



Minimum Standards Revision Notice

Date: March 1, 2023

Effective Date: March 1, 2023

To: All Holders of Chapter 747, Minimum Standards for Child-Care Homes

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

Subject: Comprehensive Review of Chapter 747

The amendments, new sections, and repeals are necessary to implement Texas Human Resources Code (HRC) §42.042(b), which requires HHSC Child Care Regulation (CCR) to conduct a comprehensive review of minimum standards at least once every six years.

The changes are the result of recommendations based on input from CCR staff and stakeholders, including child-care providers, caregivers, advocates, parents, and the public, compiled during the comprehensive review of all minimum standards located in Chapter 747.

The changes are effective March 1, 2023.

Comprehensive Review of Chapter 747

This memo covers substantive changes made to the rules as a result of CCR's comprehensive rule review.

In addition to the substantive changes outlined in this memo, CCR made non-substantive changes to other rules to improve the understanding and readability of the rules. In addition, CCR added or updated 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

Definitions

§747.121. What do certain pronouns mean when used in this chapter?

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

Amended §747.121 updates the title of the department and agency to reflect that HHSC CCR regulates child-care homes.

Amended §747.123:

- Adds the terms and definitions for "activity plan," "hazardous materials," and "weather permitting";
- Updates and clarifies the definitions for the terms "age-appropriate," "certified lifeguard," "corporal punishment," "sanitize," and "special care needs"; and
- Changes the term "state or local fire marshal" to "state or local fire authority" and clarifies its definition.

Administration and Communication

§747.207. What are my responsibilities as the primary caregiver?

§747.303. What other situations require notification to Licensing?

§747.305. What emergency and medical situations must I notify parents about?

§747.403. What telephone numbers must I post and where must I post them?

Amended §747.207:

- At (4), clarifies that a household member or an employee:

- Must report suspected abuse, neglect, or exploitation directly to the Texas Abuse and Neglect Hotline; and
- May not:
 - Delegate the responsibility to make a report;
 - Be required to seek approval to file a report; or
 - Be required to notify the primary caregiver that a report was made.
- At (7), clarifies that ensuring the confidentiality of background check information includes not disclosing background check information to unauthorized persons.

Amended §747.303(6) adds language to clarify that a child-care home must report to CCR the occurrence of a non-routine situation that places, or may place, a child at risk for injury or harm.

Amended §747.305(4) adds language to clarify that a child-care home must report to a child’s parents when the child has been involved in a non-routine situation that placed, or may have placed, the child at risk for injury or harm.

Amended §747.403(2) adds the telephone number for poison control.

Record Keeping

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

§747.701. What written records must I keep of accidents and incidents that occur at my child-care home?

§747.901. What information must I maintain in my personnel records?

Amended §747.605 updates the information a child-care home must obtain for each child’s admission as follows:

- At (10), adds a requirement that the child-care home must include whether a child is able to swim without assistance, if the child-care home provides water activities;
- At (13), updates the information that the child-care home must include in the statement of a child’s special care needs, including:
 - Medications prescribed for continuous, long-term use;
 - Limitations or restrictions on the child’s activities; and
 - Special care the child requires, including:
 - Any reasonable accommodations or modifications;
 - Any adaptive equipment provided for the child, and instructions for its use; and

- 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.
- At (13), removes from the previous special care needs statement requirements, the inclusion of:
 - Allergies;
 - Existing illness;
 - Previous serious illness and injuries; and
 - Hospitalizations during the past twelve months.
- At (16), requires the child-care home to include a child’s allergies (previously included in the special care needs statement) with a completed food allergy emergency plan, if applicable.

Amended §747.701(5) adds language to clarify that a child-care home must keep a written record of any non-routine situation that placed, or may have placed, a child at risk for injury or harm on the Licensing *Incident/Illness Report Form 7239* or on another form with the same information.

Amended §747.901(5) clarifies that documentation required by §747.1327 must be maintained in the child care home’s personnel records.

Personnel – Primary Caregiver Qualifications and Educational Requirements

§747.1107. What qualifications must I meet to be the primary caregiver of a licensed child-care home?

Amended §747.1107(8)(D) clarifies the educational requirements related to a Child Development Associate credential or Certified Child-Care Professional credential to qualify as a primary caregiver in a licensed child-care home.

Personnel – Professional Development

§747.1305. What areas of training must the annual training for substitute and assistant caregivers cover?

§747.1309. What areas of training must the annual training for the primary caregiver cover?

Amended §747.1305:

- At (f), clarifies that at least three of the 15 required annual training hours for an assistant caregiver or a substitute caregiver in a registered child-care home must come from instructor-led training; and
- At (g), clarifies that at least five of the 24 required annual training hours for an assistant caregiver or a substitute caregiver in a licensed child-care home must come from instructor-led training.

Amended §747.1309(i) clarifies that at least six of the 30 required annual training hours for primary caregiver in a child-care home must come from instructor-led training.

Personnel – Caregiver Responsibilities/Supervision

§747.1501. What general responsibilities do caregivers have in my child-care home?

§747.1503. What responsibilities does a caregiver have when supervising a child or children?

Amended §747.1501:

- At (c)(5), adds a requirement that caregivers must provide care that is consistent with a child’s habits, interests, strengths, and any special needs, including any special supervision needs or care;
- At (c)(7), replaces a previous requirement that caregivers must ensure children are not out of control with a requirement that caregivers must set appropriate behavior expectations based on the child’s current stage of development; and
- Removes the following caregiver responsibilities because they are now included in new §747.1503:
 - Caregivers must know each child’s name; and
 - Caregivers must have information showing each child’s age.

New §747.1503 replaces the former §747.1503 regarding supervision. New §747.1503 more specifically outlines the responsibilities a caregiver has when supervising children.

- The rule outlines the following caregiver responsibilities at (a):
 - Knowing which children the caregiver is responsible for;
 - Knowing how many children the caregiver is responsible for;
 - Knowing each child’s name and having information showing each child’s age;

- Providing the level of supervision necessary to ensure each child’s safety and well-being, including physical proximity and auditory or visual awareness of each child’s on-going activity as appropriate; and
- Being able to intervene when necessary to ensure each child’s safety.
- The rule requires the caregiver to consider the following factors at (b) when deciding how closely to supervise a child:
 - The child’s chronological age;
 - The child’s current stage of development;
 - The child’s individual differences and abilities;
 - The indoor and outdoor layout of the operation;
 - The circumstances, hazards, and risks surrounding the child; and
 - The child’s physical, mental, emotional, and social needs.

Developmental Activities and Activity Plan

§747.2101. What must I consider when providing planned activities for the children in my child-care home?

§747.2107. What are my responsibilities when planning activities for a child in care with special care needs?

Amended §747.2101:

- Updates the rule title; and
- Removes requirements related to children with special care needs because they are now included in new §747.2107.

New §747.2107 outlines the child-care home’s responsibilities when planning activities for a child in care with special care needs. These responsibilities include:

- Providing a child with special care needs the accommodations recommended by a health-care professional or a qualified professional affiliated with the local school district or early intervention program;
- Utilizing as recommended any adaptive equipment provided to the child-care home for a child’s use;
- Ensuring a child who receives early intervention services or special education services can receive those services from a qualified service provider at the home, with parental request and approval;
- Ensuring that activities integrate children with and without special care needs; and

- Ensuring that caregivers adapt equipment and procedures and vary methods as necessary to care for a child with special needs in a natural environment.

Basic Care Requirements for Infants

§747.2305. What furnishings and equipment must I have available for infants?

§747.2315. What specific types of equipment am I prohibited from using with infants?

§747.2323. What are the requirements regarding a regularly scheduled naptime for infants?

§747.2324. Where must an infant sleep?

§747.2326. May I allow infants to sleep in a restrictive device?

§747.2327. How must I position an infant for sleep?

Amended §747.2305(2) adds language to clarify that a child-care home is required to have an individual crib, cot, bed, or mat for each:

- Walking infant; and
- Non-walking infant 12 months of age or older.

Amended §747.2315(b) adds a play yard as sleeping equipment that must be bare, except for a tight-fitting sheet, for an infant younger than 12 months of age.

Amended §747.2323:

- Updates the rule title; and
- At (2), adds language to clarify that a caregiver must supervise an infant's nap period to ensure auditory or visual awareness of the infant.

New §747.2324 requires an infant to sleep:

- At (1), in a designated crib, cot, bed, or mat; and
- At (2), in an area where the caregiver has auditory or visual awareness of the infant.

Amended §747.2326 adds language to clarify that an infant may not sleep in a restrictive device unless the child-care home has a Sleep Exception Form with a signed statement from a health-care professional.

Amended §747.2327:

- Updates the rule title;
- At (a), adds a requirement that a caregiver must place an infant in a face-up sleeping position, regardless of whether the infant can turn over

independently, unless there is a completed Sleep Exception form on file for the infant; and

- At (b), adds language to clarify that an infant who is developmentally able to roll from back to stomach and stomach to back may do so independently after the caregiver has placed the infant in a face-up position for sleep.

Basic Care Requirements for Pre-Kindergarten Age Children

§747.2501. What are the basic requirements for pre-kindergarten age children?

New §747.2501 replaces the former §747.2501 regarding basic care requirements for pre-kindergarten age children. New §747.2501:

- Adds a new requirement for routines such as diapering or toileting, eating, napping resting, and indoor and outdoor activity times; and
- Incorporates previous requirements for:
 - Individual attention given to each pre-kindergarten age child; and
 - Interactions that encourage children to communicate and express feelings in appropriate ways.

Discipline and Guidance

§747.2705. What types of discipline and guidance or punishment are prohibited?

Amended §747.2705:

- Adds to the list of prohibited discipline and guidance methods:
 - At (3), grabbing or pulling on a child; and
 - At (8), placing a child in a restrictive device for time out.
- Removes from the list of prohibited discipline and guidance methods the following methods because they have been incorporated into the definition of corporal punishment:
 - Pinching, shaking, or biting a child; and
 - Hitting a child with a hand or instrument.
- Removes from (10) a reference to requiring a child to remain in a restrictive device, because that requirement has been clarified and added as a separate type of prohibited discipline and guidance at (8).

Nutrition and Food Service

§747.3101. What are the basic requirements for meal and snack times?

Amended §747.3101:

- At (e), adds language to clarify that the child-care home must serve enough food to allow a child to have a second serving from the vegetable, fruit, grain, and milk groups if the child requests it;
- At (f), adds a requirement that the supply of drinking water be clean, sanitary, and available during active play; and
- At (g), clarifies that the child-care home may not serve beverages with added sugars unless otherwise allowed by the Child and Adult Care Food Program.

Health Practices

§747.3401. What type of illness would prohibit a child from attending the child-care home?

Amended §747.3401(3)(D) adds an allowance for a child-care home to use an infrared temporal (forehead) thermometer to assess a child's temperature and provides guidelines for a temperature reading indicative of illness.

Safety Practices

§747.3501. What safety precautions must I take to protect children in my child-care home?

§747.3803. What items must each first-aid kit contain?

Amended §747.3501(7) adds bottle warmers to the list of hazards that must be inaccessible to children and requires that they be used only according to manufacturer instructions.

Amended §747.3803:

- Removes the requirement for cotton balls in a first-aid kit; and
- At (4), updates the requirement for adhesive bandages in a first-aid kit so that they do not have to be multi-sized.

Physical Facilities

§747.4015. May I care for children above or below ground level?

§747.4307. Must I have a telephone at my child-care home?

Amended §747.4015(2) adds a requirement that a child-care home must follow any restrictions issued by the state or local fire authority when seeking approval to care for children above or below ground level.

Amended §747.4307:

- At (b), clarifies that a landline telephone must have a listed telephone number;
- At (c), adds a requirement that a home that uses cellular phone service must ensure all caregivers and adult household members know the address of the home to direct emergency personnel to the child-care home when dialing 911 from the home; and
- At (d):
 - States that the primary caregiver must post the telephone number as required in §747.403; and
 - Adds a requirement the primary caregiver must update the posting if the telephone number changes.

Transportation

§747.5407. What child passenger safety seat system must I use when I transport children?

Amended §747.5407:

- At (b), adds a requirement that a child-care home must only use child safety seats and child booster seats that have not expired or been damaged or involved in an accident; and
- At (e), updates the safety restraint device requirements to be consistent with current recommendations from the Texas Department of Transportation and the American Academy of Pediatrics.

Highlighted Versions

You may view highlighted versions of the adopted rules and the updated minimum standards publication at [Minimum Standards | Texas Health and Human Services](#).

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