

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 U. Indoor and Outdoor Active Play Space and Equipment \_Division 1. Minimum Safety Requirements

40 TAC § 747.4401  
Tex. Admin. Code tit. 40, § 747.4401

§ 747.4401. What minimum safety requirements must my active play equipment meet?

Indoor and outdoor active play equipment and supplies used both at and away from the child-care home must be safe for the children as follows:

(1) The indoor and outdoor active play equipment must be arranged so that caregivers can adequately supervise children at all times;

(2) The design, scale, and location of the equipment must be appropriate for the body size and ability of the children using the equipment;

(3) Equipment must not have openings or angles that can entrap a child's body or body part that has penetrated the opening;

(4) Equipment must not have protrusions or openings that can entangle something around a child's neck or a child's clothing;

(5) Equipment must be securely anchored according to manufacturer's specifications to prevent collapsing, tipping, sliding, moving, or overturning;

(6) All anchoring devices must be placed below the level of the playing surface to prevent tripping or injury resulting from a fall;

(7) Equipment must not have exposed pinch, crush, or shear points on or underneath it;

(8) Climbing equipment, swings, or inflatables must not be installed over asphalt or concrete, unless the asphalt or concrete is covered with properly installed unitary surfacing material as specified in § 747.4707 of this title (relating to What are unitary surfacing materials?) and § 747.4709 of this title (relating to How should unitary surfacing

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 U. Indoor and Outdoor Active Play Space and Equipment \_Division 1. Minimum Safety Requirements materials be installed?);

(9) Porches or platforms more than 20 inches in height for pre-kindergarten and younger children, and more than 30 inches in height for school-age children, must be equipped with protective barriers that surround the elevated surface, except for entrances and exits and that prevent children from crawling over or falling through the barrier, or becoming entrapped; and

(10) Stairs and steps on climbing equipment, regardless of height, must have handrails the children can reach. Rung ladders do not require handrails.

40 TAC § 747.4403  
Tex. Admin. Code tit. 40, § 747.4403

§ 747.4403. Are there some types of equipment that children must not use?

Yes. Children must not use the following types of equipment at or away from the child-care home:

(1) Heavy swings made of metal or that have metal components, such as animal figure swings;

(2) Equipment that allows children to fall inside the structure and onto other parts of the structure, such as certain styles of monkey bars or jungle gyms;

(3) Trampolines, except those less than four feet in diameter that are no higher than 12 inches above a properly installed and maintained resilient surface;

(4) Swinging exercise rings and trapeze bars on long chains or free swinging ropes;

(5) Multiple occupancy swings, such as teeter-totters, gliders, or chair swings; or

(6) Swinging gates and giant strides.

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40 TAC § 747.4405

Tex. Admin. Code tit. 40, § 747.4405

§ 747.4405. Are there additional equipment restrictions for children younger than five years of age?

(a) Yes. Children younger than five years of age must not be allowed to use the following pieces of equipment at or away from the child-care home:

(1) Free standing arch climbers;

(2) Free standing climbing pieces with flexible parts;

(3) Fulcrum seesaws;

(4) Log rolls;

(5) Spiral slides with more than one 360 degree turn;

(6) Track rides.

(b) In addition, children younger than four years of age must not be allowed to use the following pieces of equipment at or away from the child-care home:

(1) Chain or cable walks;

(2) Horizontal ladders;

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(3) Vertical slide poles;

(4) Over-head rings; or

(5) Parallel bars.

40 TAC § 747.4407  
Tex. Admin. Code tit. 40, § 747.4407

§ 747.4407. What special maintenance procedures must I follow for my active play space?

(a) You or someone you designate must inspect the indoor and outdoor active play space daily before children go out to play to ensure there are no hazards present.

(b) You must ensure hazards or defects identified during the daily inspections are repaired promptly, and must arrange for protection of the children, or you must prohibit use of the hazardous equipment, until repairs can be made.

40 TAC § 747.4501  
Tex. Admin. Code tit. 40, § 747.4501

§ 747.4501. What are the safety requirements for swings?

(a) All swing seats must be constructed of durable, lightweight, rubber or plastic material.

(b) Edges of all swing seats must be smooth or rounded and have no protrusions.

(c) Swings must not be attached to a composite play structure, unless they are on a swing set designed for residential use.

40 TAC § 747.4503  
Tex. Admin. Code tit. 40, § 747.4503

§ 747.4503. Are there additional safety requirements for bucket swings designed for tots?

Yes. Bucket swings are intended for use by children under four years of age with an adult present to lift and secure the child into the swing. Therefore, the distance between the surface under the swing and the bottom of a bucket

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swing must be at least 24 inches. This will minimize the likelihood of unsupervised young children climbing into the swing.

40 TAC § 747.4505  
Tex. Admin. Code tit. 40, § 747.4505

§ 747.4505. Are there additional safety requirements for tire swings (multi-axis swings)?

Yes. Tire swings must also:

(1) Not be made from heavy truck tires, or tires with exposed steel-belted radials;

(2) Not be suspended from a composite structure or with other swings in the same bay;

(3) Have drainage holes drilled in the underside of the tire and maintained to facilitate water drainage; and

(4) Have a minimum clearance between the seating surface of a tire swing, and the uprights of the supporting structure must be 30 inches or more when the tire is in a position closest to the support structure.

40 TAC § 747.4601  
Tex. Admin. Code tit. 40, § 747.4601

§ 747.4601. What does Licensing mean by the term “use zone”?

The use zone is the surface area under and around a piece of equipment onto which a child falling from or exiting from the equipment would be expected to land. Other than the equipment itself, the use zone must be free of obstacles that a child could run into or fall on top of and be injured.

40 TAC § 747.4603  
Tex. Admin. Code tit. 40, § 747.4603

§ 747.4603. How do I measure the use zone for stationary equipment?

The use zone for stationary equipment, excluding slides, must extend a minimum of six feet in all directions from the perimeter of the equipment. Use zones for stationary equipment must not overlap other use zones.

40 TAC § 747.4605  
Tex. Admin. Code tit. 40, § 747.4605

§ 747.4605. How do I measure the use zone for slides?

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(a) The use zone in front of the access and to the sides of a slide must extend a minimum of six feet from the perimeter of the equipment.

(b) For slides six feet high or less, the use zone in front of the exit of a slide must extend at least six feet.

(c) For slides greater than six feet high, the use zone in front of the exit of a slide must be equal to the distance from the slide platform to the protective surfacing up to a maximum of eight feet.

(d) The use zone in front of the slide exit must not overlap the use zone of any other equipment.

40 TAC § 747.4607  
Tex. Admin. Code tit. 40, § 747.4607

§ 747.4607. How do I measure the use zone for to-fro swings?

(a) The use zone to the front and rear of a to-fro swing (single-axis swing) must extend twice the height of the vertical distance from the swing beam to the surface below.

(b) The use zone to the front and rear of the to-fro swing must not overlap any other use zone.

(c) The use zone around the sides of the to-fro swing structure (frame which supports the swings) must be at least six feet and may overlap the use zone of an adjacent swing structure.

40 TAC § 747.4609  
Tex. Admin. Code tit. 40, § 747.4609

§ 747.4609. How do I measure the use zone for tire swings?

(a) The use zone for tire swings or other multi-axis swings must extend in all directions for a distance equal to a distance from the swing beam to the top of the sitting surface of the tire, plus six feet.

(b) The use zone specified in subsection (a) of this section must not overlap any other use zone.

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(c) The use zone on the sides of the tire swing structure must be at least six feet, and may overlap the use zone on the sides of an adjacent swing support structure.

40 TAC § 747.4611  
Tex. Admin. Code tit. 40, § 747.4611

**§ 747.4611. How do I measure the use zone for bucket swings?**

(a) The use zone to the front and rear of the bucket swing for tots must be at least two times the vertical distance from the swing beam to the top of the swing-sitting surface.

(b) The use zone specified in subsection (a) of this section must not overlap any other use zone.

(c) The use zone on the sides of the bucket swing structure must be at least six feet and may overlap the use zone on the sides of an adjacent swing support structure

40 TAC § 747.4613  
Tex. Admin. Code tit. 40, § 747.4613

**§ 747.4613. How do I measure the use zone for rotating or rocking equipment?**

(a) The use zone for rotating or rocking equipment on which the child sits must be at least six feet from the perimeter when not in use.

(b) The use zone for rotating or rocking equipment or track rides on which the child stands or rides must be at least seven feet from the perimeter of the equipment when not in use.

(c) The use zone for rocking or rotating equipment must not overlap any other use zone.

40 TAC § 747.4615  
Tex. Admin. Code tit. 40, § 747.4615

**§ 747.4615. Do these use zone requirements apply to my child-care home if it was registered or licensed before September 1, 2003**

(a) If your child-care home was registered or licensed before September 1, 2003, you must at least maintain the following use zones until you meet one of the conditions specified in subsection (b) of this section:

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(1) Four feet from climbing structures;

(2) Five feet from the bottom of a slide. The other parts of the slide are considered a climbing structure;

(3) Seven feet plus the length of a swing's chain from the point of suspension; and

(4) Seven feet from a merry-go-round or other revolving devices.

(b) A child-care home registered or licensed before September 1, 2003, must comply with the use zone requirements specified in this division, under the following circumstances:

(1) A child-care home re-designs the existing playground or adds new playground equipment. The permit holder must meet use zone requirements specified in this division as the changes are made. You must submit a written plan for compliance to us upon request.

(2) Your permit to operate is no longer valid.

40 TAC § 747.4707  
Tex. Admin. Code tit. 40, § 747.4707

§ 747.4707. What are unitary surfacing materials?

Unitary surfacing materials are manufactured materials including rubber tiles, mats, or poured in place materials cured to form a unitary shock-absorbing surface.

40 TAC § 747.4709  
Tex. Admin. Code tit. 40, § 747.4709

§ 747.4709. How should unitary surfacing materials be installed?

(a) If you use unitary materials, they must be installed and maintained according to manufacturer's specifications.

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(b) Unitary materials may be installed over concrete or asphalt, only if recommended by the manufacturer.

40 TAC § 747.4711  
Tex. Admin. Code tit. 40, § 747.4711

§ 747.4711. What documentation must I keep at my child-care home if I use unitary surfacing materials?

If you use unitary surfacing materials, you must have test data from the manufacturer showing the impact rating of the material (the maximum height of equipment that may be installed over the surfacing material), and installation and maintenance requirements. This documentation must be at your child-care home and made available for review by parents and Licensing staff upon request during hours of operation.

40 TAC § 747.4751  
Tex. Admin. Code tit. 40, § 747.4751

§ 747.4751. May I use inflatable active play equipment?

Yes, you may use inflatable equipment both at and away from your child-care home as long as it meets the following:

(1) Enclosed inflatables (such as bounce houses or moon bounces) must only be used by one child at a time;

(2) Open inflatables (such as obstacle courses, slides, games) must be used according to the manufacturer's instructions; and

(3) Inflatables that include water activity must also comply with all applicable requirements in Subchapter V of this chapter (relating to Swimming Pools and Wading/Splashing Pools).

40 TAC § 747.4801  
Tex. Admin. Code tit. 40, § 747.4801

§ 747.4801. What safety precautions must I follow when children in my care use a swimming pool?

In addition to complying with the child/caregiver ratios specified in § 747.2005 of this title (relating to What are the child/caregiver ratios for swimming activities?) and other safety requirements specified in § 747.2009 and § 747.2013 of this title (relating to Must I have a certified lifeguard on duty when children are swimming in more than two feet of water? and Must persons who are counted in the child/caregiver ratio during swimming know how to swim?), you must comply with the following safety precautions when any child uses a swimming pool (more than

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two feet of water) both at and away from your child-care home:

(1) A minimum of two life-saving devices must be available;

(2) One additional life-saving device must be available for each 2,000 square feet of water surface;

(3) Drain grates must be in place, in good repair, and must not be able to be removed without using tools;

(4) Pool chemicals and pumps must be inaccessible to any child;

(5) Machinery rooms must be locked when a child is present;

(6) Caregivers must be able to clearly see all parts of the swimming area;

(7) The bottom of the pool must be visible at all times; and

(8) An adult must be present who is able to immediately turn off the pump and filtering system when a child is in a pool.

40 TAC § 747.4803  
Tex. Admin. Code tit. 40, § 747.4803

§ 747.4803. How should the swimming pool be built and maintained?

Swimming pools at the child-care home must be maintained according to the standards of the Texas Department of State Health Services for public pools, and any other state or local regulations.

40 TAC § 747.4805  
Tex. Admin. Code tit. 40, § 747.4805

§ 747.4805. Do the same safety precautions apply for above-ground pools?

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Yes. Above-ground pools must meet all pool safety requirements specified in this subchapter and must have a barrier that prevents a child's access to the pool.

40 TAC § 747.4807  
Tex. Admin. Code tit. 40, § 747.4807

§ 747.4807. How must I prevent children's unsupervised access to a swimming pool at my child-care home?

(a) You must prevent children from entering the pool area by a wall, fence, or other durable impenetrable barrier at least four feet high.

(b) Fence gates leading to the pool area must have self-closing and self-latching hardware out of children's reach. Gates must be locked when the pool is not in use.

(c) Doors from the child-care home leading to the pool area must have a lock out of children's reach that can only be opened by an adult.

(d) These doors and gates must not be designated as fire and emergency evacuation exits.

40 TAC § 747.4809  
Tex. Admin. Code tit. 40, § 747.4809

§ 747.4809. Does having a fence relieve me of the duty to supervise children's access to the pool?

No. Although a fence and locked access provides a layer of protection for a child who strays from supervision and may deter some children from entering the pool area, these do not replace the need for constant adult supervision and monitoring of safety features to protect children from unsupervised access to the pool.

40 TAC § 747.4813  
Tex. Admin. Code tit. 40, § 747.4813

§ 747.4813. What are the safety requirements for wading pools?

(a) Wading/splashing pools (two feet of water or less) used at your child-care home must be:

(1) Stored out children's reach when not in use;

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(2) Drained and sanitized at least daily; and

(3) Stored so they cannot hold water.

(b) You must comply with the safety precautions specified in § 747.4801 of this title (relating to What safety precautions must I follow when children in my care use a swimming pool?) when using wading/splashing pools away from your child-care home.

40 TAC § 747.4815  
Tex. Admin. Code tit. 40, § 747.4815

§ 747.4815. Are there specific safety requirements for sprinkler play?

You must not allow sprinkler equipment to be used by children on or near a hard, slippery surface, such as a driveway, sidewalk, or patio. You must store sprinkler equipment and water hoses so that they do not present a hazard to children.

40 TAC § 747.4817  
Tex. Admin. Code tit. 40, § 747.4817

§ 747.4817. Can children in my care swim in a body of water other than a swimming pool, such as a lake, pond, or river?

No, you must not allow children to swim in a lake, pond, river, or a body of water other than a swimming pool or wading pool that complies with the rules specified in this subchapter.

40 TAC § 747.4901  
Tex. Admin. Code tit. 40, § 747.4901

§ 747.4901. Must I have a fire inspection of my child-care home?

We do not regulate fire inspections and do not require that you have a fire inspection as part of these minimum standards; however your local ordinances may require one. If you want to care for children above or below the ground floor of your child-care home, you must obtain written approval from the state or local fire marshal as specified in § 747.4015 of this title (relating to May I care for children above or below ground level?).

40 TAC § 747.5001  
Tex. Admin. Code tit. 40, § 747.5001

§ 747.5001. What is an emergency preparedness plan?

An emergency preparedness plan is designed to ensure the safety of children during an emergency by addressing staff responsibility and facility readiness with respect to emergency evacuation and relocation. The plan addresses the types of emergencies most likely to occur in your area including, but not limited to, natural events such as tornadoes, floods or hurricanes, health events such as medical emergencies, communicable disease outbreak, and human-caused events such as intruder with weapon, explosion, or chemical spill.

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40 TAC § 747.5003  
Tex. Admin. Code tit. 40, § 747.5003

§ 747.5003. What must my emergency preparedness plan include?

Your emergency preparedness plan must include written procedures for:

(1) Evacuation, including:

(A) That in an emergency, your first responsibility is to move the children to a designated safe area or alternate shelter known to all household members, caregivers, and volunteers;

(B) How children will be relocated to the designated safe area or alternate shelter, including specific procedures for evacuating children who are under 24 months of age, who have limited mobility, or who otherwise may need assistance in an emergency, such as children who have mental, visual, or hearing impairments;

(C) An emergency evacuation and relocation diagram as outlined in § 747.5007 of this title (relating to Must I have an emergency evacuation and relocation diagram?);

(D) Name and address of the alternate shelter away from the home you will use as needed; and

(E) How children in attendance at the time of the emergency will be accounted for at the designated safe area or alternate shelter.

(2) Communication, including:

(A) The emergency telephone number that is on file with us;

(B) How you will communicate with local authorities (such as fire, law enforcement, emergency medical services, health department), parents, and us; and

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(3) How you will evacuate with the essential documentation including:

(A) Parent and emergency contact telephone numbers for each child in care;

(B) Authorization for emergency care for each child in care; and

(C) The attendance record information for children in care at the time of the emergency.

**40 TAC § 747.5005  
Tex. Admin. Code tit. 40, § 747.5005**

**§ 747.5005. Must I practice my emergency preparedness plans?**

Yes, the following components of your home's emergency preparedness plans must be practiced as follows:

(1) You must practice a fire drill every month. The children must be able to safely exit the child-care home within three minutes; and

(2) You must practice a severe weather drill at least once every three months.

**40 TAC § 747.5007  
Tex. Admin. Code tit. 40, § 747.5007**

**§ 747.5007. Must I have an emergency evacuation and relocation diagram?**

Your emergency evacuation and relocation diagram must be on file at your child-care home and must show the following:

(1) A floor plan of your child-care home;

(2) Two exit paths from each room, unless a room opens directly to the outdoors at ground level;

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(3) The designated location outside the child-care home where all adults and children meet to ensure everyone has exited the home safely; and

(4) The designated location inside the home where all adults and children take shelter from threatening weather.

**40 TAC § 747.5009  
Tex. Admin. Code tit. 40, § 747.5009**

**§ 747.5009. Must I post an emergency evacuation and relocation diagram?**

No. You are not required to post an emergency evacuation and relocation diagram, however, if you leave a substitute in charge of your child-care home, a copy of the diagram must be readily accessible to the substitute caregiver.

**40 TAC § 747.5011  
Tex. Admin. Code tit. 40, § 747.5011**

**§ 747.5011. How many exits must my child-care home have?**

(a) Your child-care home must have at least two exits to the outside, located in distant parts of the home.

(b) You must be able to immediately open any locked doors used as exits.

(c) You must not count doors that are blocked as exits.

(d) An exit through a kitchen or other hazardous area may not be one of the required exits.

**40 TAC § 747.5013  
Tex. Admin. Code tit. 40, § 747.5013**

**§ 747.5013. May I count a window as one of the designated exits for my child-care home?**

Yes. You may count a window as an exit if all children in care and caregivers are physically able to get through the window to the ground outside the child-care home safely and quickly.

**40 TAC § 747.5015  
Tex. Admin. Code tit. 40, § 747.5015**

**§ 747.5015. Must I have emergency lighting in case of an emergency evacuation?**

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Yes. You must have a battery-powered source of emergency lighting readily accessible in case of electrical failure.

**40 TAC § 747.5101  
Tex. Admin. Code tit. 40, § 747.5101**

**§ 747.5101. Must my child-care home have a fire-extinguishing system?**

Yes. Your child-care home must have a fire-extinguishing system. This may be a sprinkler system and/or fire extinguishers. The local or state fire marshal must approve a sprinkler system.

**40 TAC § 747.5103  
Tex. Admin. Code tit. 40, § 747.5103**

**§ 747.5103. What type of fire extinguisher am I required to have?**

(a) You must have at least one 3A-40BC dry chemical fire extinguisher, or one approved by a local or state fire marshal.

(b) If you were registered or licensed before September 1, 2003, you may use at least one 40BC rated fire extinguisher until your fire extinguisher is due to be serviced or your permit to operate is no longer valid.

**40 TAC § 747.5105  
Tex. Admin. Code tit. 40, § 747.5105**

**§ 747.5105. Where must I mount the fire extinguisher?**

You must mount the fire extinguisher on the wall by a hanger or bracket. The top of the extinguisher must be no higher than five feet above the floor and the bottom at least four inches above the floor or any other surface. The fire extinguisher must be readily available for immediate use by household members and caregivers. If a state or local fire marshal has different mounting instructions, you may follow those instructions.

**40 TAC § 747.5107  
Tex. Admin. Code tit. 40, § 747.5107**

**§ 747.5107. How often must I inspect and service the fire extinguisher?**

(a) You must inspect the fire extinguisher monthly. You must record the date of the fire extinguisher inspection and keep this at your child-care home.

(b) You must service the fire extinguisher as required by the manufacturer's instructions, or as required by the state or local fire marshal.

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40 TAC § 747.5109  
Tex. Admin. Code tit. 40, § 747.5109

§ 747.5109. How often must I inspect my sprinkler system?

If you use a sprinkler system, the system monitoring company or a local or state fire marshal must test the system at least annually. Document the date of the inspection, and the name and telephone number of the inspector. Keep the most recent inspection report at your child-care home.

40 TAC § 747.5111  
Tex. Admin. Code tit. 40, § 747.5111

§ 747.5111. Must my child-care home have a smoke-detection system?

Yes. Your child-care home must have a working smoke-detection system. This may be an electronic alarm and smoke detection system or individual electric or battery-operated smoke detectors located in each room used by children.

40 TAC § 747.5113  
Tex. Admin. Code tit. 40, § 747.5113

§ 747.5113. How must smoke detectors be installed at my child-care home?

Smoke detectors must be installed and maintained according to the manufacturer's instructions, or in compliance with the state or local fire marshal's instructions.

40 TAC § 747.5115  
Tex. Admin. Code tit. 40, § 747.5115

§ 747.5115. How often must the smoke detectors at my child-care home be tested?

You must test all smoke detectors monthly, record the date of the inspection, and keep this record at your child-care home for review by Licensing during hours of operation.

40 TAC § 747.5117  
Tex. Admin. Code tit. 40, § 747.5117

§ 747.5117. How often must I have an electronic smoke alarm system tested?

If you use an electronic smoke alarm system, the monitoring company, or state or local fire marshal must test the system at least annually. You must keep documentation of the inspection at the child-care home that indicates the date of the inspection and the inspector's name and telephone number.

40 TAC § 747.5201  
Tex. Admin. Code tit. 40, § 747.5201

§ 747.5201. Must I have my child-care home inspected for gas leaks?

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We do not require that your home have a gas leak inspection as a part of these minimum standards; however, your local ordinances may require one.

**40 TAC § 747.5301  
Tex. Admin. Code tit. 40, § 747.5301**

**§ 747.5301. What steps must I take to ensure that heating devices used at my child-care home do not present hazards to children?**

- (a) Gas appliances must have metal tubing and connections, be in good repair and free from leaks.
- (b) Open flame heaters (heaters where the flame can be easily touched or accessed) are prohibited.
- (c) Space heaters must be enclosed and have the seal of approval of a United States test laboratory, or be approved by the state or local fire marshal.
- (d) You must safeguard floor and wall furnace grates, steam and hot water pipes, and electric space heaters so that children do not have access to them.
- (e) Liquid fuel heaters are prohibited.
- (f) Gas fuel heaters, fireplaces, and wood-burning stoves must be properly vented to the outside.
- (g) If you use a fireplace, wood-burning stove, or space heater, you must install a screen or guard with sufficient strength to prevent children from falling into the fire or against the stove or heater.

**40 TAC § 747.5331  
Tex. Admin. Code tit. 40, § 747.5331**

**§ 747.5331. Must my child-care home have a carbon monoxide detection system?**

A registered or licensed child-care home must be equipped with a working carbon monoxide detection system unless it is located in a school facility that complies:

- (1) With the school facility standards adopted by the commissioner of education under the Education Code, §

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46.008; or

(2) With standards adopted by the board of a local school district that are similar to those described in paragraph (1) of this section.

**40 TAC § 747.5333**  
**Tex. Admin. Code tit. 40, § 747.5333**

**§ 747.5333. What type of carbon monoxide detection system must I install?**

You must install:

(1) Individual electric (plug-in or hardwire) or battery-operated carbon monoxide detectors that meet Underwriters Laboratories Inc. requirements (UL-Listed); or

(2) An electronic carbon monoxide detection system connected to an electronic alarm/smoke detection system that is UL-Listed.

**40 TAC § 747.5335**  
**Tex. Admin. Code tit. 40, § 747.5335**

**§ 747.5335. How many carbon monoxide detectors must be installed in my child-care home and how must they be installed?**

(a) If you use electric or battery-operated carbon monoxide detectors:

(1) At least one detector must be installed on every level of each building in the child-care operation; and

(2) The detector(s) must be installed in compliance with the state or local fire marshal's instructions.

(b) If you use an electronic carbon monoxide detection system connected to an alarm/smoke detection system, the system must be installed according to the state or local fire marshal's instructions.

**40 TAC § 747.5337**  
**Tex. Admin. Code tit. 40, § 747.5337**

**§ 747.5337. How often must I inspect and service the carbon monoxide detection system?**

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(a) If you use electric or battery-operated carbon monoxide detectors, you must:

- (1) Install a new battery in each battery-operated detector at least annually;
- (2) Test all detectors monthly;
- (3) Document the date of the test and the date of installation of new batteries; and
- (4) Keep this documentation at the home for review during hours of operation.

(b) If you use an electronic carbon monoxide detection system connected to an alarm/smoke detection system, you must:

- (1) Ensure the system monitoring company or the state or local fire marshal inspects and tests the system at least annually;
- (2) Keep the most recent inspection report at the child-care home for review during hours of operation;
- (3) Ensure the report includes the date of the inspection and the inspector's name and telephone number; and
- (4) Make any corrections required in the report.

**40 TAC § 747.5401**  
**Tex. Admin. Code tit. 40, § 747.5401**

**§ 747.5401. What types of transportation does Licensing regulate?**

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We regulate any transportation provided by or for the child-care home including, but not limited to, transportation between the child's home and school, the child's home and your home, your home and school, your home and field trip locations, or other drop-off locations authorized by the parent.

**40 TAC § 747.5403  
Tex. Admin. Code tit. 40, § 747.5403**

**§ 747.5403. What type of vehicle may I use to transport children?**

(a) We do not regulate the type of vehicle you use to transport children, although we recommend that you check with the Texas Department of Motor Vehicles or refer to the federal motor vehicle safety standards regulating transportation to and from school and your operation.

(b) For the purpose of this chapter, we categorize vehicle types as:

(1) General purpose vehicle--passenger vehicles as defined in the Texas Transportation Code § 545.412, and buses that do not meet the federal motor vehicle safety standards for school buses or multi-function school activity buses (MFSAB);

(2) Small school bus--school buses and MFSABs that meet federal motor vehicle safety standards for school buses and MFSABs respectively and have a gross vehicle weight rating (GVWR) of 10,000 pounds or less; and

(3) Large school bus--school buses and MFSABs that meet federal motor vehicle safety standards for school buses and MFSABs respectively and have a GVWR of greater than 10,000 pounds.

(c) All vehicles must be maintained in safe operating condition at all times.

**40 TAC § 747.5405  
Tex. Admin. Code tit. 40, § 747.5405**

**§ 747.5405. What safety precautions must I take when loading and unloading children from the vehicle?**

You must take the following precautions when loading and unloading children from any vehicle, including any type of bus:

(1) You must load and unload children at the curbside of the vehicle or in a protected parking area or driveway.

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(2) You must not allow a child to cross a street unless the child is accompanied by an adult anytime before entering or after leaving a vehicle.

(3) You must account for all children exiting the vehicle before leaving the vehicle unattended.

(4) You must not leave a child unattended in a vehicle.

**40 TAC § 747.5407  
Tex. Admin. Code tit. 40, § 747.5407**

**§ 747.5407. What child safety restraint system must I use when I transport children?**

(a) You must secure each child in an infant safety seat, rear-facing convertible child safety seat, forward-facing child safety seat, child booster seat, safety vest, harness, or a safety belt, as appropriate to the child's age, height, and weight according to manufacturer's instructions for all vehicles specified in subsection (d) of this section, unless otherwise noted in this subchapter.

(b) All child passenger safety restraint systems must meet federal standards for crash-tested restraint systems as set by the National Highway Traffic Safety Administration, and must be properly secured in the vehicle according to manufacturer's instructions.

(c) A child 12 years old or younger must not ride in the front seat of a vehicle.

(d) The following safety restraint devices for a child must be used when the vehicle is on and during all times when the vehicle is in motion:

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 Figure: 40 TAC §747.5407(d)

If the child is...	Being transported in this type of vehicle as specified in §746.5603(b) of this title (relating to What type of vehicle may I use to transport children?)...	Then the child must be secured in...
(1) Younger than 12 months and weighs 20 pounds or less	All vehicles	An infant only rear-facing child safety seat or rear-facing convertible child safety seat according to manufacturer's instructions;
(2) Younger than 12 months and weighs more than 20 pounds	All vehicles	An infant only rear-facing child safety seat or rear-facing convertible child safety seat according to manufacturer's instructions;
(3) 12 months through three years of age and weighs more than 20 pounds	All vehicles	A rear-facing or forward-facing child safety seat, safety vest or harness according to the manufacturer's instructions;
(4) Four years of age and weighs 40 pounds or less	(A) General purpose vehicle and small school bus	A forward-facing child safety seat, safety vest or harness according to the manufacturer's instructions;
	(B) Large school bus	A safety restraint system according to vehicle manufacturer's instruction;
(5) Four years of age, weighs more than 40 pounds, and is less than four feet, nine inches in height; or five years through seven years of age, regardless of weight, and is less than four feet, nine inches in height	(A) General purpose vehicle	A forward-facing child safety seat, booster seat, safety vest or harness according to the manufacturer's instructions;
	(B) Small school bus	A properly fitting safety belt anywhere the child sits in the vehicle;
	(C) Large school bus	A safety restraint system according to vehicle manufacturer's instruction;

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(6) Four years through seven years of age and four feet, nine inches in height or taller	(A) General purpose vehicle	A booster seat according to the manufacturer's instructions or a properly fitting safety belt anywhere the child sits in the vehicle;
	(B) Small school bus	A properly fitting safety belt anywhere the child sits in the vehicle;
	(C) Large school bus	A safety restraint system according to vehicle manufacturer's instruction;
(7) Eight years through 14 years of age	(A) General purpose vehicle and small school bus	A properly fitting safety belt anywhere the child sits in the vehicle;
	(B) Large school bus	A safety restraint system according to vehicle manufacturer's instruction.

40 TAC § 747.5409

Tex. Admin. Code tit. 40, § 747.5409

§ 747.5409. Must caregivers and/or the driver wear a safety belt?

(a) The driver must be properly restrained by a safety belt before starting the vehicle and during all times the vehicle is in motion.

(b) All adult passengers in a vehicle transporting children, other than a large school bus, must be properly restrained by safety belts.

40 TAC § 747.5411

Tex. Admin. Code tit. 40, § 747.5411

§ 747.5411. May parents provide the child passenger safety seat equipment required for their child?

Yes. Parents may provide the child passenger safety seat system for use in transporting their child, if the equipment is appropriate and can be properly secured in the vehicle. You must use the equipment according to manufacturer's instructions.

40 TAC § 747.5413

Tex. Admin. Code tit. 40, § 747.5413

§ 747.5413. May I place more than one person in each safety belt?

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No. Only one person may use each safety belt.

40 TAC § 747.5415  
Tex. Admin. Code tit. 40, § 747.5415

§ 747.5415. May a child ride in a safety belt with a shoulder harness?

A child may ride in a safety belt with a shoulder harness if the shoulder harness goes across the child's chest and not across the child's face or neck. The lap belt should fit low across the child's thighs or top of the legs and not across the child's stomach area. Never put a shoulder belt under the child's arm or behind the child's back. If the lap belt and shoulder harness do not fit properly, a booster seat must be used.

40 TAC § 747.5417  
Tex. Admin. Code tit. 40, § 747.5417

§ 747.5417. Must I carry specific equipment in the vehicle I use to transport children in my care?

You must have the following in each vehicle used to transport children:

- (1) A list of the children being transported;
- (2) Emergency medical transport and treatment authorization forms for each child being transported; and
- (3) Parent's names and telephone numbers and emergency telephone numbers for each child being transported.

40 TAC § 747.5419  
Tex. Admin. Code tit. 40, § 747.5419

§ 747.5419. Must I have a plan to handle transportation emergencies?

Yes. You must ensure the driver/caregivers have clear instructions on handling emergency breakdowns and accidents, including vehicle evacuation procedures, supervision of the children, and contacting emergency help.

40 TAC § 747.5421  
Tex. Admin. Code tit. 40, § 747.5421

§ 747.5421. Must I have a communications device in the vehicle?

No, you are not required to have a communications device such as a cellular phone, message pager, or two-way radio in the vehicle unless you are on a field trip.