



Minimum Standards Revision Notice

Date: August 16, 2024

Effective Date: August 19, 2024

To: All Holders of Chapter 746, Minimum Standards for Child-Care Centers

From: Rachel Ashworth-Mazerolle, HHSC Associate Commissioner for Child Care Regulation

Subject: Adopted Requirements Related to Parent Rights and Director Led Training

The amended and new rules implement Senate Bill (S.B.) 1098 and S.B. 1242, 88th Legislature, Regular Session, 2023.

- S.B. 1098 amended Texas Human Resources Code (HRC), Chapter 42, by adding §42.04271 to establish specific rights of the parent or guardian of a child enrolled in a licensed or registered child day care operation.
- S.B. 1242 amended HRC §42.0421 by adding Subsection (g-1) to allow a child-care center director to provide training to center staff if the individual was not the director of the child-care center at the time Child Care Regulation (CCR) imposed an administrative penalty on the operation.

CCR has adopted new and amended rules to:

- Establish new requirements related to parent rights;
- Update and clarify current requirements that are related to parent rights; and
- Update a requirement related to the criteria a child-care center director must meet to provide training to the director's staff.

The changes are effective August 19, 2024.

Adopted Requirements Related to Parent Rights and Director Led Training

This memo covers substantive changes made to the rules in Chapter 746 to (1) establish and clarify parent rights and (2) allow a child-care center director to train center staff if the individual was not the director at the time CCR imposed an administrative penalty on the operation.

In addition to the substantive changes outlined in this memo, CCR made non-substantive changes to the rules to improve the understanding and readability of the rules. In addition, CCR added Technical Assistance (TA) boxes that follow the rules in the minimum standards publication to provide additional clarification and/or additional resources. These non-substantive changes and updates to TA boxes are not identified in this document but are identified in the highlighted version of the rules.

Specific Rule Changes

Administration and Communication

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

§746.501. What written operational policies must I have?

§746.521. What rights does a parent of a child in care of my child-care center have?

Amended §746.405 adds a requirement that a child-care center post the name and address, in addition to the telephone number, for the local CCR office.

Amended §746.501:

- Adds a requirement that a child-care center include, in its written operational policies, procedures that address parent rights that are consistent with rules in Division 5 of Subchapter B, relating to Parent Rights; and
- Removes operational policy requirements that have been moved to Division 5 of Subchapter B.

New §746.521 outlines the rights of a parent with a child enrolled in a child-care center. In particular, the parent has the right to:

- Enter and examine the child-care center without advance notice;
- File a complaint against the child-care center;
- Review the child-care center's publicly accessible records;
- Review written records about the parent's child;
- Receive from the child-care center:
 - HHSC inspection reports regarding the center; and
 - Information regarding how to access the center's compliance history online;
- Have the child-care center comply with a valid court order signed by a judge that prevents another parent from visiting or removing the parent's child from the center;
- Be provided with the contact information for CCR;
- View any available video recordings maintained by the center of an alleged incident of abuse or neglect involving the parent's child, with certain restrictions;
- Obtain a copy of the child-care center's policies and procedures;
- Review upon request:
 - Staff training records; and
 - In-house training curriculum, if any; and
- Be free from retaliation for exercising any of the parent's rights.

Professional Development

§746.1317. Must the training for my caregivers and the director meet certain criteria?

Amended §746.1317(a)(6):

- Updates language to clarify which adverse actions prohibit a director from training staff; and
- Updates a previous limitation on a director's ability to train staff if HHSC has issued an administrative penalty to the child-care center within the previous two years to allow the director to train staff if the individual was not the director at the time HHSC issued the penalty.

Safety Practices

§746.4101. To whom may I release a child?

Amended §746.4101 adds new subsection (b) to require a child-care center, 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 center, to:

- Comply with the court order immediately and until:
 - Receipt of a subsequent court order that revokes the primary order;
or
 - The court order expires as defined in the document; and
- Maintain a copy of the court order in the child’s file.

Highlighted Versions

You may view highlighted versions of the adopted rules at [Minimum Standards | Texas Health and Human Services](#). CCR is updating the minimum standards publication and will complete the update by September 1st.

If you have questions, please contact your CCR inspector or send an email to [HHSC Minimum Standards Comments](#).