

TITLE 26 HEALTH AND HUMAN SERVICES
PART 1 HEALTH AND HUMAN SERVICES COMMISSION
CHAPTER 744 MINIMUM STANDARDS FOR SCHOOL-AGE AND BEFORE OR
AFTER-SCHOOL PROGRAMS
SUBCHAPTER B ADMINISTRATION AND COMMUNICATION
DIVISION 3 REQUIRED POSTINGS

§744.405. What telephone numbers **and other contact information** must I post and where must I post **this information**?

(a) You must post in a prominent place the following telephone numbers:

(1) 911 or, if 911 is not available in your area, you must post the telephone numbers for:

(A) Emergency medical services;

(B) Law enforcement; and

(C) Fire department;

(2) Poison control (1-800-222-1222); **and**

(3) The Texas Abuse and Neglect Hotline (1-800-252-5400).

(b) You must post in a prominent place the name, address, and telephone number for:

(1) The local **Child Care Regulation office; and**

(2) The operation.

(c) If you use cellular phone service at your operation, you must ensure all employees and caregivers know the address of the operation to direct emergency personnel to the operation when dialing 911 from the operation.

Technical Assistance

- Readily available phone numbers help to ensure prompt response/action in an emergency.
- For the nearest **Child Care Regulation** office telephone number go to <https://hhs.texas.gov/services/safety/child-care/contact-child-care-licensing>
- If you call 911 from a cellular phone you should remember the following:
 - Tell the emergency operator the location of the emergency right away.

Technical Assistance

- Give the emergency operator your cellular phone number so that, if the call gets disconnected, the operator can call you back.
- If your cellular phone is not “initialized” (meaning you do not have a contract for service with a wireless service provider), and your emergency call gets disconnected, you must call the emergency operator back because the operator does not have your telephone number and cannot contact you.

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DIVISION 4 OPERATIONAL POLICIES

§744.501. What written operational policies must I have?

You must develop written operational policies and procedures that at a minimum address each of the following:

- (1) Hours, days, and months of operation;
- (2) Procedures for the release of children;
- (3) Illness and exclusion criteria;
- (4) Procedures for dispensing medication or a statement that medication is not dispensed;
- (5) Procedures for handling medical emergencies;
- (6) Procedures for parental notifications;
- (7) Discipline and guidance that is consistent with Subchapter G of this chapter (relating to Discipline and Guidance). A copy of Subchapter G may be used for your discipline and guidance policy, unless you use disciplinary and training measures specific to a skills-based program, as specified in §744.2109 of this chapter (relating to May I use disciplinary measures that are fundamental to teaching a skill, talent, ability, expertise, or proficiency?);
- (8) Suspension and expulsion of children;
- (9) Meals and food service practices;
- (10) Immunization requirements for children, including tuberculosis screening and testing if required by your regional Texas Department of State Health Services or local health authority;
- (11) Enrollment procedures, including how and when parents will be notified of policy changes;
- (12) Transportation, if applicable;
- (13) Water activities, if applicable;
- (14) Field trips, if applicable;
- (15) Animals, if applicable;
- (16) Procedures for providing and applying, as needed, insect repellent and sunscreen, including what types will be used, if applicable;

(17) Parent rights that are consistent with the rules in Division 5 of this subchapter (relating to Parent Rights);

(18) Procedures for parents to review and discuss with the director any questions or concerns about the policies and procedures of the operation;

(19) Procedures for parents to participate in the operation's activities;

(20) Instructions on how a parent may access the:

(A) Minimum standards online;

(B) Texas Abuse and Neglect Hotline; and

(C) HHSC website.

(21) Emergency preparedness plan;

(22) Procedures for conducting health checks, if applicable;

(23) Information on vaccine-preventable diseases for employees, unless your operation is in the home of the permit holder, the director, or a caregiver. The policy must address the requirements outlined in §744.2581 of this chapter (relating to What must a policy for protecting children from vaccine-preventable diseases include?);

(24) If your operation maintains and administers unassigned epinephrine auto-injectors to use when a child in care has an emergency anaphylaxis reaction, policies for maintenance, administration, and disposal of unassigned epinephrine auto-injectors that comply with the unassigned epinephrine auto-injector requirements set by the Texas Department of State Health Services, as specified in Texas Administrative Code, Title 25, Chapter 40, Subchapter C (relating to Epinephrine Auto-Injector Policies in Youth Facilities) and Texas Health and Safety Code §773.0145; and

(25) Procedures for supporting inclusive services to children with special care needs. The policy must address the requirements outlined in §744.2009 of this chapter (relating to What are my responsibilities when planning activities for a child in care with special care needs?).

Technical Assistance

- Regarding paragraph (8), it is helpful to have a policy clarifying the steps that can be taken to prevent suspension or expulsion is very helpful to parents. However, a director may always retain the right to dis-enroll a child if it is in the best interest of the child or other children at the operation. Additional information regarding a policy for suspension and expulsion is available in the [CCR TA Library](#).
- Regarding paragraph (24), DSHS requirements for the maintenance and administration of unassigned epinephrine auto-injectors include requirements for:
 - Training;
 - Storage;
 - Administration;
 - Disposal;
 - Reporting; and
 - Parental notification of policies.

You can find more information about these requirements, as well as definitions pertaining to anaphylaxis, at [Allergies and Anaphylaxis, Epinephrine Auto-Injector Policies in Youth Facilities, and in the CCR TA Library](#).

- Regarding paragraph (25), the [CCR TA Library](#) has additional information regarding the inclusion of children with special care needs into a child-care program.

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DIVISION 5 PARENT RIGHTS

§744.521. What rights does a parent of a child in care of my child-care operation have?

A parent of a child in care has the right to:

(1) Enter and examine your operation during its hours of operation without advance notice;

(2) File a complaint against your operation;

(3) Review your operation's publicly accessible records;

(4) Review your operation's written records concerning the parent's child, as outlined in §744.601 of this chapter (relating to Who has the right to access children's records?);

(5) Receive from your operation:

(A) HHSC's inspection reports for your operation; and

(B) Information regarding how to access your operation's compliance history online;

(6) Have your operation comply with a valid court order signed by a judge that prevents another parent from visiting or removing the parent's child from your operation, as outlined in §744.2801 of this chapter (relating to To whom may I release a child?);

(7) Be provided with contact information for Child Care Regulation, including the department's name, address, and telephone number;

(8) View any video recordings of an alleged incident of abuse or neglect involving the parent's child maintained by your operation as long as:

(A) Video recordings of the alleged incident are available;

(B) The parent is not allowed to retain any portion of the video depicting a child who is not the parent's child; and

(C) Your operation notifies in writing the parent of any other child captured in the video recording, before allowing the parent to inspect the video recording;

(9) Obtain a copy of your operation's policies and procedures, as outlined in §744.503 of this subchapter (relating to Must I provide parents with a copy of my operational policies?);

(10) Review, upon request of the parent, your:

(A) Staff training records; and

(B) In-house training curriculum, if any; and

(11) Be free from any retaliatory action by your operation for exercising any of the parent's rights.

Technical Assistance

- Regarding paragraph (5)(A), the child-care operation may provide the parent with HHSC's inspection reports by posting the reports in the operation and referring the parent to the posting or by giving the parent a copy of the reports directly or electronically.
- Regarding paragraph (5)(B), the child-care operation should provide the parent with instructions regarding how to access the operation's compliance history via [Search Texas Child Care](#).

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SUBCHAPTER L SAFETY PRACTICES
DIVISION 5 RELEASE OF CHILDREN

§744.2801. To whom may I release a child?

(a) You must release a child only to a parent or a person designated by the parent.

(b) Upon receipt of a valid court order signed by a judge that prohibits a parent from removing the named child or children from the child-care operation, the child-care operation must:

(1) Comply with the court order immediately and until:

(A) Receipt of a subsequent court order that revokes the primary order; or

(B) The court order expires as defined in the document; and

(2) Maintain a copy of the court order in the child's file.

Technical Assistance

- If you suspect the person picking up a child is under the influence of drugs or alcohol, you may call local police and request their assistance.
- You may not legally prevent the child from being picked up by a parent or person designated by the parent; however, you may address this issue at enrollment by asking parents what they would like for you to do if you do not feel comfortable releasing the child to one of the parents and signing an agreement to this effect.
- Law enforcement officers and DFPS Child Protective Services staff have the authority by law to remove a child without a parent's permission.
- Always ask to see the identification of persons you do not know.