#### 7436 Inspecting an Operation During an Evaluation and Probation

LPPH ~~August 2012~~ DRAFT 8017-CCL

Procedure

During an evaluation or probation, Licensing staff must inspect an operation at all of the following times, unless there is good cause not to inspect within these times because the operation has requested an administrative review or Licensing is conducting an investigation:

a. During the first 21 days after the corrective action period begins

b. At least once every 60 days during the *evaluation* period

c. At least once every 30 days during the *probation* period

d. At the end of the corrective action period

If an inspection is not held within the timeframes specified above, Licensing staff document the reason for the variation in the CLASS system, in the operation’s chronology.

Inspections conducted during the corrective action period are considered monitoring inspections and entered into in CLASS as such. During each inspection, the inspector evaluates an operation’s compliance with the conditions imposed by the corrective action plan, and the section (or sections) of the minimum standards that relate to those conditions or that are due to be evaluated. See [4126](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_4000.asp#LPPH_4126) Monitoring Inspections.

Licensing staff:

a. document on CLASS Form 2936 that each condition of the corrective action was evaluated during the inspection;

b. cite as a deficiency any condition that was not met; and

c. provide technical assistance on meeting the condition.

DFPS Rules, 40 TAC [§745.8633](http://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=19&ch=745&rl=8633)

See [4152](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_4000.asp#LPPH_4152) Reviewing Restrictions and Conditions.

#### 7437 Conducting Surveillance During Evaluation and Probation

LPPH DRAFT 8017-CCL (new item)

Policy

An inspector or supervisor may determine that surveillance is necessary to evaluate whether a program or caregiver is complying with minimum standards or conditions outlined in the corrective action plan, including but not limited to:

a. an operation is complying with transportation requirements;

b. supervision during outdoor activities; or

c. if an operation is providing care to more children than the permit allows.

Procedure

An inspector must receive supervisory approval to conduct surveillance. Upon receiving the necessary approval, the inspector may conduct surveillance at the location of the operation or at other locations where children in care are transported by the operation. The inspector should take photographs or video recordings, as necessary, during the course of the surveillance to support violations or a lack of violations. See [1400](http://www.dfps.state.tx.us/handbooks/Licensing/Files/LPPH_pg_1400.asp" \l "LPPH_1400) State-Issued Equipment, Photographs, and Video.

All decisions regarding and information obtained from conducting surveillance must be documented as a *Chronology* in CLASS.

Publication note (do not remove): make the numbering changes indicated below on the page and in the table of contents. I’ve already checked, and there are no cross-references to these items that need to be redirected. Jackie

**7438** ~~7437~~ Recommending Early Removal From Evaluation or Probation

**7439** ~~7438~~ Ending Evaluation and Probation

**7439.1** ~~7438.1~~ When Compliance Has Been Established

**7439.2** ~~7438.2~~ When Compliance Has Not Been Established for an Operation on Evaluation

**7439.3** ~~7438.3~~ When Compliance Has Not Been Established for an Operation on Probation

**7439.4** ~~7438.4~~ Continuing Evaluation or Probation