##### 3252.3 How and When to Resubmit

LPPH ~~April 2010~~ DRAFT 5712-CCL

Procedure

The applicant or applicant’s governing body designee must submit a new application or may re-sign and re-date the original application.

An operation that is providing care must resubmit its application immediately upon withdrawing it. Otherwise, the inspector must conduct a follow-up inspection to ensure the application is resubmitted or child care is discontinued.

See also:

[3253](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_3000.asp#LPPH_3253) Failure to Withdraw an Application for an Operation That Is Providing Care

[4123](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_4000.asp#LPPH_4123) Follow-Up Inspections

[6560](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_6400.asp#LPPH_6560) Investigations of Illegal Operations

[7310](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_7000.asp#LPPH_7310) Withdrawal of an Application

[7600](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_7600.asp#LPPH_7600) Adverse Actions

CLASS Online Help: Recording an Application Decision

#### 3314 Explaining Governing Body Responsibilities — License or Certificate

LPPH

Policy

Each governing body planning to open an operation subject to licensure or certification must complete and send an application to Licensing.

Before completing and sending an application to Licensing, each governing body planning to open an operation subject to licensure must attend a pre-application interview or meeting to learn about licensing requirements and procedures before a license can be issued. See [2110](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_2000.asp#LPPH_2110) Conducting the Pre-Application Interview for a Child Care Permit.

Texas Human Resources Code [§42.046](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.42.htm#42.046)

DFPS Rules, 40 TAC [§745.241](http://info.sos.state.tx.us/pls/pub/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=745&rl=241)

###### 3314.11 Child Day Care Governing Body Responsibilities

LPPH ~~September 2012~~ DRAFT 5712-CCL

Procedure

The inspector explains all of the following to the applicant or the applicant’s governing body designee during the pre-application interview or meeting for a child day care operation:

a. The applicant or the applicant’s governing body designee will have to submit [Form 2911p](http://www.dfps.state.tx.us/Application/Forms/showFile.aspx?NAME=2911.doc) Governing Body / Director Designation with the application.

b. The applicant or applicant’s governing body designee, the permit holder, or the governing body designee will have to submit a personal history statement each time a new director is named.

c. The applicant or applicant’s governing body designee, the permit holder, or the governing body designee will have to submit Form 2911p or designate a new director through the DFPS website within 10 days of changing the director.

DFPS Rules, 40 TAC §§[744.303](http://info.sos.state.tx.us/pls/pub/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=744&rl=303); [744.1037](http://info.sos.state.tx.us/pls/pub/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=744&rl=1037); [746.303](http://info.sos.state.tx.us/pls/pub/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=746&rl=303); [746.1039](http://info.sos.state.tx.us/pls/pub/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=746&rl=1039)

d. The applicant or applicant’s governing body designee, the permit holder, or the governing body designee will have to submit changes in the governing body or the director designation on Form 2760 Controlling Person or through the DFPS website within two days in accordance with controlling person requirements. See 3314.2 Controlling Person Responsibilities.

e. The applicant or applicant’s governing body designee, the permit holder, or the governing body designee will have to indicate on [Form 2911p](http://www.dfps.state.tx.us/Application/Forms/showFile.aspx?NAME=2911.doc) or through the DFPS website whether all routine correspondence should be sent to the head of the governing body (when the governing body is an entity). See [Appendix 3000-2](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_px_3000_2.asp#LPPH_apx3000_2): Notifying the Operation, for others who must receive routine correspondence.

###### 3314.12 Residential Child Care Governing Body Responsibilities

LPPH ~~September 2012~~ DRAFT 5712-CCL (currently 3314.4)

Procedure

The inspector explains all of the following to the applicant or the applicant’s governing body designee during the pre-application interview or meeting for a residential operation:

a. A general residential operation or child-placing agency must have a full-time licensed administrator. The applicant or applicant’s governing body designee, the permit holder, or the governing body designee will have to report any change of administrator in writing via Form 2819 Governing Body/Administrator or Executive Director Designation or the DFPS website within seven days after the change.

DFPS Rules, 40 TAC §§[748.103](http://info.sos.state.tx.us/pls/pub/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=748&rl=103); [748.307(3)](http://info.sos.state.tx.us/pls/pub/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=748&rl=307); [749.103](http://info.sos.state.tx.us/pls/pub/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=749&rl=103); [749.507(3)](http://info.sos.state.tx.us/pls/pub/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=749&rl=507); [749.633](http://info.sos.state.tx.us/pls/pub/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=749&rl=633)

b. The applicant or applicant’s governing body designee, the permit holder, or the governing body designee will have to submit changes in the governing body or the administrator on Form 2760 Controlling Person or through the DFPS website within two days in accordance with requirements for controlling persons. See 3314.2 Controlling Person Requirements.

c. The applicant or applicant’s governing body designee or the permit holder will have to report any significant change in the policies to Licensing at least seven days before implementing the change. See [4700](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_4300.asp#LPPH_4700) Reviewing Operation Policies. If the change requires amending the permit, the amendment would have to be approved by Licensing before implementing the change.

DFPS Rules, 40 TAC §§[748.63](http://info.sos.state.tx.us/pls/pub/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=748&rl=63); [748.231(f)](http://info.sos.state.tx.us/pls/pub/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=748&rl=231); [748.1203](http://info.sos.state.tx.us/pls/pub/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=748&rl=1203); [749.63](http://info.sos.state.tx.us/pls/pub/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=749&rl=633); [749.331(f)](http://info.sos.state.tx.us/pls/pub/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=749&rl=331); [750.61](http://info.sos.state.tx.us/pls/pub/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=750&rl=61); [750.151(f)](http://info.sos.state.tx.us/pls/pub/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=750&rl=151)

d. The applicant or applicant’s governing body designee or the permit holder will have to have a written professional staffing plan and qualified staff to meet minimum standards.

DFPS Rules, 40 TAC §§[748.501](http://info.sos.state.tx.us/pls/pub/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=748&rl=501); [749.601](http://info.sos.state.tx.us/pls/pub/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=749&rl=601); [750.301](http://info.sos.state.tx.us/pls/pub/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=750&rl=301)

##### 3314.2 Controlling Person Responsibilities

LPPH ~~September 2012~~ DRAFT 5712-CCL (currently 3314.3)

Procedure

At the pre-application interview or meeting the inspector explains all of the following to the applicant or applicant’s governing body designee:

 • The applicant or applicant’s governing body designee will have to submit [Form 2760](http://www.dfps.state.tx.us/Application/FORMS/showFile.aspx?Name=2760.doc) Controlling Person with the application.

 • The applicant or applicant’s governing body designee, the permit holder, or the governing body designee will have to notify Licensing within two days each time a person becomes a controlling person at the operation by submitting:

 • controlling person information online through the DFPS website, or

 • [Form 2760](http://www.dfps.state.tx.us/Application/FORMS/showFile.aspx?Name=2760.doc) Controlling Person.

DFPS Rules, 40 TAC §§[745.901](http://info.sos.state.tx.us/pls/pub/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=745&rl=901); [745.903](http://info.sos.state.tx.us/pls/pub/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=745&rl=903); [745.907](http://info.sos.state.tx.us/pls/pub/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=745&rl=907)

##### 3314.3 CLASS Documentation Requirements

LPPH ~~September 2012~~ DRAFT 5712-CCL (currently 3314.5)

Procedure

The inspector documents in the CLASS chronology that the applicant or applicant’s governing body designee attended a pre-application interview or meeting.

#### 3315 Evaluating Director Qualifications for Licensed Child Day Care Operations

##### 3315.1 Evaluating Director Qualifications for Licensed Child Day Care Centers, Before or After-School Programs, and School-Age Programs

LPPH ~~April 2010~~ DRAFT 5712-CCL (title change)

Policy

When a director is designated on [Form 2911p](http://www.dfps.state.tx.us/Application/FORMS/showFile.aspx?Name=2911.doc), Governing Body / Director Designation, or through the DFPS website, the inspector:

a. evaluates to determine whether the director meets the qualifications in the minimum standards;

b. ensures the director is not also the director of another operation unless designated a program director for before or after-school programs or school-age programs under the same governing body;

c. requests background check information; and

d. requests CLASS [Form 2985](http://www.dfps.state.tx.us/Application/Forms/showFile.aspx?NAME=2985.doc), Affidavit for Applicants for Employment With a Licensed Operation or Registered Child Care Home.

A Director’s Certificate, CLASS Form 2860, is issued after the inspector determines that qualifications are met. The inspector may issue a director’s certificate when:

 • an application for a permit is received; or

 • a new director is designated before the non-expiring license is issued.

If the director does not meet the qualifications in minimum standards, the inspector notifies the governing body.

If a waiver or a variance is requested, the inspector processes the waiver according to [5100](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_5000.asp#LPPH_5100) Waivers and Variances and [Appendix 5000-1A.1](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_px_5000.asp#LPPH_apx5000_1A_1): Director Qualifications.

###### 3315.11 When to Evaluate Qualifications

LPPH ~~April 2010~~ DRAFT 5712-CCL

Procedure

The inspector evaluates the director’s qualifications when:

 • [Form 2911p](http://www.dfps.state.tx.us/Application/Forms/showFile.aspx?NAME=2911.doc), Governing Body/Director Designation, or an online designation through the DFPS website is received; and

 • an application has been accepted or an initial license has been issued.

See [4133.3](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_4000.asp#LPPH_4133_3) Child Day Care – Annual Meeting With the Designated Director

##### 3315.2 Evaluating Director Qualifications for Licensed Child Day Care Homes

###### 3315.21 Roles of Directors and Primary Caregivers

LPPH ~~April 2010~~ DRAFT 5712-CCL

Policy

The primary caregiver or director of a licensed child care home cannot also be the:

1. director for a licensed child care center;
2. before or after-school program;
3. school-age program, or
4. primary caregiver for a registered home.

The primary caregiver may only be temporarily absent for limited periods as outlined in Texas Administrative Code [§747.205](http://info.sos.state.tx.us/pls/pub/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=747&rl=205). Otherwise, the primary caregiver must be present during the hours of operation.

###### 3315.22 Issuing a Director’s Certificate

LPPH ~~April 2010~~ DRAFT 5712-CCL

Policy

The inspector issues a Director’s Certificate, Form 2860, in CLASS after determining that qualifications are met and background checks are completed.

###### 3315.23 When a Director Does Not Meet Qualifications

LPPH ~~April 2010~~ DRAFT 5712-CCL (currently 3315.25)

Policy

If the director does not meet qualifications in minimum standards, the inspector notifies the applicant or applicant’s governing body designee, the permit holder, or the governing body designee. If a waiver or variance is requested, the inspector processes it according to [5100](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_5000.asp#LPPH_5100) Waivers and Variances.

See [Appendix 5000-1A.1](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_px_5000.asp#LPPH_apx5000_1A): Director Qualifications

###### 3315.24 When to Evaluate Qualifications

LPPH ~~April 2010~~ DRAFT 5712-CCL (currently 3315.26)

Procedure

The inspector evaluates director qualifications when:

 • [Form 2911p](http://www.dfps.state.tx.us/Application/Forms/showFile.aspx?NAME=2911.doc), Governing Body/Director Designation, or an online designation through the DFPS website is received; and

 • an application has been accepted or an initial license has been issued.

###### 3315.25 How to Evaluate Qualifications

LPPH ~~April 2010~~ DRAFT 5712-CCL (currently 3315.27)

Procedure

Documents that are needed to evaluate qualifications are:

a. [Form 2982](http://www.dfps.state.tx.us/Application/Forms/showFile.aspx?NAME=2982.doc), Personal History Statement; and

b. an original and current Licensing Child-Care Center Director’s Certificate, or

c. original transcripts for college courses or original certificates that document training attended.

 For persons educated outside the United States, the operation is responsible for providing information to interpret and evaluate educational qualifications.

###### 3315.26 Handling Documents Pertaining to Qualifications

LPPH ~~April 2010~~ DRAFT 5712-CCL (currently 3315.28)

Procedure

After qualifications have been evaluated, the inspector must return all documentation, including transcripts and training documentation that was used to evaluate the qualifications to the primary caregiver or director. The documentation must be kept on file by the primary caregiver or director.

A certificate issued to a qualified director is recognized statewide.

###### 3315.27 Consequence of Failure to Submit Forms

LPPH ~~April 2010~~ DRAFT 5712-CCL (currently 3315.29)

Procedure

If the governing body fails to submit the forms required to evaluate qualifications, the inspector cites a violation of minimum standard rule [§747.1131](http://info.sos.state.tx.us/pls/pub/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=747&rl=1131) of the Texas Administrative Code.

DFPS Rules, 40 TAC §§[747.1105](http://info.sos.state.tx.us/pls/pub/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=747&rl=1105); [747.1107](http://info.sos.state.tx.us/pls/pub/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=747&rl=1107); [747.1109](http://info.sos.state.tx.us/pls/pub/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=747&rl=1109); [747.1131](http://info.sos.state.tx.us/pls/pub/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=747&rl=1131); [747.201](http://info.sos.state.tx.us/pls/pub/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=747&rl=201); [747.205](http://info.sos.state.tx.us/pls/pub/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=747&rl=205); [747.1101](http://info.sos.state.tx.us/pls/pub/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=747&rl=1101)

Texas Human Resources Code §§[42.075](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.42.htm#42.075); [42.076](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.42.htm#42.076), [42.0761](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.42.htm#42.0761)

See also:

[5100](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_5000.asp#LPPH_5100) Waivers and Variances

[7750](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_7600.asp#LPPH_7750) Civil and Criminal Penalties

CLASS Online Help: Record the Director Information

###### 3321.17 Ensuring That the Applicant Has Attended a Pre-Application Interview

LPPH

Procedure

The inspector ensures the applicant or designee has participated in a pre-application interview if the application is for a license.

Based on the available resources to Licensing and the needs of the applicant, a pre-application interview may take the place of attendance at an orientation class.

The pre-application interview or orientation class must be completed no more than one year before the application date. See [2110](file:///C%3A%5CDocuments%20and%20Settings%5Cdyerk%5CLocal%20Settings%5CTemporary%20Internet%20Files%5CContent.Outlook%5C3W2HU9OP%5C3314%20Explaining%20Governing%20Body%20Responsibilities%20%E2%80%94%20License%20or%20Certificate) Conducting the Pre-application Interview.

#### 3343 Time Limit for Issuance of a Non-Expiring License

LPPH ~~April 2010~~ DRAFT 5712-CCL

Policy

If compliance is demonstrated, the inspector signs and mails the non-expiring license and issuance letter (which are both generated in CLASS) within six months after the date the initial license is issued. The non-expiring license must be issued no later than the first day after the initial permit expires. For example, if the initial permit expires August 31st, the non-expiring license must be entered in CLASS no later than September 1st.

The effective (issuance) date of the permit is the date that the inspector signs the permit. The non-expiring permit supersedes the initial license.

### *Any references to a listing permit were deleted from 3630 since the issuance letter is now the permit for a listed home.*

### 3630 Preparing the Listing Permit

LPPH ~~April 2010~~ DRAFT 5712-CCL

Policy

The effective date of the listing is the date CLASS Form 2871, *LH Issuance Letter*, is signed by the inspector.

Procedure

The inspector sends CLASS Form 2871, *LH Issuance Letter*, to the permit holder.

See also CLASS Online Help: Process an Issuance / Issue a Full Listing, Registration, License, or Certificate.

Texas Human Resources Code [§42.052](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.42.htm#42.052)

##### *Some sub-items from 3315.2 (particularly those relating the day care homes licensed prior to 9/1/03) were moved to 4000 because they fit better there.*

##### 4133.3 Child Day Care – Annual Meeting With the Designated Director

LPPH ~~December 2011~~ DRAFT 5712-CCL

Policy

The inspector meets with the designated director at least once annually during an unannounced inspection at a facility, to determine whether the designated director:

 • complies with DFPS rules, 40 TAC [§746.1001](http://info.sos.state.tx.us/pls/pub/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=746&rl=1001) and [§746.1003](http://info.sos.state.tx.us/pls/pub/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=746&rl=1003); and

 • meets minimum standard qualifications.

If the director is not present during at least one of the unannounced inspections within a 12-month period, the inspector schedules a meeting with the director to review the director’s qualifications. This meeting must be held at the operation.

Texas Human Resources Code [§42.044(b-2)](http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.42.htm#42.044)

Procedure

Annual Review of the Designated Director’s Qualifications

The inspector meets with the designated director of a licensed child care facility during at least one unannounced monitoring inspection within a 12-month period. During this meeting, the inspector reviews the director’s qualifications to determine compliance. The inspector documents the review of the director’s qualifications by selecting the *Dir Qual Eval* box on the *Inspection Detail* page in CLASSMate.

The inspector documents how the director meets the qualifications by selecting the appropriate option on the *Governing Body Designation* page in CLASS.

If the designated director has a waiver or a variance for director qualifications, the inspector documents whether the designated director has made progress toward compliance in the *Narrative* text box on the *Inspection Detail* page in CLASSMate.

If the director does not meet the qualifications or does not have a waiver or variance for director qualifications, the inspector cites the appropriate minimum standard for being deficient.

When the Director Is Not Present for an Annual Review of Qualifications

If the designated director is not present during at least one unannounced monitoring inspection, investigation, or follow-up inspection within a 12-month period, the inspector makes an unannounced follow-up visit within 10-days to meet with the director at the center.

If the director is not present during the unannounced follow-up visit, the inspector schedules a meeting with the director. The meeting must be held at the operation.

If the director does not respond to a request to meet, the inspector cites the facility for a violation of minimum standards and follows up as appropriate.

When the Annual Review of Qualifications Is Late

If the director’s qualifications cannot be reviewed within the required 12-month period, the inspector:

 • obtains the supervisor’s approval to conduct the inspection at a later date; and

 • documents the supervisor’s approval in CLASS, in the *Chronology/Monitoring Category*.

Tracking How Frequently a Director Is Present During Inspections

The inspector documents each time the director of a child-care facility is present during an inspection by selecting the *Director Present* check box on the *Inspection Detail* page in CLASSMate.

The inspector uses the *Director Present* check box in CLASS to track how frequently or infrequently the director is not present during inspections. If the director is frequently not present, the inspector determines a plan of action for an operation when the director frequently is not present. The plan may include contacting the permit holder to acquire the director’s work schedule.

###### 4133.31 Evaluating Director Qualifications for Licensed Child Day Care Homes

LPPH ~~April 2010~~ DRAFT 5712-CCL (new item with content from current 3315.2, 3315.23, and 3315.24)

| When a primary caregiver applies for a license for… | the inspector must … |
| --- | --- |
| a home licensed before September 1, 2003, located outside of the primary caregiver’s residence, and designates a director on [Form 2911](http://www.dfps.state.tx.us/Application/Forms/showFile.aspx?NAME=2911.doc), Governing Body/Director Designation … |  • determine whether the primary caregiver or director meets qualifications in minimum standard rules; and • request background check information forms, including [Form 2971](http://www.dfps.state.tx.us/Application/Forms/showFile.aspx?NAME=2971.doc), Request for Criminal History and Central Registry Check.  |
| a home licensed before September 1, 2003, located outside of the primary caregiver’s residence, and designates a new director …  | request [Form 2985](http://www.dfps.state.tx.us/Application/Forms/showFile.aspx?NAME=2985.doc), Affidavit for Applicants for Employment With a Licensed Operation or Registered Child-Care Home. |

When One Person Oversees More Than One Operation

Policy

If a primary caregiver or director oversees more than one operation, the inspector must:

 • evaluate the primary caregiver or director’s competency based on qualifications, credentials, and experience listed in the Personal History Statement [2982p](http://www.dfps.state.tx.us/Application/Forms/showFile.aspx?NAME=2982.doc); and

 • review the compliance history and required monitoring frequency of each operation the primary caregiver or director oversees.

When a director oversees more than one operation, the Licensing representative evaluates:

a. whether the primary caregiver or director meets minimum standard qualifications;

b. the compliance history of each operation that the director oversees. For any facility with poor compliance history, Licensing may require the regular onsite supervision of the director; and

c. the percentage of time the director spends at each operation, as well as the size, scope, and location of each operation.

If the director or primary caregiver oversees multiple operations, and one or more of those operations has a poor compliance history, the inspector communicates to each operation on corrective action that it must have a qualified director present during all hours of operation.

Imposing Conditions When Operations Are on Corrective Action

Policy

If one or more of those operations is on corrective action, then the inspector may impose conditions on each one that is:

 • on corrective action; and

 • requires a qualified director to be present during all hours of operation.