March 24, 2016

The Health and Human Services Commission proposes, on behalf of the Department of Family and Protective Services (DFPS), amendments to §§747.401, 747.605, 747.901, 747.1007, 747.1107, 747.1119, 747.1309, 747.1401, 747.1403, 747.2901, 747.3101, 747.3203, 747.3221, 747.3307, 747.5001, 747.5003, 747.5005; new 747.1301, 747.1303, 747.1305, 747.1307, 747.3617, 747.3619; and repeal of 747.1109, 747.1301, 747.1303, 747.1305, 747.1307, 747.2713 in Chapter 747, concerning Minimum Standards for Child-Care Homes. The purpose of the amendments, new and repeals is to implement needed changes to comply with the Child Care and Development Block Grant Act of 2014.

The Child Care and Development Block Grant (CCDBG) Act of 2014 (the "Act") is the first comprehensive revision of the Child Care and Development Fund (CCDF) program since 1998. (The CCDF is codified in 42 USC §9857 et seq.) The Texas Workforce Commission (TWC) administers the CCDF, which is the primary federal funding source devoted to providing low-income families with access to child care. The Act makes significant reforms to the CCDF programs to raise the health, safety, and quality of child care. The Act does this by mandating that states comply with a multitude of additional requirements in order to continue receiving CCDF funding. Although TWC is the lead agency for determining eligibility and distributing the subsidy monies, DFPS is the agency responsible for licensing child care operations, establishing health and safety regulations, and monitoring eligible operations for compliance. Many of the Act's additional requirements relate to the responsibilities of DFPS. The provisions of the Act that have a significant impact on Child Care Licensing (CCL) and this chapter relate to the following topics: health and safety requirements and training on those requirements.

The changes related to training will impact Licensed Child-Care Homes (LCCHs) and Registered Child-Car Homes (RCCHs). The new health and safety training requirements mandated by the Act include the following topics for pre-service training and annual training: (1) food allergies; (2) handling, storing, and disposing of hazardous materials; (3) more robust emergency preparedness plans; (4) administering medication; and (5) building and physical premises safety.

There are also some topics required by the Act that are already required in annual training, but are not currently required in the orientation for LCCHs and RCCHs. These additional health and safety training requirements that have been added for orientation are as follows: (1) recognizing and preventing shaken baby syndrome; (2) understanding safe sleep practices; (3) understanding early childhood brain development; and (4) precautions in transporting children if the home transports a child whose chronological or developmental age is younger than nine years old.

In addition to the training requirements the Act increases health and safety requirements for LCCHs and RCCHs. The health and safety requirements correlate to some of the training topics. The changes to the minimum standards support the health and safety requirements, including requiring homes to: (1) obtain food allergy emergency plans for children with known food allergies, post a list of food allergies at the home, and carry the child's emergency plan on field trips; and (2) use, store, and dispose of hazardous materials as recommended by the manufacturer.

The summary of the changes are:

The amendment to §747.401 adds a list of each child's food allergies (with a parent's permission) to a home's posting requirements, and requires it to be posted where food is prepared and served and in a prominent place where caregivers may easily view it.

The amendment to §747.605 adds a requirement for homes to obtain a completed food allergy emergency plan before admitting a child into care, if applicable, and if a parent wants the information posted, permission from a parent to post the information.

The amendment to §747.901 updates a cite and makes the language consistent.

The amendment to §747.1007 requires an additional qualification for a primary caregiver of a RCCH to include proof of training on ten new topics.

The amendment to §747.1107 requires an additional qualification for a primary caregiver of a LCCH to include proof of training on ten new topics.

The repeal of §747.1109 deletes an outdated grandfather rule.

The amendment to §747.1119 corrects a cite.

The repeal of §747.1301 moves the content of this rule to new §747.1303.

New §747.1301: (1) includes the content of previous §747.1305; (2) clarifies the wording to be consistent with the current wording of the operational policies rule; (3) adds components that must be addressed in the overview of prevention, recognition, and reporting of child abuse and neglect; and (4) adds nine new orientation topics for caregivers.

The repeal of §747.1303 moves the content of this rule to new §747.1307.

New §747.1303 includes the content of previous §747.1301.

The repeal of §747.1305 moves the content of this rule to new §747.1301.

New §747.1305: (1) includes the content of previous §747.1307; (2) adds six topics that must be covered in the annual training of caregivers; and (3) deletes a redundant paragraph about transportation safety training.

The repeal of §747.1307 moves the content of this rule to new §747.1305, with one minor modification.

New §747.1307: (1) includes most of the content of previous §747.1303 with one minor modification; (2) deletes the pre-application course content from previous §747.1303 because it is already required at §747.1007; and (3) adds a reference to the transportation safety training requirement.

The amendment to §747.1309: (1) adds six topics that must be covered in the annual training of primary caregivers; and (2) deletes a redundant paragraph about transportation safety training.

The amendment to §747.1401 updates some cites and clarifies the language in the rule.

The amendment to §747.1403 deletes a reference to a rule and spells out all but one of the requirements of the deleted reference to include: (1) an overview of the home's policies; (2) an overview of child abuse and neglect, including reporting; (3) the procedures to follow in an emergency; and (4) the location and use of fire extinguishers and first-aid equipment. The deleted requirement for an overview of the minimum standards is no longer needed, because this new rule only applies to household members.

The repeal of §747.2713 because the information is already included in §747.503, §747.1301(2), and §747.1403(1).

The amendment to §747.2901: (1) adds the requirement that caregivers must have a copy of a child's food allergy emergency plan and medications, if applicable, when going on field trips; and (2) makes the language consistent.

The amendment to §747.3101: (1) adds that children must not be served foods identified on their food allergy emergency plan; and (2) deletes the requirement "you must not use food as . . . punishment", because this requirement is already noted in §747.2705.

The amendment to §747.3203 clarifies that a child-care home must use, store, and dispose of hazardous materials as recommended by the manufacturer.

The amendment to §747.3221 clarifies that caregivers must follow universal precautions as outlined by the CDC when handling bodily fluids that may contain blood, including placing gloves contaminated with blood in a sealed plastic bag and discarding them immediately.

The amendment to §747.3307 clarifies that a child's soiled clothing must be placed in a sealed plastic bag and be sent home with the child.

New §747.3617 defines a food allergy emergency plan, including a list of foods a child is allergic too, possible symptoms, and what steps to take if there is an allergic reaction.

New §747.3619 requires: (1) a food allergy emergency plan for each child with a known food allergy; and (2) the plan to be signed by the child's health care professional and a parent, posted if the parent consents, and taken on field trips.

The amendment to §747.5001 clarifies in more detail what an emergency preparedness plan is by distinguishing between an evacuation, relocation, and sheltering.

The amendment to §747.5003 adds to the requirements for the emergency prepared plan to also include: (1) staff's responsibility in a sheltering emergency for the orderly movement of children to a designated location within the home where children should gather; (2) how staff will continue to care for children until each child has been released; and (3) how children will be reunified with their parents at evacuation, relocation, or when sheltering is lifted.

The amendment to §747.5005 adds the "sheltering" language for clarification.

Lisa Subia, Chief Financial Officer of DFPS, has determined that for the first five-year period the proposed sections will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Ms. Subia also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be that: (1) DFPS will be in compliance with the Child Care and Development Block Grant Act of 2014; (2) there will be clarification of the health and safety requirements and training on those requirements; and (3) there will be a reduced risk to children.

There is an anticipated economic cost for persons required to comply with some of the proposed rule changes. The proposed changes are anticipated to have an adverse impact on businesses, including small and micro-businesses. The proposed changes will impact LCCHs and RCCHs. According to the FY 2015 DFPS Annual Report and Data Book as of August 31, 2015 there were 1,720 LCCHs and 4,678 RCCHs.

Chapter 2006 of the Government Code defines a small business as one that is for-profit, independently owned, and has fewer than 100 employees or less than six million dollars in annual gross receipts. A small business that has no more than 20 employees is also defined as a micro-business. CCL is assuming virtually all of the homes (both LLCHs and RCCHs) meet the definition of a small and micro-business.

The fiscal impact to these homes primarily results from (1) additional staff time to attend trainings; and (2) additional Primary Caregiver time to develop or modify curriculum.

Licensing staff developed the methodologies used to calculate the fiscal impact of these rules. The impacts were calculated using cost research conducted by staff and assumptions regarding child-care practices. The key assumptions and methodologies are described in detail below, as these underlie the individual impact calculations for each rule that are projected to have a fiscal impact on at least some homes.

For LCCHs and RCCHs, the staff time required to comply with the standards will impact Primary Caregivers and other caregivers. For use in this impact analysis, DFPS will use the following mean wages that were obtained from the Texas Workforce Commission's website for Occupational Wages based on 2014 estimates: (1) for Primary Caregivers DFPS is using a $24.27 per hour mean wage from the Occupational Title of Education Administrator, Preschool and Childcare Center; and (2) for all caregivers (other than a Primary Caregiver) DFPS is using a $9.49 mean wage from the Occupational Title of Childcare Workers.

Fiscal Impact for Proposed §747.1007.This section adds to the qualification requirements for primary caregivers in a RCCH (the primary caregiver is also the person that obtains the registration for the home) to include proof of training in ten different topics. One of the ten topics is precautions in transporting children and is only required for homes that transport children whose chronological or developmental age is younger than nine years old. These qualifications will be needed before the primary caregiver will be able to obtain the registration. There are two possible costs associated with the trainings: the costs for the time it takes a primary caregiver to participate in the trainings, and the costs for the actual training. While attending or participating in these trainings will take some time, it is not assumed that the primary caregiver as the applicant will pay oneself for this time. These costs associated with paying for the trainings are minimal, as well. There are free training modules available from AgriLife to cover all of the trainings except for the topic related to precautions in transporting children. This particular topic will cost the primary caregiver $14.00 to enroll in the training.

Fiscal Impact for Proposed §747.1107.This section adds to the qualification requirements for primary caregivers in a LCCH (the primary caregiver is also the person that obtains the license for the home) to include proof of training in ten different topics. One of the ten topics is precautions in transporting children and is only required for homes that transport children whose chronological or developmental age is younger than nine years old. These qualifications will be needed before the primary caregiver will be able to obtain the license. There are two possible costs associated with the trainings: the costs for the time it takes a primary caregiver to participate in the trainings, and the costs for the actual training. While attending or participating in these trainings will take some time, it is not assumed that the primary caregiver as the applicant will pay oneself for this time. These cost associated with paying for the trainings are minimal, as well. There are free training modules available from AgriLife to cover all of the trainings except for the topic related to precautions in transporting children. This particular topic will cost the primary caregiver $14.00 to enroll in the training.

Fiscal Impact for Proposed §747.1301*.*This section adds nine topics that must be covered in the orientation for caregivers of homes. There are costs associated with modifying the current orientation to include these nine additional topics. This section does not mandate a time frame for training on these nine topics. However, for purposes of estimating a cost for developing orientation on these topics, it is assumed that orientation on these six topics will be for three to four hours. A common industry standard is 40 hours to develop one hour of curriculum for face-to-face training. This same standard is being used to modify the orientation. It is anticipated that a primary caregiver, or curriculum developer that is similarly paid, will spend an average of 120 to 160 hours to develop the three to four hour orientation on these nine topics. Therefore, the approximate one-time cost for the development of the orientation is between $2,912.40 (120 X $24.27) and $3,883.20 (160 X $24.27). (Note: It was not assumed that homes had already developed annual trainings on any of these topics, because in most homes it is assumed that annual trainings are obtained from outside sources.)

Fiscal Impact for Proposed §747.1305(e).This section adds six additional topics that must be covered in the annual training for caregivers. There is no increase in the number of annual training hours required; there is only a change in the content of the required training. Any costs associated with this rule change depends on the type of home (licensed or registered) and whether a home pays for outside training, utilizes free training in the community, or provides in-house training to the caregivers.

(1) For LCCHs that pay for outside training or utilize free training in the community to obtain the mandated 24 hours of annual training for caregivers, there are no additional costs associated with this change in training content.

(2) For RCCHs that pay for outside training or utilize free training in the community to obtain the mandated 15 hours of annual training for caregivers, there are possible costs with employees that may take more than the mandated 15 hours to comply with the six additional topics. For example, the training modules with AgriLife are two hours each. It is anticipated that five AgriLife modules will be needed to comply with the six additional topics. These ten hours (five modules X two hours each) of AgriLife training plus the already mandated six hours of annual training at §744.1309(c) and mandated one hour of training for caregivers of homes that provide care to children younger than 24 months at §744.1309(d), would mean that a caregiver would be taking 16 or 17 hours of annual training instead of the 15 hours of mandated annual training. It is anticipated that each program would need to pay each caregiver $9.49 per hour for each additional training hour that is taken. It is anticipated that over time more training modules will be created that will have a shorter time frame for training on these six topics. When that happens, these costs would no longer be associated with this rule change; and

(3) It is not assumed that many LCCHs and RCCHs provide direct training to caregivers. However, if they do, there are costs associated with developing new curriculum for these six topics. This section does not mandate a time frame for training on these six topics. However, for purposes of estimating a cost for developing training on these topics, it is assumed that training on these six topics will be for two to three hours. A common industry standard is 40 hours to develop one hour of curriculum for face-to-face training. It is anticipated that a primary caregiver, or curriculum developer that is similarly paid, will spend an average of 80 to 120 hours to develop the two to three hour curriculum on these six topics. Therefore, the approximate one-time cost for the development of the annual curriculum is between $1,941.60 (80 X $24.27) and $2,912.40 (120 X $24.27).

Fiscal Impact for Proposed §747.1309(e).This section adds six additional topics that must be covered in the annual training hours for a primary caregiver. There is no increase in the number of annual training hours required; there is only a change in the content of the required training. For homes that pay for outside training or utilize free training in the community to obtain annual training for a primary caregiver, there are no additional costs associated with this change in training content. It is not assumed that many LCCHs and RCCHs provide direct training to caregivers. However, for homes that provide annual in-house training to primary caregivers, there are costs associated with developing new curriculum for these six topics. However, the home will have already developed the same curriculum for caregivers in response to §747.1305, see "Fiscal Impact for Proposed §747.1305(e)". Therefore, CCL assumes there will be no additional costs associated with this rule change.

Regulatory Flexibility Analysis:A regulatory flexibility analysis is not required for the proposed rules with fiscal implications because the proposed rules are specifically required by state law (S.B. 1496) and federal law (The Child Care and Development Block Grant of 2014). Therefore, the proposed rules are consistent with the health and safety of children, whom the laws were intended to protect.

The proposed change does not impose new requirements on any business and does not require the purchase of any new equipment or any increased staff time in order to comply. There is no anticipated economic cost to persons who are required to comply with the sections.

Ms. Subia has determined that the proposed sections does not restrict or limit an owner's right to his or her property that would otherwise exist in the absence of government action and, therefore, do not constitute a taking under §2007.043, Government Code.

Questions about the content of the proposal may be directed to Gerry Williams at (512) 438-5559 in DFPS's Child Care Licensing Division. Electronic comments may be submitted to CCLRules@dfps.state.tx.us. Written comments on the proposal may be submitted to Texas Register Liaison, Legal Services-310, Department of Family and Protective Services E-611, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

Title 40, Social Services & Assistance, Part 19, Dept. of Family and Protective Services

Chapter 747, Minimum Standards for Child-Care Homes

Subchapter B, Administration and Communication

Division 3, Required Postings

TAC Section Number(s) §747.401

Proposed Action

X Amendment

Proposed Date of Adoption:

X Other (Specify)

30 Days After Publication

The amendment is proposed under Human Resources Code (HRC) §40.0505 and Government Code §531.0055, which provide that the Health and Human Services Executive Commissioner shall adopt rules for the operation and provision of services by the health and human services agencies, including the Department of Family and Protective Services; and HRC §40.021, which provides that the Family and Protective Services Council shall study and make recommendations to the Executive Commissioner and the Commissioner regarding rules governing the delivery of services to persons who are served or regulated by the department.

The amendment implements HRC §§42.042 and 42.0421 and portions of the Child Care and Development Block Grant Act of 2014, which is codified in 42 USC §9857 et seq.

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

**(a)** 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) - (4) (No change.)

(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.

**(b) You must post a list of each child's food allergies, with a parent's permission as specified in §747.605(16) of this title (relating to What admission information must I obtain for each child?), where you prepare and serve food and in a prominent place where caregivers may easily view the list.**

This agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Issued in Austin, Texas, on .

Title 40, Social Services & Assistance, Part 19, Dept. of Family and Protective Services

Chapter 747, Minimum Standards for Child-Care Homes

Subchapter C, Record Keeping

Division 1, Records of Children

TAC Section Number(s) §747.605

Proposed Action

X Amendment

Proposed Date of Adoption:

X Other (Specify)

30 Days After Publication

The amendment is proposed under Human Resources Code (HRC) §40.0505 and Government Code §531.0055, which provide that the Health and Human Services Executive Commissioner shall adopt rules for the operation and provision of services by the health and human services agencies, including the Department of Family and Protective Services; and HRC §40.021, which provides that the Family and Protective Services Council shall study and make recommendations to the Executive Commissioner and the Commissioner regarding rules governing the delivery of services to persons who are served or regulated by the department.

The amendment implements HRC §§42.042 and 42.0421 and portions of the Child Care and Development Block Grant Act of 2014, which is codified in 42 USC §9857 et seq.

§747.605. What admission information must I obtain [on] **for** each child?

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

(1) - (13) (No change.)

(14) The name and telephone number of the school a school-age child attends; [and]

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

**(16) A completed food allergy emergency plan for the child, if applicable, and if a parent wants the information posted, permission from a parent to post the child's allergy information.**

This agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Issued in Austin, Texas, on .

Title 40, Social Services & Assistance, Part 19, Dept. of Family and Protective Services

Chapter 747, Minimum Standards for Child-Care Homes

Subchapter C, Record Keeping

Division 4, Records on Caregivers and Household Members

TAC Section Number(s) §747.901

Proposed Action

X Amendment

Proposed Date of Adoption:

X Other (Specify)

30 Days After Publication

The amendment is proposed under Human Resources Code (HRC) §40.0505 and Government Code §531.0055, which provide that the Health and Human Services Executive Commissioner shall adopt rules for the operation and provision of services by the health and human services agencies, including the Department of Family and Protective Services; and HRC §40.021, which provides that the Family and Protective Services Council shall study and make recommendations to the Executive Commissioner and the Commissioner regarding rules governing the delivery of services to persons who are served or regulated by the department.

The amendment implements HRC §§42.042 and 42.0421 and portions of the Child Care and Development Block Grant Act of 2014, which is codified in 42 USC §9857 et seq.

§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 **caregiver**, as specified in this chapter:

(1) - (8) (No change.)

(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 **regarding the prevention, recognition, and reporting** [of symptoms]of child abuse[,] **and** neglect, **as specified in** **§747.1301 of this title (relating to What must orientation for caregivers at my child-care home include?** [and sexual abuse and the responsibility of reporting these as outlined in §747.1305 of this title (relating to What should orientation to my child-care home include?)].

This agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Issued in Austin, Texas, on .

Title 40, Social Services & Assistance, Part 19, Dept. of Family and Protective Services

Chapter 747, Minimum Standards for Child-Care Homes

Subchapter D, Personnel

Division 1, Primary Caregiver of a Registered Child-Care Home

TAC Section Number(s) §747.1007

Proposed Action

X Amendment

Proposed Date of Adoption:

X Other (Specify)

30 Days After Publication

The amendment is proposed under Human Resources Code (HRC) §40.0505 and Government Code §531.0055, which provide that the Health and Human Services Executive Commissioner shall adopt rules for the operation and provision of services by the health and human services agencies, including the Department of Family and Protective Services; and HRC §40.021, which provides that the Family and Protective Services Council shall study and make recommendations to the Executive Commissioner and the Commissioner regarding rules governing the delivery of services to persons who are served or regulated by the department.

The amendment implements HRC §§42.042 and 42.0421 and portions of the Child Care and Development Block Grant Act of 2014, which is codified in 42 USC §9857 et seq.

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

Except as otherwise provided in this division, you must:

(1) (No change.)

(2) Have a[:]

[(A) High] **high** school diploma[;] or

[(B) High school] equivalent;

(3) Have a certificate of completion of the Licensing **pre-application course** [orientation] within one year prior to your application date;

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

(5) Be free of active tuberculosis, if required by the regional Texas Department of **State** Health **Services [**TB program] or local health authority[.]**; and**

**(6) Have proof of training in the following:**

**(A) Recognizing and preventing shaken baby syndrome and abusive head trauma;**

**(B) Understanding and using safe sleep practices and preventing sudden infant death syndrome (SIDS);**

**(C) Understanding early childhood brain development;**

**(D) Emergency preparedness;**

**(E) Preventing and controlling the spread of communicable diseases, including immunizations;**

**(F) Administering medication, if applicable, including compliance with §747.3603 of this title (relating to What authorization must I obtain before administering a medication to a child in my care?);**

**(G) Preventing and responding to emergencies due to food and allergic reaction;**

**(H) Understanding building and physical premises safety, including identification and protection from hazards that can cause bodily injury such as electric hazards, bodies of water, and vehicular traffic;**

**(I) Handling, storing, and disposing of hazardous materials including compliance with §747.3221 of this title (relating to Must caregivers wear gloves when handling blood or bodily fluids containing blood?); and**

**(J) Precautions in transporting children if your child-care home plans to transport a child whose chronological or developmental age is younger than nine years old.**

This agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Issued in Austin, Texas, on .

Title 40, Social Services & Assistance, Part 19, Dept. of Family and Protective Services

Chapter 747, Minimum Standards for Child-Care Homes

Subchapter D, Personnel

Division 2, Primary Caregiver of a Licensed Child-Care Home

TAC Section Number(s) §747.1107, §747.1119

Proposed Action

X Amendment

Proposed Date of Adoption:

X Other (Specify)

30 Days After Publication

The amendment is proposed under Human Resources Code (HRC) §40.0505 and Government Code §531.0055, which provide that the Health and Human Services Executive Commissioner shall adopt rules for the operation and provision of services by the health and human services agencies, including the Department of Family and Protective Services; and HRC §40.021, which provides that the Family and Protective Services Council shall study and make recommendations to the Executive Commissioner and the Commissioner regarding rules governing the delivery of services to persons who are served or regulated by the department.

The amendments implement HRC §§42.042 and 42.0421 and portions of the Child Care and Development Block Grant Act of 2014, which is codified in 42 USC §9857 et seq.

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

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

(1) - (2) (No change.);

(3) Have a certificate of completion of the Licensing **pre-application course**  [orientation] within one year prior to your application date;

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

**(5) Have proof of training in the following:**

**(A) Recognizing and preventing shaken baby syndrome and abusive head trauma;**

**(B) Understanding and using safe sleep practices and preventing sudden infant death syndrome (SIDS);**

**(C) Understanding early childhood brain development;**

**(D) Emergency preparedness;**

**(E) Preventing the spread of communicable diseases, including immunizations;**

**(F) Administering medication, if applicable, including compliance with §747.3603 of this title (relating to What authorization must I obtain before administering a medication to a child in my care?);**

**(G) Preventing and responding to emergencies due to food and allergic reaction;**

**(H) Understanding building and physical premises safety, including identification and protection from hazards that can cause bodily injury such as electric hazards, bodies of water, and vehicular traffic;**

**(I) Handling, storing, and disposing of hazardous materials including compliance with §747.3221 of this title (relating to Must caregivers wear gloves when handling blood or bodily fluids containing blood?); and**

**(J) Precautions in transporting children if your child-care home plans to transport a child whose chronological or developmental age is younger than nine years old; and**

**(6)**[(5)] Have one of the following combinations of education and experience in a licensed child-care center, or in a licensed or registered child-care home, as defined in §747.1113 of this title (relating to What constitutes experience in a licensed child-care center, or in a licensed or registered child-care home?):

|  |  |
| --- | --- |
| Education | Experience |
| (A) A bachelor's degree with 12 college credit hours in child development and three college credit hours in business management, | and at least one year of experience in a licensed child-care center[,] or [in a] licensed or registered child-care home; |
| (B) An associate's of applied science degree in child development or a closely related field with six college credit hours in child development and three college credit hours in business management. A "closely related field" is any educational instruction pertaining to the growth, development, physical or mental care, or education of children ages birth through 13 years, | and at least one year of experience in a licensed child-care center[,] or [in a] licensed or registered child-care home; |
| (C) Sixty college credit hours with six college credit hours in child development and three college credit hours in business management, | and at least one year of experience in a licensed child-care center[,] or [in a] licensed or registered child-care home; |
| (D) A Child Development Associate credential or Certified Child-Care Professional credential with three college credit hours in business management, | and at least one year of experience in a licensed child-care center[,] or [in a] licensed or registered child-care home; |
| (E) A child-care administrator's certificate from a community college with at least 15 college credit hours in child development and three college credit hours in business management, | and at least two years of experience in a licensed child-care center[,] or [in a] licensed or registered child-care home; |
| (F) A day-care administrator's credential issued by a professional organization or an educational institution and approved by Licensing based on criteria specified in Subchapter P of Chapter 745 of this title (relating to Day-Care Administrator's Credential Program), | and at least two years of experience in a licensed child-care center[,] or [in a] licensed or registered child-care home; or |
| (G) Seventy-two clock hours of training in child development and 30 clock hours in business management, | and at least three years of experience in a licensed child-care center[,] or [in a] licensed or registered child-care home. |

(b) Options (D) and (F) of subsection (a)**(6)** of this section require periodic renewal.

§747.1119. What credit courses does Licensing recognize as child development?

Due to a large variation in credit course titles and content, it is impossible to list all courses that may be counted toward the child development requirement. Courses in early childhood education, child growth and development, psychology, sociology, classroom management, child psychology, health and safety of children, elementary education related to pre-kindergartenthrough third grade, youth developmentand other similar courses may be counted if they are related to child development or the topics specified in [§747.1307]**§747.1305** of this title (relating to What topics must the [15 clock hours of] annual training for caregivers include?). Abnormal psychology and secondary education courses are not recognized as child development.

This agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Issued in Austin, Texas, on .

Title 40, Social Services & Assistance, Part 19, Dept. of Family and Protective Services

Chapter 747, Minimum Standards for Child-Care Homes

Subchapter D, Personnel

Division 2, Primary Caregiver of a Licensed Child-Care Home

TAC Section Number(s) §747.1109

Proposed Action

X Repeal

Proposed Date of Adoption:

X Other (Specify)

30 Days After Publication

The repeal is proposed under Human Resources Code (HRC) §40.0505 and Government Code §531.0055, which provide that the Health and Human Services Executive Commissioner shall adopt rules for the operation and provision of services by the health and human services agencies, including the Department of Family and Protective Services; and HRC §40.021, which provides that the Family and Protective Services Council shall study and make recommendations to the Executive Commissioner and the Commissioner regarding rules governing the delivery of services to persons who are served or regulated by the department.

The repeal implements HRC §§42.042 and 42.0421 and portions of the Child Care and Development Block Grant Act of 2014, which is codified in 42 USC §9857 et seq.

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

This agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Issued in Austin, Texas, on .

Title 40, Social Services & Assistance, Part 19, Dept. of Family and Protective Services

Chapter 747, Minimum Standards for Child-Care Homes

Subchapter D, Personnel

Division 4, Professional Development

TAC Section Number(s) §§747.1301, 747.1303, 747.1305, 747.1307

Proposed Action

X Repeal

Proposed Date of Adoption:

X Other (Specify)

30 Days After Publication

The repeals are proposed under Human Resources Code (HRC) §40.0505 and Government Code §531.0055, which provide that the Health and Human Services Executive Commissioner shall adopt rules for the operation and provision of services by the health and human services agencies, including the Department of Family and Protective Services; and HRC §40.021, which provides that the Family and Protective Services Council shall study and make recommendations to the Executive Commissioner and the Commissioner regarding rules governing the delivery of services to persons who are served or regulated by the department.

The repeals implement HRC §§42.042 and 42.0421 and portions of the Child Care and Development Block Grant Act of 2014, which is codified in 42 USC §9857 et seq.

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

§747.1303. What training must I have?

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

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

This agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Issued in Austin, Texas, on .

Title 40, Social Services & Assistance, Part 19, Dept. of Family and Protective Services

Chapter 747, Minimum Standards for Child-Care Homes

Subchapter D, Personnel

Division 4, Professional Development

TAC Section Number(s) §§747.1301, 747.1303, 747.1305, 747.1307, 747.1309

Proposed Action

X New

X Amendment

Proposed Date of Adoption:

X Other (Specify)

30 Days After Publication

The new and amendment are proposed under Human Resources Code (HRC) §40.0505 and Government Code §531.0055, which provide that the Health and Human Services Executive Commissioner shall adopt rules for the operation and provision of services by the health and human services agencies, including the Department of Family and Protective Services; and HRC §40.021, which provides that the Family and Protective Services Council shall study and make recommendations to the Executive Commissioner and the Commissioner regarding rules governing the delivery of services to persons who are served or regulated by the department.

The new and amendment implements HRC §§42.042 and 42.0421 and portions of the Child Care and Development Block Grant Act of 2014, which is codified in 42 USC §9857 et seq.

**§747.1301. What must orientation for caregivers at my child-care home include?**

**Orientation for caregivers at your child-care home must include at least the following:**

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

**(2) An overview of your operational policies, including discipline and guidance practices and procedures for the release of children, and the provision of copies of these practices and procedures;**

**(3) An overview regarding the prevention, recognition, and reporting of child abuse and neglect, including:**

**(A) Factors indicating a child is at risk of abuse or neglect;**

**(B) Warning signs indicating a child may be a victim of abuse or neglect;**

**(C) Internal procedures for reporting child abuse or neglect; and**

**(D) Community organizations that have training programs available to child-care staff, children, and parents;**

**(4) An overview of your home's Emergency Preparedness Plan;**

**(5) Locating and using fire extinguishers and first-aid equipment;**

**(6) Recognizing and preventing shaken baby syndrome and abusive head trauma;**

**(7) Understanding and using safe sleep practices and preventing sudden infant death syndrome (SIDS);**

**(8) Understanding early childhood brain development;**

**(9) Preventing and controlling the spread of communicable diseases, including immunizations;**

**(10) Administering medication, if applicable, including compliance with §747.3603 of this title (relating to What authorization must I obtain before administering a medication to a child in my care?);**

**(11) Preventing and responding to emergencies due to food or an allergic reaction;**

**(12) Understanding building and physical premises safety, including identification and protection from hazards that can cause bodily injury such as electric hazards, bodies of water, and vehicular traffic;**

**(13) Handling, storing, and disposing of hazardous materials including compliance with §747.3221 of this title (relating to Must caregivers wear gloves when handling blood or bodily fluids containing blood?); and**

**(14) Precautions in transporting children if your child-care home transports a child whose chronological or developmental age is younger than nine years old.**

**§747.1303. What training must I ensure that my caregivers have?**

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

**(1) Orientation to your child-care home as specified in §747.1301 of this title (relating to What must orientation for caregivers at my child-care home include?) within seven days of employment;**

**(2) 15 clock hours of annual training for a caregiver in a registered child-care home as specified in §747.1305 of this title (relating to What topics must the annual training for caregivers include?);**

**(3) 24 clock hours of annual training for a caregiver in a licensed child-care home as specified in §747.1305 of this title;**

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

**(5) If a caregiver transports children whose chronological or developmental age is younger than nine years old, transportation safety training as specified in §747.1314 of this title (relating to What additional training must a person have in order to transport a child in care?).**

**§747.1305. What topics must the annual training for caregivers include?**

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

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

**(c) At least six clock hours of the annual training hours must be in one or more of the following topics:**

**(1) Child growth and development;**

**(2) Guidance and discipline;**

**(3) Age-appropriate curriculum; and**

**(4) Teacher-child interaction.**

**(d) If your home provides care for a child younger than 24 months, one hour of the annual training hours must cover the following topics:**

**(1) Recognizing and preventing shaken baby syndrome and abusive head trauma;**

**(2) Understanding and using safe sleep practices and preventing sudden infant death syndrome (SIDS); and**

**(3) Understanding early childhood brain development.**

**(e) While there are no clock hour requirements for the topics in this subsection, the annual training hours must also include training on the following topics:**

**(1) Emergency preparedness;**

**(2) Preventing and controlling the spread of communicable diseases, including immunizations;**

**(3) Administering medication, if applicable, including compliance with §747.3603 of this title (relating to What authorization must I obtain before administering a medication to a child in my care?);**

**(4) Preventing and responding to emergencies due to food or an allergic reaction;**

**(5) Understanding building and physical premises safety, including identification and protection from hazards that can cause bodily injury such as electric hazards, bodies of water, and vehicular traffic; and**

**(6) Handling, storing, and disposing of hazardous materials including compliance with §747.3221 of this title (relating to Must caregivers wear gloves when handling blood or bodily fluids containing blood?).**

**(f) The remaining annual training hours must be in one or more of the following topics:**

**(1) Care of children with special needs;**

**(2) Child health (for example, nutrition and physical activity);**

**(3) Safety;**

**(4) Risk management;**

**(5) Identification and care of ill children;**

**(6) Cultural diversity of children and families;**

**(7) Professional development (for example, effective communication with families and time and stress management);**

**(8) Topics relevant to the particular ages of children in care (for example, caregivers working with infants or toddlers should receive training on biting and toilet training);**

**(9) Planning developmentally appropriate learning activities;**

**(10) Observation and assessment;**

**(11) Attachment and responsive care giving; and**

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

**(g) No more than 80% of the annual training hours may be obtained from self-instructional training.**

**§747.1307. What training must I have?**

**You must have the following training:**

**(1) 30 clock hours of annual training as specified in §747.1309 of this title (relating to (What topics must my annual training include?);**

**(2) Current first-aid and CPR training as specified in §747.1313 of this title (relating to Who must have first-aid and CPR training; and**

**(3) If you transport children whose chronological or developmental age is younger that nine years old, transportation safety training as specified in §747.1314 of this title (relating to What additional training must a person have in order to transport a child in care?)**.

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

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

[(1) Relevant] **each year relevant** to the age of the children for whom you provide care**.**[;]

**(b)**[(2)] **The 30 clock hours of annual training are exclusive of any requirements for** [Exclusiveof] the Licensing pre-application **course** [interview], [CPR and] first-aid **and CPR** training, and transportation safety training[;and]

[(3) Not earned for presenting training to others.]

**(c)**[(b)] At least six clock hours of **the** annual training **hours** must be in one or more of the following topics:

(1) Child growth and development;

(2) Guidance and discipline;

(3) Age-appropriate curriculum; and

(4) Teacher-child interaction.

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

**(1) Recognizing and preventing shaken baby syndrome;**

**(2) Understanding and using safe sleep practices and preventing sudden infant death syndrome (SIDS); and**

**(3) Understanding early childhood brain development.**

**(e) While there are no clock hour requirements for the topics in this subsection, the annual training hours must also include training on the following topics:**

**(1) Emergency preparedness;**

**(2) Preventing and controlling the spread of communicable diseases, including immunizations;**

**(3) Administering medication, if applicable, including compliance with §747.3603 of this title (relating to What authorization must I obtain before administering a medication to a child in my care?);**

**(4) Preventing and responding to emergencies due to food or an allergic reaction;**

**(5) Understanding building and physical premises safety, including identification and protection from hazards that can cause bodily injury such as electric hazards, bodies of water, and vehicular traffic; and**

**(6) Handling, storing, and disposing of hazardous materials including compliance with §747.3221 of this title (relating to Must caregivers wear gloves when handling blood or bodily fluids containing blood?).**

**(f) If you have:**

**(1)**[(c) A primary caregiver with five] **Five** or fewer years of experience as a primary caregiver in a licensed or registered child-care home**,** **you** must complete at least six of the [30clock] **annual training** hours in management techniques, leadership, or staff supervision**; or**[.]

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

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

[(1) Recognizing and preventing shaken baby syndrome;]

[(2) Preventing sudden infant death syndrome; and]

[(3) Understanding early childhood brain development.]

**(g)**[(f)] The remainder of annual training hours must be selected from the training topics specified in **§747.1305(f) of this title (relating to What topics must the annual training for caregivers include?** [§747.1307(d)of this title (relating to What topics must the annual training for caregivers include?)].

**(h) You may obtain clock hours or CEUs from the same sources as other caregivers**.

**(i)**[(g)] **Training hours may not be earned for presenting training to other caregivers.** [If the home transports children whose chronological or developmental age is younger than nine years old, the primary caregiver must complete two hours of annual training on transportation safety in addition to the other training hours.]

**(j)**[(h) A primary caregiver may obtain no] **No** more than 80% of annual training **may be obtained** from self-instructional **training** [materials].

This agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Issued in Austin, Texas, on .

Title 40, Social Services & Assistance, Part 19, Dept. of Family and Protective Services

Chapter 747, Minimum Standards for Child-Care Homes

Subchapter D, Personnel

Division 5, Household Members, Volunteers, and People who Offer Contracted Services

TAC Section Number(s) §747.1401, §747.1403

Proposed Action

X Amendment

Proposed Date of Adoption:

X Other (Specify)

30 Days After Publication

The amendments are proposed under Human Resources Code (HRC) §40.0505 and Government Code §531.0055, which provide that the Health and Human Services Executive Commissioner shall adopt rules for the operation and provision of services by the health and human services agencies, including the Department of Family and Protective Services; and HRC §40.021, which provides that the Family and Protective Services Council shall study and make recommendations to the Executive Commissioner and the Commissioner regarding rules governing the delivery of services to persons who are served or regulated by the department.

The amendment implements HRC §§42.042 and 42.0421 and portions of the Child Care and Development Block Grant Act of 2014, which is codified in 42 USC §9857 et seq.

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

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

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

(2) Complete orientation to your child-care home **as specified in §747.1403 of this title (relating to What must orientation for household members at my child-care home include?)**.

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

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

(d)(No change.)

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

The orientation **for household members at** **your child-care home** must include **at least** the **following:** [topics specified in §747.1305 of this title (relating to What should orientation to my child-care home include?).]

**(1) An overview of your home’s child-care policies, including discipline and guidance practices and the procedures for the release of children, and the provision of copies of these practices and procedures;**

**(2) An overview of symptoms of child abuse and neglect and the responsibility for reporting these;**

**(3) The procedures to follow in handling emergencies. Emergencies include fire, explosion, tornado, toxic fumes, volatile individuals, and severe injury or illness of a child or adult; and**

**(4) The location and use of fire extinguishers and first-aid equipment.**

This agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Title 40, Social Services & Assistance, Part 19, Dept. of Family and Protective Services

Chapter 747, Minimum Standards for Child-Care Homes

Subchapter L, Discipline

TAC Section Number(s) §747.2713

Proposed Action

X Repeal

Proposed Date of Adoption:

X Other (Specify)

30 Days After Publication

The repeal is proposed under Human Resources Code (HRC) §40.0505 and Government Code §531.0055, which provide that the Health and Human Services Executive Commissioner shall adopt rules for the operation and provision of services by the health and human services agencies, including the Department of Family and Protective Services; and HRC §40.021, which provides that the Family and Protective Services Council shall study and make recommendations to the Executive Commissioner and the Commissioner regarding rules governing the delivery of services to persons who are served or regulated by the department.

The repeal implements HRC §§42.042 and 42.0421 and portions of the Child Care and Development Block Grant Act of 2014, which is codified in 42 USC §9857 et seq.

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

This agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Title 40, Social Services & Assistance, Part 19, Dept. of Family and Protective Services

Chapter 747, Minimum Standards for Child-Care Homes

Subchapter N, Field Trips

TAC Section Number(s) §747.2901

Proposed Action

X Amendment

Proposed Date of Adoption:

X Other (Specify)

30 Days After Publication

The amendment is proposed under Human Resources Code (HRC) §40.0505 and Government Code §531.0055, which provide that the Health and Human Services Executive Commissioner shall adopt rules for the operation and provision of services by the health and human services agencies, including the Department of Family and Protective Services; and HRC §40.021, which provides that the Family and Protective Services Council shall study and make recommendations to the Executive Commissioner and the Commissioner regarding rules governing the delivery of services to persons who are served or regulated by the department.

The amendment implements HRC §§42.042 and 42.0421 and portions of the Child Care and Development Block Grant Act of 2014, which is codified in 42 USC §9857 et seq.

§747.2901. May I take children away from my child-care home for field trips?

(a) Yes. You must ensure the children's safety on field trips and excursions and during any transportation provided by the child-care home. Anytime you take a child [away from the child-care home for] **on** a field trip you must comply with each of the following requirements:

(1) - (4) (No change.)

**(5) You must have a copy of a child's food allergy emergency plan and allergy medications, if applicable;**

**(6)**[(5)] Each child must wear a shirt, name tag, or other identification listing the name and telephone number of the child-care home;

**(7)**[(6)] Each caregiver must be easily identifiable by all children on the field trip, by wearing a hat, **specialized** tee-shirt, brightly colored clothes, or other easily spotted identification;

**(8)**[(7)] Each caregiver supervising a field trip must have transportation available, [or] a communication device such as a cellular phone, message pager, or two-way radio available**,** or an alternate plan for transportation at the field trip location in case of emergency; and

**(9)**[(8)] You must ensure that a caregiver trained in CPR and first aid with rescue breathing and choking is present on the field trip.

(b) A walk around the caregiver's neighborhood must comply only with paragraphs (2)**, (5)** and **(9)**[(8)] of subsection (a) of this section.

This agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Title 40, Social Services & Assistance, Part 19, Dept. of Family and Protective Services

Chapter 747, Minimum Standards for Child-Care Homes

Subchapter Q, Nutrition and Food Service

TAC Section Number(s) §747.3101

Proposed Action

X Amendment

Proposed Date of Adoption:

X Other (Specify)

30 Days After Publication

The amendment is proposed under Human Resources Code (HRC) §40.0505 and Government Code §531.0055, which provide that the Health and Human Services Executive Commissioner shall adopt rules for the operation and provision of services by the health and human services agencies, including the Department of Family and Protective Services; and HRC §40.021, which provides that the Family and Protective Services Council shall study and make recommendations to the Executive Commissioner and the Commissioner regarding rules governing the delivery of services to persons who are served or regulated by the department.

The amendment implements HRC §§42.042 and 42.0421 and portions of the Child Care and Development Block Grant Act of 2014, which is codified in 42 USC §9857 et seq.

§747.3101. What are the basic requirements for snack and mealtimes?

(a) You must serve all children ready for table food regular meals and morning and afternoon snacks as specified in this subchapter.

**(b)**[(1)] If breakfast is served, a morning snack is not required.

**(c)**[(2)] A child must not go more than three hours without a meal or snack being offered, unless the child is sleeping.

**(d)**[(3)] If your child-care home is participating in the Child and Adult Care Food Program (CACFP) administered by the Texas Department of Agriculture, you may elect to meet those requirements rather than those specified in this subsection.

**(e)**[(b)] You must ensure a supply of drinking water is always available to each child and is served at every snack, mealtime, and after active playin a safe and sanitary manner.

**(f)**[(c)] You must not serve beverages with added sugars, such as carbonated beverages, fruit punch, or sweetened milk except for a special occasion such as a holiday or birthday celebration.

**(g)**[(d)]You must not use food as a reward [or punishment].

**(h) You must not serve a child a food identified on the child's food allergy emergency plan as specified in §747.3617 of this title (relating to What is a food allergy emergency plan?).**

This agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Title 40, Social Services & Assistance, Part 19, Dept. of Family and Protective Services

Chapter 747, Minimum Standards for Child-Care Homes

Subchapter R, Health Practices

Division 1, Environmental Health

TAC Section Number(s) §747.3203

Proposed Action

X Amendment

Proposed Date of Adoption:

X Other (Specify)

30 Days After Publication

The amendment is proposed under Human Resources Code (HRC) §40.0505 and Government Code §531.0055, which provide that the Health and Human Services Executive Commissioner shall adopt rules for the operation and provision of services by the health and human services agencies, including the Department of Family and Protective Services; and HRC §40.021, which provides that the Family and Protective Services Council shall study and make recommendations to the Executive Commissioner and the Commissioner regarding rules governing the delivery of services to persons who are served or regulated by the department.

The amendment implements HRC §§42.042 and 42.0421 and portions of the Child Care and Development Block Grant Act of 2014, which is codified in 42 USC §9857 et seq.

§747.3203. What steps must I take to ensure a healthy environment for children at my child-care home?

You must clean, repair, and maintain your child-care home, grounds, and equipment to protect the health of the children. This includes, but is not limited to:

(1) - (10) No change.

(11) Sanitizing table tops, furniture, and other similar equipment used by children when soiled or contaminated with matter such as food, body secretions, or excrement; [and]

(12) Clearly marking cleaning supplies and other toxic materials and keeping them separate from food and inaccessible to children**; and** [.]

**(13) Using, storing and disposing of hazardous materials as recommended by**

**the manufacturer.**

This agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Title 40, Social Services & Assistance, Part 19, Dept. of Family and Protective Services

Chapter 747, Minimum Standards for Child-Care Homes

Subchapter R, Health Practices

Division 1, Environmental Health

TAC Section Number(s) §747.3221

Proposed Action

X Amendment

Proposed Date of Adoption:

X Other (Specify)

30 Days After Publication

The amendment is proposed under Human Resources Code (HRC) §40.0505 and Government Code §531.0055, which provide that the Health and Human Services Executive Commissioner shall adopt rules for the operation and provision of services by the health and human services agencies, including the Department of Family and Protective Services; and HRC §40.021, which provides that the Family and Protective Services Council shall study and make recommendations to the Executive Commissioner and the Commissioner regarding rules governing the delivery of services to persons who are served or regulated by the department.

The amendment implements HRC §§42.042 and 42.0421 and portions of the Child Care and Development Block Grant Act of 2014, which is codified in 42 USC §9857 et seq.

§747.3221. Must [I] **caregivers** wear gloves when handling blood or [body] **bodily** fluids containing blood?

Yes, caregivers must **follow universal precautions outlined by the Centers for Disease Control (CDC) when handling blood, vomit, or other bodily fluids that may contain blood including**:

(1) **Using** [Use] disposable, nonporous gloves [when handling blood or blood-containing body fluids or discharge from injured tissue];

**(2) Placing gloves contaminated with blood in a sealed plastic bag and discarding them immediately;**

**(3)**[(2)] **Discarding all other** [Discard the] gloves immediately after one use; and

**(4)**[(3)] **Washing** [Wash] your hands **with soap and running water** after using and disposing of the gloves.

This agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Title 40, Social Services & Assistance, Part 19, Dept. of Family and Protective Services

Chapter 747, Minimum Standards for Child-Care Homes

Subchapter R, Health Practices

Division 2, Diaper Changing

TAC Section Number(s) §747.3307

Proposed Action

X Amendment

Proposed Date of Adoption:

X Other (Specify)

30 Days After Publication

The amendment is proposed under Human Resources Code (HRC) §40.0505 and Government Code §531.0055, which provide that the Health and Human Services Executive Commissioner shall adopt rules for the operation and provision of services by the health and human services agencies, including the Department of Family and Protective Services; and HRC §40.021, which provides that the Family and Protective Services Council shall study and make recommendations to the Executive Commissioner and the Commissioner regarding rules governing the delivery of services to persons who are served or regulated by the department.

The amendment implements HRC §§42.042 and 42.0421 and portions of the Child Care and Development Block Grant Act of 2014, which is codified in 42 USC §9857 et seq.

§747.3307. What must I do to prevent the spread of germs when diapering children?

(a) - (e) (No change.)

**(f) You must place soiled clothing in a sealed plastic bag to be sent home with the child.**

This agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Issued in Austin, Texas, on .

Title 40, Social Services & Assistance, Part 19, Dept. of Family and Protective Services

Chapter 747, Minimum Standards for Child-Care Homes

Subchapter R, Health Practices

Division 2, Diaper Changing

TAC Section Number(s) §747.3617, §747.3619

Proposed Action

X New

Proposed Date of Adoption:

X Other (Specify)

30 Days After Publication

The new sections are proposed under Human Resources Code (HRC) §40.0505 and Government Code §531.0055, which provide that the Health and Human Services Executive Commissioner shall adopt rules for the operation and provision of services by the health and human services agencies, including the Department of Family and Protective Services; and HRC §40.021, which provides that the Family and Protective Services Council shall study and make recommendations to the Executive Commissioner and the Commissioner regarding rules governing the delivery of services to persons who are served or regulated by the department.

The new sections implement HRC §§42.042 and 42.0421 and portions of the Child Care and Development Block Grant Act of 2014, which is codified in 42 USC §9857 et seq.

**§747.3617. What is a food allergy emergency plan?**

**A food allergy emergency plan is an individualized plan prepared by the child's health care professional that includes:**

1. **a list of each food the child is allergic to;**
2. **possible symptoms if exposed to a food on the list; and**
3. **the steps to take if the child has an allergic reaction.**

**§747.3619. When is this plan required?**

**A food allergy emergency plan is required for each child with a known food allergy. The child's health care professional and parent must sign and date the plan. You must keep a copy of the plan in the child's file, post it as specified in §747.401 of this title (relating to What items must I post at my child-care home during hours of operation?), and take it on any field trip that the child is on.**

This agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Title 40, Social Services & Assistance, Part 19, Dept. of Family and Protective Services

Chapter 747, Minimum Standards for Child-Care Homes

Subchapter W, Fire Safety and Emergency Practices

Division 2, Emergency Preparedness

TAC Section Number(s) §§747.5001, 747.5003, 747.5005

Proposed Action

X Amendments

Proposed Date of Adoption:

X Other (Specify)

30 Days After Publication

The amendments are proposed under Human Resources Code (HRC) §40.0505 and Government Code §531.0055, which provide that the Health and Human Services Executive Commissioner shall adopt rules for the operation and provision of services by the health and human services agencies, including the Department of Family and Protective Services; and HRC §40.021, which provides that the Family and Protective Services Council shall study and make recommendations to the Executive Commissioner and the Commissioner regarding rules governing the delivery of services to persons who are served or regulated by the department.

The amendments implement HRC §§42.042 and 42.0421 and portions of the Child Care and Development Block Grant Act of 2014, which is codified in 42 USC §9857 et seq.

§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 **your home's** [facility] readiness with respect to emergency evacuation**,** [and] relocation**, and sheltering**. The plan addresses the types of **responses to** 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.]

**(1) An evacuation of your home to a designated safe area in an emergency such as a fire or gas leak;**

**(2) A relocation of the children and caregivers to a designated, alternate shelter in an emergency such as a flood, a hurricane, medical emergency, or communicable disease outbreak; and**

**(3) The sheltering of children and caregivers within your home to temporarily shelter them from situations such as a tornado, volatile person on the premises, or an endangering person in the area.**

§747.5003. What must my emergency preparedness plan include?

Your emergency preparedness plan must include written procedures for:

(1) Evacuation, **relocation, and sheltering of children,** including:

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

(B) How children will **be evacuated or** relocated to the designated safe area or alternate shelter, including specific procedures for evacuating **or relocating** 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) (No change.)

**(D) The caregivers' responsibility in a sheltering emergency for the orderly movement of children to a designated location in your home where children should gather;**

**(E)**[(D)] Name and address of the alternate shelter away from your home you will use as needed; and

**(F)**[(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; **and**

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

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

(A) - (B) (No change.)

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

**(4) How you will continue to care for the children until each child has been released; and**

**(5) How you will reunify the children with their parents at evacuation, relocation, or when sheltering is lifted.**

§747.5005. MustI practice my emergency preparedness **plan** [plans]?

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

(1)(No change.)

(2) You must practice a severe weather **or sheltering** drill at least once every threemonths.

This agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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