

TITLE 26 HEALTH AND HUMAN SERVICES
PART 1 HEALTH AND HUMAN SERVICES COMMISSION
CHAPTER 746 MINIMUM STANDARDS FOR CHILD-CARE CENTERS
SUBCHAPTER B ADMINISTRATION AND COMMUNICATION
DIVISION 3 REQUIRED POSTINGS

§746.405. 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 child-care center.

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>.

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DIVISION 4 OPERATIONAL POLICIES

§746.501 What written operational policies must I have?

(a) 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 L of this chapter (relating to Discipline and Guidance). A copy of Subchapter L may be used for your discipline and guidance policy;
- (8) Suspension and expulsion of children;
- (9) Safe sleep policy for infants from birth through 12 months old that is consistent with the rules in Subchapter H of this chapter (relating to Basic Requirements for Infants) that relate to sleep requirements and restrictions, including sleep positioning, and crib requirements and restrictions, including mattresses, bedding, blankets, toys, and restrictive devices;
- (10) Meals and food service practices;
- (11) Immunization requirements for children, including tuberculosis screening and testing if required by your regional Texas Department of State Health Services or local health authority;
- (12) Hearing and vision screening requirements;
- (13) Enrollment procedures, including how and when parents will be notified of policy changes;
- (14) Transportation, if applicable;
- (15) Water activities, if applicable;
- (16) Field trips, if applicable;

(17) Animals, if applicable;

(18) Promotion of indoor and outdoor physical activity that is consistent with Subchapter F of this chapter (relating to Developmental Activities and Activity Plan); your policies must include:

(A) The benefits of physical activity and outdoor play;

(B) The duration of physical activity at your operation, both indoor and outdoor;

(C) The type of physical activity (structured and unstructured) that children may engage in at your operation;

(D) Each setting in which your physical activity program will take place;

(E) The recommended clothing and footwear that will allow a child to participate freely and safely in physical activities;

(F) The criteria you will use to determine when extreme weather conditions pose a significant health risk that prohibits or limits outdoor play; and

(G) A plan to ensure physical activity occurs on days when extreme weather conditions prohibit or limit outdoor play.

(19) Procedures for providing and applying, as needed, insect repellent and sunscreen, including what types will be used, if applicable;

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

(21) Procedures for parents to review and discuss with the child-care center director any questions or concerns about the policies and procedures of the child-care center;

(22) Procedures for parents to participate in the child-care center's operation and activities;

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

(A) Minimum standards online;

(B) Texas Abuse and Neglect Hotline; and

(C) HHSC website.

(24) Your emergency preparedness plan;

(25) Your provisions to provide a comfortable place with an adult sized seat in your center or within a classroom that enables a mother to breastfeed her child. In addition, your policies must inform parents that they have the right to breastfeed or provide breast milk for their child while in care;

(26) Preventing and responding to abuse and neglect of children, including:

(A) Required annual training for employees;

(B) Methods for increasing employee and parent awareness of issues regarding child abuse and neglect, including warning signs that a child may be a victim of abuse or neglect and factors indicating a child is at risk for abuse or neglect;

(C) Methods for increasing employee and parent awareness of prevention techniques for child abuse and neglect;

(D) Strategies for coordination between the center and appropriate community organizations; and

(E) Actions that the parent of a child who is a victim of abuse or neglect should take to obtain assistance and intervention, including procedures for reporting child abuse or neglect;

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

(28) Information on vaccine-preventable diseases for employees, unless your center is in the home of the permit holder. The policy must address the requirements outlined in §746.3611 of this chapter (relating to What must a policy for protecting children from vaccine-preventable diseases include?);

(29) 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 in Texas Health and Safety Code §773.0145; and

(30) Procedures for supporting inclusive services to children with special care needs. The policy must address the requirements outlined in §746.2202 of this chapter (relating to What are my responsibilities when planning activities for a child in care with special care needs?).

(b) You must also inform the parents that any area within 1,000 feet of a child-care center is a gang-free zone, where criminal offenses related to organized criminal activity are subject to a harsher penalty under the Texas Penal Code. You may inform the parents by:

(1) Providing this information in the operational policies;

(2) Distributing the information in writing to the parents; or

(3) Informing the parents verbally as part of an individual or group parent orientation.

Technical Assistance

- Regarding paragraph (a) (8), it is helpful to have a policy clarifying the steps that parents can take to prevent suspension or expulsion of their child. However, a director may always retain the right to dis-enroll a child when that is in the best interest of the child or other children at the center. Additional information regarding a policy for suspension and expulsion is available in the [CCR TA Library](#).
- Regarding paragraph (a)(9), a sample Infant in Child Care Safe Sleep Policy can be found in the [CCR TA Library](#).
- Regarding paragraph (a)(18)(A), additional resources regarding physical activity are available in [Caring for Our Children: National Health and Safety Performance Standards, 4th Edition](#) and in the [CCR TA Library](#).
- Regarding paragraph (a)(25):
 - Providing a mother with a place to sit and breastfeed her child helps to support this practice. Use of an adult-size chair in the classroom meets the intent of this requirement. Other things your operation may do to provide additional support include providing:
 - A pillow to support her infant in her lap;
 - A stepstool for her to prop her feet and prevent back strain; and
 - Water or other liquid to help her stay hydrated; and
 - Human milk is the best source of milk for infants. Additionally, breastfeeding supports optimal health and development.
- Regarding paragraph (a)(29), DSHS requirements for the maintenance and administration of unassigned epinephrine auto-injectors include requirements for:
 - Training;

Technical Assistance

- 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 (a)(30), 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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SUBCHAPTER B ADMINISTRATION AND COMMUNICATION
DIVISION 5 PARENT RIGHTS

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

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

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

(2) File a complaint against your center;

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

(4) Review your center's written records concerning the parent's child, as outlined in §746.601 of this chapter (relating to Who has the right to access children's records?);

(5) Receive from your center:

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

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

(6) Have your center comply with a valid court order signed by a judge that prevents another parent from visiting or removing the parent's child from your center, as outlined in §746.4101 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 center 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 center 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 center's policies and procedures, as outlined in §746.503 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 center for exercising any of the parent's rights.

Technical Assistance

- Regarding paragraph (5)(A), the child-care center may provide the parent with HHSC's inspection reports by posting the reports in the child-care center 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 center should provide the parent with instructions regarding how to access the center's compliance history via [Search Texas Child Care](#).

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SUBCHAPTER D PERSONNEL
DIVISION 4 PROFESSIONAL DEVELOPMENT

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

(a) Training may include clock hours or CEUs provided by:

(1) A training provider registered with the Texas Early Childhood Professional Development System Training Registry, maintained by the Texas Head Start State Collaboration Office;

(2) An instructor who teaches early childhood development or another relevant course at a secondary school or institution of higher education accredited by a recognized accrediting agency;

(3) An employee of a state agency with relevant expertise;

(4) A physician, psychologist, licensed professional counselor, social worker, or registered nurse;

(5) A person who holds a generally recognized credential or possesses documented knowledge relevant to the training the person will provide;

(6) A director at your child-care center if:

(A) The director has demonstrated core knowledge in child development and caregiving;

(B) HHSC has not placed your center on probation or suspended, revoked, or refused to renew your permit in the two years preceding the training;

(C) HHSC has not assessed an administrative penalty against your center during the previous two years while your director was serving in that role; and

(D) The only caregivers receiving the training are employees of your center.

(7) A person who has at least two years of experience working in child development, a child development program, early childhood education, a childhood education program, or a Head Start or Early Head Start program and:

(A) Has a current Child Development Associate (CDA) credential; or

(B) Holds at least an associate degree in child development, early childhood education, or a related field.

(b) Training may include clock hours or CEUs obtained through self-instructional materials, if the materials were developed by a person who meets one of the qualifications in subsection (a) of this section.

(c) Instructor-led and self-instructional training, but not self-study training, must include:

- (1) Specifically stated learning objectives;
- (2) A curriculum, which includes experiential or applied activities;
- (3) An evaluation/assessment tool to determine whether the person has obtained the information necessary to meet the stated objectives; and
- (4) A certificate of successful completion from the training source.

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SUBCHAPTER S SAFETY PRACTICES
DIVISION 5 RELEASE OF CHILDREN

§746.4101. 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 center, the child-care center 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 identification of persons you do not know.