  
  - (5) A maximum of 2 3/8 inches between crib slats or poles;
  
  - (6) No corner posts over 1/16 inch above the end panels;
  
  - (7) No cutout areas in the headboard or footboard that would entrap a child's head or body;
  
  - (8) Drop gates, if present, which fasten securely and cannot be opened by a child; and
  
  - (9) Documentation that each crib meets the applicable federal rules at Title 16, Code of Federal Regulations, Parts 1219 or 1220, concerning "Safety Standards for Full-Size Baby Cribs" and "Safety Standards for Non-Full-Size Baby Cribs," respectively, or documentation that each crib is a medical device listed and registered with the U.S. Food and Drug Administration.
- (b) You must sanitize each crib when soiled and before another child uses the crib.
- (c) You must never leave a child in a crib with the drop gate down.

**40 TAC § 747.2311**  
**Tex. Admin. Code tit. 40, § 747.2311**

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**§ 747.2311. Are mesh cribs or port-a-cribs allowed?**

Yes. Non-full-size, portable, or mesh-side cribs are allowed, but some additional safety requirements must be followed:

(1) You must use non-full-size, portable, or mesh-side cribs according to the manufacturer's recommendations. These cribs must also have:

(A) A minimum height of 22 inches from the top of the railing to the mattress support at its lowest level;

(B) Mesh openings that are 1/4 inch or less;

(C) Mesh which is securely attached to top rail, side rail, and floor plate; and

(D) Folded sides that securely latch in place when raised;

(2) You must never leave a child in a mesh-sided crib with a side folded down.

**40 TAC § 747.2313  
Tex. Admin. Code tit. 40, § 747.2313**

**§ 747.2313. Are stacking wall cribs allowed?**

Yes. Stacking wall cribs must meet the requirements specified in § 747.2309 of this title (relating to What specific safety requirements must my cribs meet?) and:

(1) Are limited to two stacked cribs;

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(2) Must be used according to manufacturer's directions; and

(3) Doors/gates must be securely latched anytime a child is in the crib.

**40 TAC § 747.2315  
Tex. Admin. Code tit. 40, § 747.2315**

**§ 747.2315. Are specific types of equipment prohibited for use with infants?**

Yes. The following list of equipment, identified as unsafe for infants by the Consumer Product Safety Commission and the American Academy of Pediatrics, must not be used in your child-care home:

(1) Baby walkers;

(2) Baby bungee jumpers;

(3) Accordion safety gates;

(4) Bean bags, waterbeds, and foam pads used as sleeping equipment; and

(5) Soft or loose bedding, such as blankets, sleep positioning devices, stuffed toys, quilts, pillows, bumper pads, and comforters, must not be used in cribs for children younger than 12 months of age.

**40 TAC § 747.2317  
Tex. Admin. Code tit. 40, § 747.2317**

**§ 747.2317. What activities must I provide for infants?**

**Activities for infants must include at least the following:**

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(1) Daily opportunities for outdoor play as weather permits;

(2) Opportunities to explore outside the crib or other confining equipment multiple times during each day;

(3) Opportunities for reaching, grasping, pulling up, creeping, crawling, and walking in a safe, clean, uncluttered area;

(4) Opportunities for visual stimulation through nonverbal communication. Examples of age-appropriate equipment include large pictures of faces and familiar objects, simple, soft, washable books and toys, unbreakable mirrors or mobiles attached to cribs visible from the baby's position, and brightly patterned crib sheets;

(5) Opportunities for auditory stimulation. Examples of age-appropriate equipment or activities include verbal communication, soothing music, and musical or sounding toys;

(6) Opportunities for sensory stimulation. Examples of age-appropriate equipment include surfaces, fabrics, textured toys, or washable dolls, and toy animals;

(7) Opportunities for small-muscle development. Examples of age-appropriate equipment or activities include busy boxes, rattles, teething toys, grasping toys, shaking or squeezing toys, or cloth toys; and

(8) Opportunities for large-muscle development. Examples of age-appropriate equipment or activities include blankets or quilts for floor time, crib and play gyms, variety of light-weight balls, or pillows or supportive equipment for those learning to sit up.

40 TAC § 747.2319  
Tex. Admin. Code tit. 40, § 747.2319

§ 747.2319. Are there specific requirements for feeding infants?

Yes. You must:

(1) Hold infants who are unable to sit unassisted in a high chair or other seating equipment while feeding them;

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(2) Not prop bottles. The child or an adult must hold the bottle;

(3) Provide regular snack and meal times for infants who eat table food;

(4) Ensure children no longer being held for feeding are fed in a safe manner;

(5) Label, color-code or otherwise distinguish among bottles and training cups used by different children;

(6) Not allow children to walk around with or sleep with a bottle or training cup;

(7) Not use the bathroom sink or diaper-changing surface for food preparation, or for washing food service/preparation equipment, bottles, pacifiers, or toys; and

(8) Sanitize high chair trays before each use.

40 TAC § 747.2321  
Tex. Admin. Code tit. 40, § 747.2321

§ 747.2321. Must I obtain written, feeding instructions for children not ready for table food?

(a) Yes. For children not ready for table food, you must obtain and follow written feeding instructions that are signed and dated by the child's parent or physician.

(b) You must review and update the feeding instructions with the parent every 30 days until the child is able to eat table food.

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(c) If your child-care home is participating in the Child and Adult Care Food Program administered by the Texas Department of Agriculture, you may elect to meet those requirements rather than those specified in this section.

40 TAC § 747.2323  
Tex. Admin. Code tit. 40, § 747.2323

§ 747.2323. Must I provide a regularly scheduled naptime for infants?

Yes. Each infant must have a nap period that:

(1) Allows the infant to maintain his or her own pattern of sleeping and waking periods; and

(2) Allows the caregiver to supervise the infant according to § 747.1503 of this title (relating to What does Licensing mean be “supervise children at all times”?).

40 TAC § 747.2325  
Tex. Admin. Code tit. 40, § 747.2325

§ 747.2325. How long are infants allowed to remain in their cribs after awakening?

An infant may remain in the crib or other confining equipment for up to 30 minutes after awakening, as long as the infant is content and responsive.

40 TAC § 747.2327  
Tex. Admin. Code tit. 40, § 747.2327

§ 747.2327. Are infants required to sleep on their backs?

Infants not yet able to turn over on their own must be placed in a face-up sleeping position, unless the child’s parent presents written documentation from a health-care professional stating that a different sleeping position is allowed or will not harm the infant.

40 TAC § 747.2328  
Tex. Admin. Code tit. 40, § 747.2328

§ 747.2328. May I swaddle an infant to help the infant sleep?

No. You may not lay a swaddled infant down to sleep or rest on any surface at any time.

40 TAC § 747.2329  
Tex. Admin. Code tit. 40, § 747.2329

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§ 747.2329. If an infant has difficulty falling asleep, may I cover the infant's head or crib?

No. Infants must not have their heads, faces, or cribs covered by items such as blankets, linens, or clothing at any time.

40 TAC § 747.2331  
Tex. Admin. Code tit. 40, § 747.2331

§ 747.2331. Must I share a daily report with parents for each infant in my care?

No, you are not required to provide a daily written report to the child's parent.

40 TAC § 747.2401  
Tex. Admin. Code tit. 40, § 747.2401

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§ 747.2401. What are the basic care requirements for toddlers?

Basic care for toddlers must include:

(1) Routines such as diapering, feeding, sleeping, and indoor and outdoor activity times maintained as closely as possible;

(2) Individual attention given to each child including playing, talking, and cuddling;

(3) Holding and comforting a child that is upset; and

(4) Ensuring objects less than 1 and 1/4 inches in diameter be kept out of the reach of children younger than three years.

40 TAC § 747.2403  
Tex. Admin. Code tit. 40, § 747.2403

§ 747.2403. How must I arrange the space where I care for toddlers?

The toddler care area must include:

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(1) Spaces in the child-care home that allow both individual and group time; and

(2) A play environment that allows the caregiver to supervise all children as defined in § 747.1503 of this title (relating to What does Licensing mean by “supervise children at all times”?).

40 TAC § 747.2405  
Tex. Admin. Code tit. 40, § 747.2405

§ 747.2405. What furnishings and equipment must I provide for toddlers?

Furnishings and equipment for toddlers must include at least the following:

(1) Age-appropriate nap or rest equipment;

(2) Enough popular items are available so that toddlers are routinely engaged in either solitary or parallel play;

(3) Containers or low shelving so items children can safely use without direct supervision are accessible to children during the activity; and

(4) Training cups if used, that are:

(A) Labeled with the child’s first name and initial of last name or otherwise individually assigned to each child; and/or

(B) Cleaned and sanitized between each use.

40 TAC § 747.2407  
Tex. Admin. Code tit. 40, § 747.2407

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§ 747.2407. What activities must I provide for toddlers?

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Activities for toddlers must include at least the following:

(1) Daily morning and afternoon opportunities for outdoor play when weather permits;

(2) Opportunities for thinking skills and sensory development. Examples of age-appropriate equipment or activities include shape/item sorting toys, stacking or nesting toys, puzzles with less than six pieces, washable board books, washable blocks, snapping and take apart toys;

(3) Opportunities for small-muscle development. Examples of age-appropriate equipment or activities include large-size washable crayons and markers, variety of paper and art materials, table or easel for art, large paintbrushes, non-toxic play-dough, toddler-sized washable cars and trucks, toy animals, and toy people;

(4) Opportunities for large-muscle development. Examples of age-appropriate equipment or activities include low climbing structures, small riding toys, toys for pushing or pulling, variety of light-weight balls for indoors and outdoors play, and rhythm instruments;

(5) Opportunities for active play both indoors and outdoors. Examples of age-appropriate activities include music, songs, simple games and dramatic or imaginary play that encourage movement such as dancing, running, climbing, stretching, walking, and marching;

(6) Opportunities for language development. Examples of age-appropriate equipment or activities include washable, soft animals or puppets, simple picture books, and pictures of familiar items and places;

(7) Opportunities for social/emotional development. Examples of age-appropriate equipment or activities include dress up clothes and accessories, housekeeping equipment, unbreakable mirrors, washable dolls with accessories, items for practicing buttoning, zipping, lacing and snapping, tubs and tote bags (not plastic bags), and baskets for carrying and toting;

(8) Opportunities to develop self-help skills such as toileting, hand washing, and feeding themselves;

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(9) Regular meal and snack times; and

(10) Naptimes, during which children should be supervised according to § 747.1503 of this title (relating to What does Licensing mean by “supervise children at all times”?).

40 TAC § 747.2501  
Tex. Admin. Code tit. 40, § 747.2501

§ 747.2501. What are the basic care requirements for pre-kindergarten age children?

Caregivers must provide pre-kindergarten age children individual attention and encourage children to communicate and express feelings in appropriate ways.

40 TAC § 747.2503  
Tex. Admin. Code tit. 40, § 747.2503

§ 747.2503. How must I arrange the space used by pre-kindergarten age children?

The pre-kindergarten age care area(s) must include:

(1) Space to set up interest centers or focused play areas during the activity, such as arts and crafts, music and movement, blocks and construction, drama and theater, math and reasoning activities, science and nature, language and reading activities, such as books, story tapes and language games, stories read or told on a weekly basis, and cultural awareness, which are:

(A) Organized for independent use by children; and

(B) Arranged so the children’s activities are visible to the supervising caregiver;

(2) Space for furnishings and activities without limiting children’s movement; and

(3) Space that children are allowed to find or create individual activities, but which still permits the caregiver to easily supervise.

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40 TAC § 747.2505  
Tex. Admin. Code tit. 40, § 747.2505

§ 747.2505. What furnishings and equipment must I provide for pre-kindergarten age children?

Furnishings and equipment for pre-kindergarten age children must include at least the following:

- (1) Age-appropriate nap or rest equipment;
- (2) Enough popular items are available so that pre-kindergarten age children are routinely engaged in either solitary, parallel, or group play;
- (3) Containers or low shelving so items children can safely use without direct supervision are accessible to children.

40 TAC § 747.2507  
Tex. Admin. Code tit. 40, § 747.2507

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§ 747.2507. What activities must I provide for pre-kindergarten age children?

Activities for pre-kindergarten age children must include at least the following:

(1) Daily morning and afternoon opportunities for outdoor play when weather permits;

(2) Opportunities for thinking skills and sensory development. Examples of age-appropriate equipment or activities include sand/water play, blocks, framed puzzles with up to 30 pieces, variety of large, stringing beads, and simple board games;

(3) Opportunities for small-muscle development. Examples of age-appropriate equipment or activities include large non-toxic crayons, markers, paint, water colors and various size brushes, adjustable easels, collage materials, chalkboard and chalk, clay/dough and tools, workbench and accessories, round-end scissors, glue and paste, different types of music and videos, rhythm instruments, and finger plays;

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(4) Opportunities for large-muscle development. Examples of age-appropriate equipment or activities include small wagons, light-weight balls of all sizes, small wheelbarrows, tricycles, push toys, swings, slides, climbing equipment, balance beam, hanging bars, and outdoor building materials;

(5) Opportunities for active play both indoors and outdoors. Examples of age-appropriate active play include active games such as tag and hot potato, dancing and creative movement to music and singing, simple games and dramatic or imaginary play that encourages running, stretching, climbing, walking, and marching;

(6) Opportunities for language development. Examples of age-appropriate equipment or activities include flannel board stories, puppets, and variety of storybooks, writing materials, and stories on tape;

(7) Opportunities for social/emotional development. Examples of age-appropriate equipment or activities include dress up clothes and accessories, mirrors, dolls, simple props for different themes, puppets, transportation toys, toy animals, and table games;

(8) Opportunities to develop self-help skills such as toileting, hand washing, returning equipment to storage area or containers, and serving and feeding themselves;

(9) Regular meal and snack times; and

(10) Naptimes, or a period of rest for those children too old to nap, during which children should be supervised according to § 747.1503 of this title (relating to What does Licensing mean by “supervise children at all times?”).

**40 TAC § 747.2601**

**Tex. Admin. Code tit. 40, § 747.2601**

§ 747.2601. What basic care requirements must I provide for school-age children?

Basic care requirements for school-age children must include:

(1) Individual attention and conversation with adults; and

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(2) Physical care routines appropriate to each child's developmental needs.

**40 TAC § 747.2603  
Tex. Admin. Code tit. 40, § 747.2603**

**§ 747.2603. How must I arrange the space used by school-age children?**

The school-age care area must include:

(1) Space to set up interest centers or focused play areas during the activity, such as arts and crafts; music and movement; blocks and construction; drama and theater; math and reasoning activities; science and nature; language and reading activities, such as books, story tapes and language games, stories read or told on a weekly basis, and cultural awareness, which are:

(A) Organized for independent use by children; and

(B) Arranged so that the caregiver can supervise the children according to § 747.1503 of this title (relating to What does Licensing mean by "supervise children at all times"?);

(2) Space where children can have individual activities yet be supervised; and

(3) Space for quiet time to do homework.

**40 TAC § 747.2605  
Tex. Admin. Code tit. 40, § 747.2605**

**§ 747.2605. What furnishings and equipment must I provide for school-age children?**

Furnishings and equipment for school-age children must include:

(1) Workspace to do homework and table-top activities;

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(2) Age-appropriate nap or rest equipment;

(3) Containers or shelving so items children can safely use without direct supervision are accessible to children during the activity.

40 TAC § 747.2607  
Tex. Admin. Code tit. 40, § 747.2607

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§ 747.2607. What activities must I provide for school-age children?

Activities for school-age children must include at least the following:

(1) Study time for those who choose to do homework;

(2) Daily morning and afternoon opportunities for outdoor play when weather permits;

(3) Opportunities for thinking skills and sensory development. Examples of age-appropriate equipment or activities include sand and water play; construction materials/blocks; puzzles with 50 or more pieces; pattern-making materials, such as wood, paper, plastic, beads, ceramic tiles, cloth, or cardboard; games that contain rules and require some skill or strategy; specific skill development materials such as rulers, tape measures, telescopes, weather observation equipment, models of the solar system, and microscopes; books; and magazines;

(4) Opportunities for small-muscle development. Examples of age-appropriate equipment or activities include art and craft materials, such as paints, markers, colored pencils, crayons, clay, weaving, or braiding materials; music and musical instruments of all types; and tape/CD recorders and players;

(5) Opportunities for large-muscle development through balls and sports equipment, such as kick balls, baseballs, soccer balls, basketballs, skates, and horseshoes; riding equipment, such as kick scooters, skate boards, with knee pads, elbow pads, and helmets; and outdoor and gym equipment, such as slides, swings, climbing apparatus, and upper-body equipment;

(6) Opportunities for active play both indoors and outdoors. Examples of age-appropriate active play include active games such as tag and Simon says, dancing and creative movement to music and singing, simple games and dramatic or imaginary play that encourages running, stretching, climbing, and walking;

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(7) Opportunities for social/emotional development. Examples of age-appropriate equipment or activities include dolls with detailed, realistic accessories; role-play materials, including real equipment for library, hospital, post office, costumes, makeup and disguise materials; puppets and puppet show equipment; transportation toys, such as small vehicles or models; play and art materials; nature materials; and human and animal figurines;

**(8) Regular meal and snack times; and**

(9) Naptimes, or a period of rest for those children too old to nap, during which children should be supervised according to § 747.1503 of this title (relating to What does Licensing mean by “supervise children at all times?”).

**40 TAC § 747.2701  
Tex. Admin. Code tit. 40, § 747.2701**

**§ 747.2701. To what extent may I discipline the children in my care?**

Discipline must be:

(1) Individualized and consistent for each child;

(2) Appropriate to the child’s level of understanding; and

(3) Directed toward teaching the child acceptable behavior and self-control.

**40 TAC § 747.2703  
Tex. Admin. Code tit. 40, § 747.2703**

**§ 747.2703. What methods of discipline and guidance may I use?**

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

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(1) Using praise and encouragement of good behavior instead of focusing only upon unacceptable behavior;

(2) Reminding the children of behavior expectations daily by using clear, positive statements;

(3) Redirecting behavior using positive statements; and

(4) Using brief supervised separation or time out from the group, when appropriate for the child's age and development, that is limited to no more than one minute per year of the child's age.

**40 TAC § 747.2705  
Tex. Admin. Code tit. 40, § 747.2705**

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**§ 747.2705. What types of discipline and guidance or punishment are prohibited?**

**There must be no harsh, cruel, or unusual treatment of any child. The following types of discipline and guidance are prohibited:**

(1) Corporal punishment or threats of corporal punishment;

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

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

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

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

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

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

(8) Placing a child in a locked or dark room, bathroom, or closet with the door closed; and

**(9) Requiring a child to remain silent or inactive for inappropriately long periods of time for the child's age.**

40 TAC § 747.2711  
Tex. Admin. Code tit. 40, § 747.2711

§ 747.2711. Must I have a written discipline and guidance policy?

No. You are not required to have a written discipline and guidance policy if you provide parents with a copy of this subchapter. If you have a written policy, it must comply with the rules in this subchapter.

40 TAC § 747.2713  
Tex. Admin. Code tit. 40, § 747.2713

§ 747.2713. Must I give a copy of my written discipline and guidance policy to parents, my caregivers, and household members?

(a) You must give a copy of your written discipline and guidance policy or a copy of this subchapter to parents.

(b) You must share your written discipline and guidance policy or a copy of this subchapter with caregivers and household members as required in § 747.1305 of this title (relating to What should orientation to my child-care home include?).

40 TAC § 747.2715  
Tex. Admin. Code tit. 40, § 747.2715

§ 747.2715. How often must I update my written discipline and guidance policy?

You must update your written discipline and guidance policy each time you make changes. You must keep documentation at your child-care home showing that parents, caregivers, and household members have received a copy of your revised discipline and guidance policy.

40 TAC § 747.2801

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**Tex. Admin. Code tit. 40, § 747.2801**

**§ 747.2801. Must children have a naptime every day?**

You must provide a supervised sleep or rest period for all children 18 months or older who are in care for five or more consecutive hours, according to the child's individual physical needs. You may provide sleep or rest for each child who attends the child-care home for fewer than five hours and whose individual physical needs call for a rest period while the child is in care.

**40 TAC § 747.2803**

**Tex. Admin. Code tit. 40, § 747.2803**

**§ 747.2803. How long may the nap and rest time last each day?**

The planned sleep or rest period must not exceed three hours.

**40 TAC § 747.2805**

**Tex. Admin. Code tit. 40, § 747.2805**

**§ 747.2805. Are children required to sleep during this time?**

No. You must not force a child to sleep, or put anything in or on a child's head or body to force the child to rest or sleep.

**40 TAC § 747.2807**

**Tex. Admin. Code tit. 40, § 747.2807**

**§ 747.2807. Must I provide an alternative activity for those children who cannot sleep?**

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

(b) You must take a toddler who sleeps or rests in a crib out of the crib for other activities when he awakens.

**40 TAC § 747.2809**

**Tex. Admin. Code tit. 40, § 747.2809**

**§ 747.2809. Must I arrange the napping equipment in a specific manner?**

Napping equipment must:

**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 H. Basic Care Requirements for Infants**

- (1) Not block entrances or exits to the area;
- (2) Not be set up during other activities or left in place to interfere with children's useable activity space;
- (3) Be arranged to provide a sufficient walk and work space for caregivers between each cot or mat; and
- (4) Be arranged so that each child and caregiver has access to a walkway without having to walk on or over the cots or mats of other children.

**40 TAC § 747.2811**  
**Tex. Admin. Code tit. 40, § 747.2811**

**§ 747.2811. May I darken the room while children are sleeping?**

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