

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 A	PURPOSE, SCOPE, AND DEFINITIONS
DIVISION 3	DEFINITIONS

§744.123. What do certain words and terms mean when used in this chapter?

The words and terms used in this chapter have the meanings assigned to them under §745.21 of this title (relating to What do the following words and terms mean when used in this chapter?), unless another meaning is assigned in this section or another subchapter or unless the context clearly indicates otherwise. In addition, the following words and terms used in this chapter have the following meanings unless the context clearly indicates otherwise:

(1) Activity plan--A written plan that outlines the daily routine and activities in which a group of children will engage while in your care. The plan is designed to meet the children's cognitive, language, social, emotional, and physical developmental strengths and needs.

(2) Activity space--An area or room used for children's activities, including areas separate from a group's classroom.

(3) Administrative and clerical duties--Duties that involve the administration of an operation, such as bookkeeping, enrolling children, answering the telephone, and collecting fees.

(4) Admission--The process of enrolling a child in an operation. The date of admission is the first day the child is physically present at the operation.

(5) Adult--A person 18 years old and older.

(6) Age-appropriate--Activities, equipment, materials, curriculum, and environment, including the child's assigned classroom, that are developmentally consistent with the developmental or chronological age of the child being served.

(7) Attendance--When referring to a child's attendance, the physical presence of a child at the operation on any given day or at any given time, as distinct from the child's enrollment in the operation.

(8) Before or after-school program--An operation that provides care before and after or before or after the customary school day and during school holidays, for at least two hours a day, three days a week, to children who attend pre-kindergarten through grade six.

(9) Body of water--As defined by Texas Health and Safety Code, Chapter 341, Subchapter D (relating to Sanitation and Safety of Facilities Used by Public).

(10) Caregiver--A person who is counted in the child to caregiver ratio, whose duties include the supervision, guidance, and protection of a child. As used in this chapter, a caregiver must meet the minimum education, work experience, and training qualifications required under Subchapter D of this chapter (relating to Personnel). A caregiver is usually an employee, but may also be a substitute, volunteer, or contractor, as outlined in paragraph **(16)** of this section and Subchapter D, Division 5 of this chapter (relating to Substitutes, Volunteers, and Contractors).

(11) Certified Child-Care Professional Credential--A credential given by the National Early Childhood Program Accreditation to a person working directly with children. The credential is based on assessed competency in several areas of child care and child development.

(12) Certified lifeguard--A person who has been trained in life saving and water safety by a qualified instructor, from a recognized organization that awards a certificate upon successful completion of the training. The certificate is not required to use the term "lifeguard," but you must be able to document that the certificate is current, relevant to the type of water activity in which children will engage, and represents the type of training described.

(13) CEUs--Continuing education units. A standard unit of measure for adult education and training activities. One CEU equals 10 clock hours of participation in an organized, continuing-education experience, under responsible, qualified direction and instruction. Although a person may obtain a CEU in many of the same settings as clock hours, the CEU provider must meet the criteria established by the International Association for Continuing Education and Training to be able to offer the CEU.

(14) Child Development Associate Credential--A credential given by the Council for Professional Recognition to a person working directly with children. The credential is based on assessed competency in several areas of child care and child development.

(15) Clock hour--An actual hour of documented:

(A) Attendance at instructor-led training, such as seminars, workshops, conferences, early childhood classes, and other planned learning opportunities, provided by an individual or individuals, as specified in §744.1319(a) of this chapter (relating to Must the training for my caregivers and the director meet certain criteria?); or

(B) Self-instructional training that was created by an individual or individuals, as specified in §744.1319(a) and (b) of this chapter, or self-study training.

(16) Contract service provider--A person or entity contracting with the operation to provide a service, whether paid or unpaid. Also referred to as "contract staff" and "contractor" in this chapter.

(17) Corporal punishment--The infliction of physical pain on a child as a means of controlling behavior. This includes spanking, hitting with a hand or instrument, slapping, pinching, shaking, biting, or thumping a child.

(18) Days--Calendar days, unless otherwise stated.

(19) Director--An adult you designate to have daily, on-site responsibility for your operation, including maintaining compliance with the minimum standards, rules, and laws. As this term is used in this chapter, a director may be an operation director, program director, or site director, unless the context clearly indicates otherwise.

(20) Employee--A person an operation employs full-time or part-time to work for wages, salary, or other compensation. Employees are all of the operation staff, including caregivers, kitchen staff, office staff, maintenance staff, the assistant director, all directors, and the owner, if the owner is ever on site at the operation or transports a child.

(21) Enrollment--The list of names or number of children who have been admitted to attend an operation for any given period of time; the number of children enrolled in an operation may vary from the number of children in attendance on any given day.

(22) Entrap--A component or group of components on equipment that forms angles or openings that may trap a child's head by being too small to allow the child's body to pass through, or large enough for the child's body to pass through but too small to allow the child's head to pass through.

(23) Field trips--Activities conducted away from the operation.

(24) Food service--The preparation or serving of meals or snacks.

(25) Frequent--More than two times in a 30-day period. Note: For the definition of "regularly or frequently present at an operation" as it applies to background checks, see §745.601 of this title (relating to What words must I know to understand this subchapter?).

(26) Garbage--Waste food or items that when deteriorating cause offensive odors and attract rodents, insects, and other pests.

(27) Governing body--A group of persons or officers of a corporation or other type of business entity having ultimate authority and responsibility for the operation.

(28) Grounds--Includes any parcel of land where the operation is located and any building, other structure, body of water, play equipment, street, sidewalk, walkway, driveway, parking garage, or parking lot on the parcel. Also referred to as "premises" in this chapter.

(29) Group activities--Activities that allow children to interact with other children in large or small groups. Group activities include storytelling, finger plays, show and tell, organized games, and singing.

(30) Hazardous materials--Any substance or chemical that is a health hazard or physical hazard as determined by the Environmental Protection Agency. Also referred to as "toxic materials" and "toxic chemicals" in this chapter.

(31) Health-care professional--A licensed physician, a licensed advanced practice registered nurse (APRN), a licensed vocational nurse (LVN), a licensed registered nurse (RN), or other licensed medical personnel providing health care to the child within the scope of the license. This does not include physicians, nurses, or other medical personnel who are not licensed in the United States or in the country in which the person practices.

(32) Health check--A visual or physical assessment of a child to identify potential concerns about a child's health, including signs or symptoms of illness and injury, in response to changes in the child's behavior since the last date of attendance.

(33) High school equivalent--

(A) Documentation of a program recognized by the Texas Education Agency (TEA) or other public educational entity in another state, which offers similar training on reading, writing, and math skills taught at the high school level, such as a General Educational Development (GED) certificate; or

(B) Confirmation that the person received home-schooling that adequately addressed basic competencies such as basic reading, writing, and math skills, which would otherwise have been documented by a high school diploma.

(34) Individual activities--Opportunities for the child to work independently or to be away from the group but supervised.

(35) Inflatable--An amusement ride or device, consisting of air-filled structures designed for use by children, as specified by the manufacturer, which may include bouncing, climbing, sliding, or interactive play. They are made of flexible fabric, kept inflated by continuous air flow by one or more blowers, and rely upon air pressure to maintain their shape.

(36) Instructor-led training--Training characterized by the communication and interaction that takes place between the student and the instructor. The training must include an opportunity for the student to interact with the instructor to obtain clarifications and information beyond the scope of the training materials. For such an opportunity to exist, the instructor must communicate with the student in a timely fashion, including answering questions, providing feedback on skills practice, providing guidance or information on additional resources, and proactively interacting with students. Examples of this type of training include, classroom training, web-based on-line facilitated learning, video-conferencing, or other group learning experiences.

(37) Janitorial duties--Those duties that involve the cleaning and maintenance of the operation's building, rooms, furniture, etc. Cleaning and maintenance include such duties as cleansing carpets, washing cots, and sweeping, vacuuming, or mopping a restroom or a classroom. Sweeping up after an activity or mopping up a spill in a classroom that is immediately necessary for the children's safety is not considered a janitorial duty.

(38) Local sanitation official--A sanitation official designated by the city or county government.

(39) Multi-site operations--Two or more operations owned by the same person or entity, but the operations have separate permits. These operations may have centralized business functions, record keeping, and leadership.

(40) Natural environment--Settings that are natural or typical for all children of the same age without regard to ability or disability. For example, a natural environment for learning social skills is a play group of peers.

(41) Nighttime care--Care given on a regular or frequent basis to children who are starting or continuing their night sleep, or to children who spend the night or part of the night at the operation between the hours of 9:00 p.m. and 6:00 a.m.

(42) Operation--A person or entity offering a before or after-school program or school-age program that is subject to Licensing's regulation. An operation includes the grounds where the program is offered, any person involved in providing the program, and any equipment used in providing the program.

(43) Operation director--A director at your operation who is not supervised by a program director. An operation that has an operation director cannot have a program director or a site director.

(44) Owner--The sole proprietor, partnership, corporation, or other type of business entity who owns the operation.

(45) Permit holder--The owner of the operation that is granted the permit.

(46) Permit is no longer valid--For purposes of this chapter, a permit remains valid through the renewal process. A permit only becomes invalid when your:

(A) Operation voluntarily closes;

(B) Operation must close because of an enforcement action in Chapter 745, Subchapter L of this title (relating to Enforcement Actions);

(C) Permit expires according to §745.481 of this title (relating to When does my permit expire?); or

(D) Operation must close because its permit is automatically revoked according to Texas Human Resources Code §§42.048(e), 42.052(j), or 42.054(f).

(47) Personal flotation device (PFD)--A United States Coast Guard approved life jacket.

(48) Physical activity (moderate)--Levels of activity for a child that are at intensities faster than a slow walk, but still allow the child to talk easily. Moderate physical activity increases heart rate and breathing rate.

(49) Physical activity (vigorous)--Rhythmic, repetitive physical movement for a child that uses large muscle groups, causing the child to breathe rapidly and only enabling the child to speak in short phrases. Typically, the child's heart rate is substantially increased, and the child is likely to be sweating while engaging in the vigorous physical activity.

(50) Pre-kindergarten age child--A child who is three or four years of age before the beginning of the current school year.

(51) Premises--See the term "grounds" and its definition in this section.

(52) Program--The services and activities provided by an operation.

(53) Program director--A director who oversees your program at multi-site operations and supervises a site director at each operation.

(54) Regular--On a recurring, scheduled basis. Note: For the definition of "regularly or frequently present at an operation" as it applies to background checks, see §745.601 of this title.

(55) Safety belt--A lap belt and any shoulder straps included as original equipment on or added to a vehicle.

(56) Sanitize--The use of a disinfecting product that provides instructions specific for sanitizing and is registered by the Environmental Protection Agency (EPA) to substantially reduce germs on inanimate objects to levels considered safe by public health requirements. Many bleach and hydrogen peroxide products are EPA-registered. You must follow the product's labelling instructions for sanitizing or disinfecting, depending on the surface (paying attention to any instructions regarding contact time and toxicity on surfaces likely to be mouthed by children). If you use bleach instead of an approved disinfecting product, you must follow these steps in order:

(A) Washing with water and soap;

(B) Rinsing with clear water;

(C) Soaking in or spraying on a bleach solution for at least two minutes;

(D) Rinsing with cool water only those items that children are likely to place in their mouths; and

(E) Allowing the surface or item to air-dry.

(57) School-age child--A child who is five years of age and older and is enrolled in or has completed kindergarten.

(58) School-age program--An operation that provides supervision and recreation, skills instruction, or skills training for at least two hours a day and three days a week to children who attend pre-kindergarten through grade six. A school-age program operates before or after the customary school day and may also operate during school holidays, the summer period, or any other time when school is not in session.

(59) Screen time activity--An activity during which a child views media content on a cell or mobile phone, tablet, computer, television, video, film, or DVD. Screen time activities do not include video chatting with a child's family or assistive and adaptive computer technology used by a child with special care needs on a consistent basis.

(60) Self-instructional training--Training designed to be used by one individual working alone and at the individual's own pace to complete lessons or modules. Lessons or modules commonly include questions with clear right and wrong answers. An example of this type of training is web-based training. Self-study training is also a type of self-instructional training.

(61) Self-study training--Non-standardized training where an individual reads written materials, watches a training video, or listens to a recording to obtain certain knowledge that is required for annual training. Self-study training is limited to three hours of annual training per year.

(62) Site director--A director who has on-site responsibility at a specific operation, but who is supervised by a program director.

(63) Special care needs--A child with special care needs is a child who has:

(A) A chronic physical, developmental, behavioral, or emotional condition or a disability and who also requires assistance beyond that required by a child generally to perform tasks that are within the typical chronological range of development, including the movement of large or small muscles, learning, talking, communicating, comprehension, emotional regulation, self-help, social skills, emotional well-being, seeing, hearing, and breathing; or

(B) A limitation due to an injury, illness, or allergy.

(64) State or local fire authority--A fire official who is authorized to conduct fire safety inspections on behalf of the city, county, or state government, including certified fire inspectors. Also referred to as "fire marshal" in this chapter.

(65) Swimming Pool--An artificial body of water with a water depth of more than 18 inches that is maintained or used expressly for public or private recreational purposes, swimming, diving, aquatic sports or activities, or therapeutic purposes.

(66) Universal precautions--An approach to infection control where all human blood and certain human bodily fluids are treated as if known to be infectious for HIV, HBV, and other blood-borne pathogens.

(67) Wading pool--As defined by Texas Health and Safety Code, Chapter 341, Subchapter D.

(68) Water activities--Related to the use of swimming pools, wading pools, or sprinkler play.

(69) Weather permitting--Weather conditions that do not pose any concerns for health and safety, such as significant risk of frostbite or heat-related illness. This includes adverse weather conditions in which children may still play safely outdoors for shorter periods with appropriate adjustments to clothing and any necessary access to water, shade, or shelter.

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- Regarding paragraph (9), [Texas Health and Safety Code, Chapter 341](#) defines a "body of water" as an artificial or natural body of water, including a swimming pool, lake, or river, typically used for recreational swimming, bathing, or play. The term does not include a "wading pool."
- Regarding paragraph (17), "corporal punishment" encompasses many types of physical actions used to inflict pain and the examples provided are not intended to be all inclusive.
- Regarding paragraph (30), the [Environmental Protection Agency](#) has additional information about hazardous materials.
- Regarding paragraph (47), the [CCR TA Library](#) has additional information regarding personal flotation devices.
- Regarding paragraph (50), the beginning of the school year is based on the start date of the school district the child attends.
- Regarding paragraph (56):
 - A disinfecting product is a solution of chemicals that kills or inactivates germs when applied as instructed. Disinfectants are registered with the EPA as pesticides because they act against viruses and bacteria, which are microorganisms (what we commonly call germs) that act as pests. Not all disinfectants are effective against all germs. It is important to read the product label, EPA registration information, or check with local public health authorities if you are concerned about whether a product

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kills a specific germ. Always follow the manufacturer's instructions when using disinfecting products.

- The use of alternative methods for sanitizing or disinfecting, such as fogging, fumigation, and wide-area or electrostatic spraying, are not recommended unless first approved by local or state public health departments. The CDC does not recommend the use of such methods for most cases.
- Regarding paragraph (59), "media content" includes:
 - Digital, analog, and live videos;
 - Movies and music videos (including the use of this content in the background when children are engaged in other activities);
 - Animations;
 - Games (digital or video);
 - Graphic or digital photos;
 - Internet searches;
 - E-books;
 - Streaming sites;
 - Software programs;
 - Applications (apps), etc.

Media content does not include electronic sign-in sheets, daily rosters, or schedules displayed on a smart board.

- Regarding paragraph (61), "self-study" is sometimes referred to as "independent study."
- Regarding paragraph (67), [Texas Health and Safety Code, Chapter 341](#) defines a "wading pool" as a pool with a maximum water depth of not more than 18 inches. A wading pool may also include a pool that contains a public interactive water feature and fountain as defined by the Texas Department of State Health Services.
- The term "public interactive water feature and fountain" within the definition of a "wading pool" refers to an indoor or outdoor installation that includes water sprays, dancing water jets, waterfalls, dumping buckets, or shooting water cannons in various arrays for the purpose of wetting the persons playing in the spray streams. It may be known as a splash pad, spray pad, or wet deck. [25 TAC Chapter 265, Subchapter L \(relating to Public Swimming Pools and Spas\), §265.182](#) has additional information regarding public interactive water features

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and fountains.

- Regarding paragraph (69), [Caring for Our Children: National Health and Safety Performance Standards, 4th Edition](#), has additional guidelines regarding weather conditions and children's outdoor activities.

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SUBCHAPTER C	RECORD KEEPING
DIVISION 1	RECORDS OF CHILDREN

§744.605. What admission information must I obtain for each child?

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

- (1) The child's name and birth date;
- (2) The child's home address and telephone number;
- (3) Date of the child's admission to the operation;
- (4) Name and address of parents;
- (5) Telephone numbers at which parents can be reached while the child is in care;
- (6) Name, address, and telephone number of another responsible individual (friend or relative) who should be contacted in an emergency when the parent cannot be reached;
- (7) Names and telephone numbers of persons other than a parent to whom the child may be released;
- (8) Permission for transportation, if provided, including any authorized pick-up and drop-off locations;
- (9) Permission for field trips, if provided;
- (10) Name, address, and telephone number of the child's physician or an emergency-care facility;
- (11) Authorization to obtain emergency medical care and to transport the child for emergency medical treatment;
- (12) A statement of the child's special problems or special care needs, which must include:
 - (A) Any limitations or restrictions on the child's activities;
 - (B) Special care the child requires, including:
 - (i) Any reasonable accommodations or modifications;
 - (ii) Any adaptive equipment provided for the child, including instructions for how to use the equipment; and

(iii) Symptoms or indications of potential complications related to a physical, cognitive, or mental condition that may warrant prevention or intervention while the child is in care; and

(C) Any medications prescribed for continuous, long-term use.

(13) The name and telephone number of the school that a school-age child attends, unless the operation is located at the child's school;

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

(15) The child's allergies and a completed food allergy emergency plan for the child, if applicable; and

(16) Permission for participation in water activities, if provided. If you allow a child to access a swimming pool, the parent must also indicate whether the child:

(A) Is able to swim competently, as defined by the American Red Cross; or

(B) Requires a personal flotation device because the child is:

(i) Unable to swim competently, as defined by the American Red Cross; or

(ii) At risk of injury or death when swimming or otherwise accessing a body of water.

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- The term "Parent" is defined in 26 TAC, Chapter 745, Subchapter A, Precedence and Definitions, which is included in this publication in Appendix I.
- Regarding paragraphs (6) and (7), CCR expects the parent to list someone other than themselves as an emergency contact and authorized to pick up their child from care. If the parent chooses to not designate anyone else they will need to indicate this in writing.
- Regarding paragraph (16), because a child's ability to swim can change over time, a child-care operation should check in with parents at regular intervals, particularly prior to seasons where water activities occur more frequently, to ensure this information remains current. §744.609 has additional information regarding requirements for updating admission information.
- Regarding paragraphs (16)(A) and (B), the [American Red Cross](#) requires an individual to perform the following water safety and swimming skills in the order listed below to demonstrate swim

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competence:

1. Step or jump into the water over the individual's head.
2. Return to the surface and float or tread water for one minute.
3. Turn around in a full circle and find an exit.
4. Swim 25 yards to the exit.
5. Exit from the water. If in a pool, be able to exit without using the ladder.

A child-care operation is not responsible for or expected to swim test a child for swim competence. However, the operation should share with the child's parent what it means to swim competently, so that the parent can complete the admission information accurately.

- Regarding paragraph (16)(B), many factors impact whether a child is at risk of injury or death when swimming or otherwise accessing a body of water. Some examples may include whether a child:
 - Is neurodivergent;
 - Has special needs due to a medical condition, such as epilepsy; or
 - Has an intellectual or developmental disability.

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 SUBCHAPTER D PERSONNEL
 DIVISION 4 PROFESSIONAL DEVELOPMENT

§744.1301. What are the training requirements for employees, caregivers, and directors?

(a) Employees, caregivers, and directors must complete the following training requirements.

Figure: 26 TAC §744.1301(a)

Type of training:	Who is required to take the training?	When must the training be completed?
(1)(A) Orientation to your operation as required by §744.1303 of this division (relating to What must orientation for employees at my operation include?).	(B) Each employee.	(C) Within seven days of employment and before having unsupervised access to a child in care.
(2)(A) Eight clock hours of pre-service training as required by §744.1305 of this division (relating to What areas of training must the pre-service training for caregivers cover?).	(B) Each non-exempt caregiver. A caregiver may be exempt from pre-service training as specified in §744.1307 of this division (relating to Are any caregivers exempt from the pre-service training?).	(C) For non-exempt caregivers, within 90 days of employment and before being counted in the child/caregiver ratio.
(3)(A) Pediatric first aid with rescue breathing and choking as required by §744.1315(a) of this division (relating to Who must have pediatric first aid and pediatric CPR training?).	(B) Each caregiver, site director, program director, and operation director.	(C)(i) Within 90 days of employment and before having unsupervised access to a child in care; and (C)(ii) The person must stay current in this training.
(4)(A) Pediatric CPR as required by §744.1315(b) of this division.	(B) Each caregiver, site director, program director, and operation director.	(C)(i) Within 90 days of employment; and (C)(ii) The person must stay current in this training.

Type of training:	Who is required to take the training?	When must the training be completed?
(5)(A) 15 clock hours of annual training as required by §744.1309 of this division (relating to What areas of training must the annual training for caregivers and site directors cover?).	(B) Each caregiver and site director.	(C)(i) Within 12 months of employment; and (C)(ii) During each 12-month period, and as further required by §744.1313 of this division (relating to When must annual training for my caregivers and director be obtained?).
(6)(A) 20 clock hours of annual training as required by §744.1311 of this division (relating to What areas of training must the annual training for an operation director or a program director cover?).	(B) Each program director or operation director.	(C)(i) Within 12 months of employment; and (C)(ii) During each 12-month period, and as further required by §744.1313 of this division.
(7)(A) Two clock hours of transportation safety training as required by §744.1317 of this division (relating to What additional training must an employee and director have if the operation transports children?).	(B)(i) The site director, and program director or operation director, if the operation transports a child whose chronological or developmental age is younger than nine years old; and (B)(ii) Each employee who transports a child whose chronological or developmental age is younger than nine years old.	(C)(i) Prior to transporting children; and (C)(ii) Annually thereafter.

Type of training:	Who is required to take the training?	When must the training be completed?
(8)(A) Water safety training as required by §744.1318 of this division (relating to What additional training must an employee and director have if the operation allows a child to access a swimming pool at or away from the operation?)	(B)(i) The site director, and program director or operation director, if the operation allows a child to access a swimming pool at or away from the operation; and (B)(ii) Each employee who accompanies a child to a swimming pool at or away from the center.	(C)(i) Prior to accompanying a child to a swimming pool; and (C)(ii) Annually thereafter.

(b) If a caregiver or employee does not yet have a current certificate in pediatric CPR, as required in (a)(4)(A) in Figure: 26 TAC §744.1301(a), at least one caregiver or employee with a current certificate must also be on the premises with the caregiver.

§744.1309. What areas of training must the annual training for caregivers and site directors cover?

(a) The 15 clock hours of annual training must:

(1) For a caregiver, be relevant to the age of the children for whom the caregiver provides care; or

(2) For a site director, be relevant to the age of the children for whom the operation provides care.

(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.

(c) At least one clock hour of the annual training hours must focus on prevention, recognition, and reporting of child maltreatment, including:

- (1) Factors indicating a child is at risk for abuse or neglect;
- (2) Warning signs indicating a child may be a victim of abuse or neglect;
- (3) Procedures for reporting child abuse or neglect; and

(4) Community organizations that have training programs available to employees, children, and parents.

(d) 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 §744.2653 of this chapter (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 electrical hazards, bodies of water, and vehicular traffic; and

(6) Handling, storing, and disposing of hazardous materials including compliance with §744.2523 of this chapter (relating to Must caregivers wear gloves when handling blood or bodily fluids containing blood?).

(e) 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 for children and families;

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

(8) Topics relevant to the particular age group the caregiver is assigned;

(9) Planning developmentally appropriate learning activities; and

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

(f) At least three of the 15 required annual training hours must be instructor-led training. The remaining 12 required annual training hours may come from self-instructional training, of which no more than three hours may come from self-study

training.

(g) The 15 clock hours of annual training are exclusive of any requirements for orientation, pre-service training, pediatric first aid and pediatric CPR training, transportation safety training, **water safety training**, and high school child-care work-study classes.

§744.1311. What areas of training must the annual training for an operation director or a program director cover?

(a) The 20 clock hours of annual training must be relevant to the age of the children for whom the operation provides care.

(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;
- (4) Teacher-child interaction; and
- (5) Serving children with special care needs.

(c) At least one clock hour of the annual training hours must focus on prevention, recognition, and reporting of child maltreatment, including:

- (1) Factors indicating a child is at risk for abuse or neglect;
- (2) Warning signs indicating a child may be a victim of abuse or neglect;
- (3) Procedures for reporting child abuse or neglect; and
- (4) Community organizations that have training programs available to employees, children, and parents.

(d) 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 §744.2653 of this chapter (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 electrical hazards, bodies of water, and vehicular traffic; and

(6) Handling, storing, and disposing of hazardous materials including compliance with §744.2523 of this chapter (relating to Must caregivers wear gloves when handling blood or bodily fluids containing blood?).

(e) An operation director or program director with:

(1) Five or fewer years of experience as a designated operation director or program director must complete at least six clock hours of the annual training hours in management techniques, leadership, or staff supervision; or

(2) More than five years of experience as a designated operation director or program director must complete at least three clock hours of the annual training hours in management techniques, leadership, or staff supervision.

(f) The remainder of the 20 clock hours of annual training must be selected from the training topics specified in §744.1309(e) of this division (relating to What areas of training must the annual training for caregivers and site directors cover?).

(g) An operation director or program director may obtain clock hours or CEUs from the same sources as caregivers.

(h) A director may not earn training hours by presenting training to others.

(i) At least four of the required 20 annual training hours must come from instructor-led training. The remaining 16 required annual training hours may come from self-instructional training, of which no more than three hours may come from self-study training.

(j) The 20 clock hours of annual training are exclusive of any requirements for orientation, pre-service training, pediatric first aid and pediatric CPR training, transportation safety training, and water safety training.

§744.1318. What additional training must an employee and director have if the operation allows a child to access a swimming pool at or away from the operation?

(a) If the operation allows a child to access a swimming pool at or away from the operation, annual water safety training is required for:

(1) Each employee prior to accompanying a child to a swimming pool; and

(2) Each site director and program director or operation director.

(b) The training must be specific to water safety in and around swimming pools.

(c) Water safety training is exclusive of any requirements for orientation, pre-service training, and annual training.

Technical Assistance

- The [American Red Cross](#) offers water safety resources and water safety courses for caregivers at no cost.
- [Colin's Hope and Live Like Cati](#) also offer no cost water safety resources and water safety webinars focused specifically on preparing staff who take children to the pool.
- Water safety advocacy groups recommend water safety training curriculum include:
 - an overview of current childhood drowning data;
 - drowning recognition;
 - an understanding of risks of drowning;
 - precautions to promote safer activities around water;
 - basics of proper water rescue and resuscitation;
 - technique and guidelines for effective and active supervision (Water Watcher);
 - understanding of an aquatic emergency action plan;
 - safer pool behavior rules;
 - understanding of the minimum water safety standards and caregiver to child ratios in Texas CCR regulations;
 - water competency assessment and parent education; and
 - lifejacket use, ratings, and proper fitting consistent with [Cati's Act](#).

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 D PERSONNEL
 DIVISION 5 SUBSTITUTES, VOLUNTEERS, AND CONTRACTORS

§744.1403. What are the training requirements for substitutes, volunteers, and contractors?

(a) Substitutes, volunteers, and contractors must complete the following training requirements.

Figure: 26 TAC §744.1403(a)

Type of training:	Who is required to take the training?	When must the training be completed?
(1)(A) Orientation to your child-care operation, as required by §744.1303 of this subchapter (relating to What must orientation for employees at my operation include?).	(B)(i) Each substitute; (B)(ii) Each contractor; and (B)(iii) Each volunteer, except as noted in §744.1401(d) of this division (relating to What minimum standards must substitutes, volunteers, or contractors comply with?).	(C) Before beginning the relevant duties.
(2)(A) Eight clock hours of pre-service training, as required by §744.1305 of this subchapter (relating to What areas of training must the pre-service training for caregivers cover?).	(B) Each substitute, volunteer, and contractor who is counted in the child to caregiver ratio, except as noted in §744.1401(d) of this division.	(C)(i) Before the substitute, volunteer, or contractor may be counted in the child to caregiver ratio; and (C)(ii) Within 90 days of beginning the relevant caregiver duties.
(3)(A) Pediatric first aid with rescue breathing as required by 744.1315(a) of this subchapter (relating to Who must have pediatric first-aid and pediatric CPR training?).	(B) Each substitute, volunteer, and contractor who is counted in the child to caregiver ratio, except as noted in §744.1401(d) of this division.	(C)(i) Within 90 days of beginning the relevant caregiver duties and before having unsupervised access to a child in care; and (C)(ii) The person must stay current in this

Type of training:	Who is required to take the training?	When must the training be completed?
		training.
(4)(A) Pediatric CPR as required by §744.1315(b) of this subchapter.	(B) Each substitute, volunteer, and contractor who is counted in the child to caregiver ratio, except as noted in §744.1401(d) of this division.	(C)(i) Within 90 days of beginning the relevant caregiver duties; and (C)(ii) The person must stay current in this training.
(5)(A) 15 hours of annual clock training as required by §744.1309 of this subchapter (relating to What areas of training must the annual training for caregivers and site directors cover?).	(B) Each substitute, volunteer, and contractor who is counted in the child to caregiver ratio, except as noted in §744.1401(d) of this division.	(C)(i) Within 12 months of beginning the relevant caregiver duties; and (C)(ii) During each 12-month period, as further required by §744.1313 of this subchapter (relating to When must annual training for my caregivers and director be obtained?).
(6)(A) Two clock hours of transportation safety training as required by §744.1317 of this subchapter (relating to What additional training must an employee and director have if the operation transports children?).	(B) Each substitute, volunteer, and contractor who transports a child whose chronological or developmental age is younger than nine years old.	(C)(i) Prior to transporting children; and (C)(ii) Annually, thereafter.
(7)(A) Water safety training as required by §744.1318 of this subchapter (relating to What additional training must an employee and director have if the operation allows a child to access a swimming pool at or away from the operation?).	(B) Each substitute, volunteer, and contractor who accompanies a child to a swimming pool at or away from the operation.	(C)(i) Prior to accompanying a child to a swimming pool; and (C)(ii) Annually thereafter.

(b) If a substitute, volunteer, or contractor who is counted in the child to caregiver ratio does not yet have a current certificate in pediatric CPR, as required in (a)(4)(A) in Figure: 26 TAC §744.1403(a), at least one caregiver or employee with a current certificate must also be on the premises with the substitute, volunteer, or contractor.

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SUBCHAPTER E CHILD/CAREGIVER RATIOS AND GROUP SIZES
DIVISION 5 RATIOS FOR WATER ACTIVITIES

§744.1901. Must I have additional caregivers for wading activities?

You must comply with §746.2101 of this title (relating to Must I have additional caregivers for wading activities?).

§744.1907. Must a certified lifeguard be on duty when children are swimming in more than 18 inches of water?

A certified lifeguard must be on duty at all times when children are swimming in more than 18 inches of water.

§744.1911. Must persons who are counted in the child/caregiver ratio during swimming activities know how to swim?

Each caregiver included in the child/caregiver ratio for swimming in 18 inches or more of water must be able to swim and must be prepared to do so in an emergency.

Technical Assistance

The ability to swim is crucial when providing adequate supervision and safety of children during swimming activities and allows a caregiver to intervene when necessary to protect the child.

§744.1913. May I include volunteers or child-care employees who do not meet minimum qualifications for caregivers in the child/caregiver ratio for water activities?

You may include adult volunteers and employees of your operation who do not meet the minimum qualifications for caregivers specified in Subchapter D of this chapter (relating to Personnel) to meet the child/caregiver ratio for swimming and wading activities, provided that:

- (1) You maintain at least the classroom child/caregiver ratios required in this subchapter with caregivers who do meet the minimum qualifications for caregivers;
- (2) All persons included in the ratios for water activities must be able to swim and must be prepared to do so in an emergency; and
- (3) You ensure compliance with all other minimum standards, including, but not limited to, standards relating to supervision, discipline, and guidance.

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SUBCHAPTER L SAFETY PRACTICES
DIVISION 1 SAFETY PRECAUTIONS

§744.2601. What safety precautions must I take to protect children in my operation?

All areas accessible to a child must be free from hazards **including the following**:

- (1) Electrical outlets accessible to a child younger than five years old must have childproof covers or safety outlets;
- (2) 220-volt electrical connections within a child's reach must be covered with a screen or guard;
- (3) Air conditioners, electric fans, and heaters must be mounted out of all children's reach or have safeguards that keep any child from being injured;
- (4) Glass in sliding doors must be clearly marked with decals or other materials placed at children's eye level;
- (5) Play materials and equipment must be safe and free from sharp or rough edges and toxic paints;
- (6) Poisonous or potentially harmful plants must be inaccessible to all children;
- (7) All storage chests, boxes, trunks, or similar items with hinged lids must be equipped with a lid support designed to hold the lid open in any position, be equipped with ventilation holes, and must not have a latch that might close and trap a child inside;
- (8) All bodies of water, **wading pools**, hot tubs, birdbaths, fountains, buckets, and rain barrels must be inaccessible to all children; and
- (9) All televisions must be anchored, so they cannot tip over. A television may be anchored to a rolling cart, **if** it is anchored in a way that the cart will not tip over.

Technical Assistance

- Supervision alone cannot prevent all accidents and injuries; therefore, the environment must be free of health and safety hazards to reduce risks to children.
- Additional examples of hazards to children include: sharp scissors, plastic bags, knives, cigarettes, matches, lighters, flammable liquids, drugs/medications, sharp instruments such as an ice pick, power tools, cleaning supplies, chemicals, and other items labeled keep out of the reach of children.
- Buildings, grounds, and equipment in a state of disrepair threaten the health and safety of children.
- Regarding paragraph (9), CPSC estimates that more than 43,000 consumers are injured in tip-over incidents. More than 25,000 (59%) of those injuries are to children under the age of 18. Falling furniture accounts for more than half (52%) of the injury reports. Falling televisions have proven to be more deadly, as they are associated with more than half (62%) of reported fatalities.
- To assist in ensuring safety with respect to the outdoor grounds of the operation, the Texas Department of State Health Services provides free safe siting resources to child-care providers. These resources aid in determining whether the child-care operation is located in an area where past or current chemical use could pose a threat to children. You can find additional information through [The Safe Siting Initiative](#).

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SUBCHAPTER N INDOOR AND OUTDOOR ACTIVE PLAY SPACE AND EQUIPMENT
DIVISION 6 INFLATABLES

§744.3351. May I use inflatable active play equipment?

You may use inflatable equipment both at and away from your operation if you follow these guidelines:

- (1) You use enclosed inflatables (such as bounce houses or moon walks) according to the manufacturer's instructions;
- (2) You use open inflatables (such as obstacle courses, slides, or games) according to the manufacturer's instructions; and
- (3) Inflatables that include water activity also comply with all applicable requirements in Subchapter O of this chapter (relating to Swimming Pools, Wading Pools, and Sprinkler Play).

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CHAPTER 744 MINIMUM STANDARDS FOR SCHOOL-AGE AND BEFORE OR
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SUBCHAPTER O SWIMMING POOLS, WADING POOLS, AND SPRINKLER PLAY

§744.3401. What safety precautions must I follow when a child in my care uses a swimming pool?

In addition to complying with the child/caregiver ratios specified in §744.1905 of this chapter (relating to What are the child/caregiver ratios for swimming activities?) and other safety requirements specified in §744.1907 of this chapter (relating to Must a certified lifeguard be on duty when children are swimming in more than 18 inches of water?) and §744.1911 of this chapter (relating to Must persons who are counted in the child/caregiver ratio during swimming know how to swim?), you must comply with the following safety precautions when any child uses a swimming pool both at and away from your operation:

- (1) A minimum of two life-saving devices must be available;
- (2) One additional life-saving device must be available for each 2,000 square feet of water surface;
- (3) Drain grates must be in place, in good repair, and must not be able to be removed without using tools;
- (4) Pool chemicals and pumps must be inaccessible to any child;
- (5) Machinery rooms must be locked when any child is present;
- (6) Employees must be able to clearly see all parts of the swimming area;
- (7) The bottom of the pool must be visible at all times;
- (8) An adult must be present who is able to immediately turn off the pump and filtering system when any child is in a pool; and
- (9) All indoor/outdoor areas must be free of furniture and equipment that any child could use to scale a fence or barrier or release a lock.

Technical Assistance

- Regarding paragraph (1), some examples of life-saving devices include U.S. Coast Guard approved life jackets, ring buoys, rescue tubes, and reaching poles or shepherd's hooks.
- ~~It is best practice to pre-identify all children who cannot swim and ensure that they are wearing U.S. Coast Guard approved life jackets upon arrival to swimming facilities. Children should remain in these jackets until they have been swim tested. Ensuring that pre-identified non-swimmers wear the appropriate and properly fitted U.S. Coast Guard approved life jackets before entering the swimming pool area adds an additional layer of protection for non-swimmers.~~
- ~~As a reminder, life jackets do not make a child drown proof and are not a substitute for supervision.~~
- Regarding paragraphs (6) and (7), all caregivers must provide constant visual supervision of children and remain undistracted and within arm's reach while watching children in and around water. Adults can wear physical reminders that they are responsible for supervising children who are swimming and while there is access to water.
- Regarding paragraph (8), the power of suction of a pool drain often requires that the pump be turned off before a child can be removed; therefore, immediate unobstructed access is necessary.
- Regarding paragraph (9), block direct access to swimming pools and remove any materials and furniture that can be moved by children and used to climb over barriers or open gates.

§744.3409. What additional safety precautions must I take for a child in care who is unable to swim competently or who is at risk of injury or death when swimming?

(a) Before a child who is unable to swim competently or who is at risk of injury or death when swimming enters a swimming pool, you must:

(1) Provide the child with a Type I, II, or III United States Coast Guard approved personal flotation device (PFD);

(2) Ensure the child is wearing the PFD; and

(3) Ensure the PFD is properly fitted and fastened for the child.

(b) A PFD must be in good repair to meet the requirements in subsection (a) of this section.

Technical Assistance

- Pre-identify all children who cannot swim or who are at risk of injury of death when swimming, as determined by the children's parents on their admission form.
- Upon arrival to the swimming facility, ensure that children who cannot swim or who are at risk of injury or death when swimming are wearing U.S. Coast Guard approved Type I, II, or III life jackets. Ensuring that pre-identified non-swimmers wear the appropriate and properly fitted U.S. Coast Guard approved life jackets before entering the swimming pool area adds an additional layer of protection for non-swimmers.
- Life jackets do not make a child drown proof and are not a substitute for supervision.

§744.3410. Must I provide a personal flotation device (PFD) to a child in care who is unable to swim competently or who is at risk of injury or death when swimming when the child is participating in swim instruction or a competition?

You are not required to provide the child with a PFD or ensure the child is wearing the device if:

- (1) The child is actively participating in swim instruction or a competition; and
- (2) You ensure that the child is supervised in accordance with §744.1205 of this chapter (relating to What responsibilities does a caregiver have when supervising a child or children?) during the instruction or competition.

§744.3411. What are the safety requirements for wading pools?

(a) Wading pools at your operation must be:

- (1) Stored out of children's reach when not in use;
- (2) Drained at least daily and sanitized; and
- (3) Stored so they do not hold water.

(b) You must comply with the safety precautions specified in §744.3401 of this subchapter (relating to What safety precautions must I follow when a child in my care uses a swimming pool?) when using wading pools away from your operation.

Technical Assistance

- **Wading** pools with no filtering system are meant to be drained, sanitized, and stored out of children's reach after each use.
- Water play is a great way to introduce water safety habits to young children. Talk about the dangers of water and introduce rules like "Wait for a grown-up" and "Wear a life jacket." Learn more about water safety at <https://www.colinshope.org/>.

§744.3415. Can a child in my care swim in a body of water other than a swimming pool?

You must not allow **a child** to swim in a body of water other than a swimming pool that complies with the rules specified in this subchapter.

Technical Assistance

- Check all premises for unexpected sources of water, including large drainage areas, unfenced ponds, retention ponds, etc. Know what is around a facility, within site and within walking distance.
- Monitor all exit and entry points to bodies of water. Block direct access to any body of water and remove any materials and furniture that can be moved by children and used to climb over barriers or open gates.

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DIVISION 2	CLASSROOM RATIOS AND GROUP SIZES
REPEAL	

§744.1613. Will I be given an opportunity to comply with changes in child/caregiver ratio and group sizes?