

TITLE 26	HEALTH AND HUMAN SERVICES
PART 1	HEALTH AND HUMAN SERVICES COMMISSION
CHAPTER 746	MINIMUM STANDARDS FOR CHILD-CARE CENTERS
SUBCHAPTER A	PURPOSE, SCOPE, AND DEFINITIONS
DIVISION 3	DEFINITIONS

§746.123. 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 space--An area or room used for children's activities, including areas separate from a group's classroom.

(2) Administrative and clerical duties--Duties that involve the operation of a child-care center, such as bookkeeping, enrolling children, answering the telephone, and collecting fees.

(3) Admission--The process of enrolling a child in a child-care center. The date of admission is the first day the child is physically present in the center.

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

(5) Age-appropriate--Activities, equipment, materials, curriculum, and environment that are developmentally consistent with the chronological age of the child being served.

(6) Alternate care program--A program in which no child is in care for more than five consecutive days, and no child is in care for more than 15 days in one calendar month, regardless of the duration of each stay.

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

(8) Bouncer seat--A stationary seat designed to provide gentle rocking or bouncing motion by an infant's movement, or by battery-operated movement. This type of equipment is designed for an infant's use from birth until the child can sit up unassisted.

(9) 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 Subchapter D, Division 5 of this chapter.**

(10) 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.

(11) 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 the permit holder must be able to document that the certificate represents the type of training described.

(12) 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.

(13) Child--An infant, a toddler, a pre-kindergarten age child, or a school-age child.

(14) Child-care center--A child-care facility that is licensed to care for seven or more children for less than 24 hours per day, at a location other than the permit holder's home. If you were licensed before September 1, 2003, the location of the center could be in the permit holder's home.

(15) Child-care program--The services and activities provided by a child-care center.

(16) 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.

(17) 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 §746.1317(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 §746.1317(a) and (b) of this chapter, or self-study training.

(18) Corporal punishment--The infliction of physical pain on a child as a means of controlling behavior. This includes spanking, hitting, slapping, or thumping a child.

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

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

(21) Enrollment--The list of names or number of children who have been admitted to attend a child-care center for any given period of time; the number of children enrolled in a child-care center 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 child-care center.

(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) 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.

(28) 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.

(29) 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.

(30) 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.

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

(32) Infant--A child from birth through 17 months.

(33) 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.

(34) 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.

(35) Janitorial duties--Those duties that involve the cleaning and maintenance of the child-care center 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.

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

(37) 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.

(38) 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 center voluntarily closes or must close because of an enforcement action in Chapter 745, Subchapter L of this title (relating to Enforcement Actions).

(39) 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 the child's heart rate and breathing rate.

(40) 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 vigorous physical activity.

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

(42) Premises--Includes the child-care center, any lots on which the center is located, any outside ground areas, any outside play areas, and the parking lot.

(43) 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.

(44) Restrictive device--Equipment that places the body of a child in a position that may restrict airflow or cause strangulation; usually, the child is placed in a semi-seated position. Examples of restrictive devices are car seats, swings, bouncy seats, and high chairs.

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

(46) Sanitize--The use of a product (usually a disinfecting solution) that is registered by the Environmental Protection Agency (EPA) which substantially reduces 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 labeling instructions for sanitizing (paying particular attention to any instructions regarding contact time and toxicity on surfaces likely to be mouthed by children, such as toys and crib rails). For an EPA-registered sanitizing product or disinfecting solution that does not include labelling instructions for sanitizing (a bleach product, for example), 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 disinfecting solution for at least two minutes. Rinsing with cool water only those items that children are likely to place in their mouths; and

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

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

(48) 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.

(49) 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.

(50) 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.

(51) Special care needs--A child with special care needs is a child who has a chronic physical, developmental, behavioral, or emotional condition 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, self-help, social skills, emotional well-being, seeing, hearing, and breathing.

(52) State or local fire marshal--A fire official designated by the city, county, or state government.

(53) Toddler--A child from 18 months through 35 months.

(54) 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.

(55) Water activities--Related to the use of swimming pools, **splashing pools**, wading pools, sprinkler play, or other bodies of water.

Helpful Information

- *Regarding paragraph (41), the beginning of the current school year is based on the start date of the particular school district the child attends.*
- *Regarding paragraph (48), media content includes digital and live videos, animations, photos, games, internet searches, etc. Media content does not include electronic sign-in sheets, daily rosters, or schedules displayed on a smart board.*

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 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; and

(F) 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) 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;

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

(22) Procedures for parents to review a copy of the child-care center's most recent Licensing inspection report and how the parent may access the minimum standards online;

(23) Instructions on how a parent may contact the local Licensing office, access the Texas Abuse and Neglect Hotline, and access the **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; and

(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?).

(b) You must also inform the parents that:

(1) They may visit the child-care center at any time during your hours of operation to observe their child, the program activities, the building, the premises, and the equipment without having to secure prior approval; and

(2) Under the Texas Penal Code 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. You may inform the parents by:

(A) Providing this information in the operational policies;

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

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

Helpful Information

- Regarding paragraph (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 Licensing Technical Assistance Library.
- Regarding paragraph (9), a sample Infant in Child Care Safe Sleep Policy can be found in the Licensing Technical Assistance Library.
- Regarding paragraph (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 Licensing Technical Assistance Library.
- Regarding paragraph (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.

§746.2203. What written activity plans must caregivers follow?

(a) Your operation, director, or each caregiver must develop a written activity plan that complies with §746.2205 of this subchapter (relating to What must a written activity plan include?).

(b) The caregivers responsible for the relevant group of children must follow the plan.

(c) The activity plan must include all children in the group regardless of special care needs.

Helpful Information

Planning daily activities ensures the children have a variety of activities that meet their developmental needs. A written plan helps to clarify for parents the services a center provides and provides the caregiver with a guideline to follow.

§746.2205. What must a written activity plan include?

(a) A written activity plan must:

(1) Identify the group the activity plan is designed for and list the dates (daily, weekly, or monthly) the plan covers;

(2) Outline the specific daily activities, as required by §746.2206 of this subchapter (relating to What specific activities must I include in a written activity plan?);

(3) Include sufficient time for activities and routines so that children can progress at their own developmental rate; and

(4) Not include long waiting periods between activities or prolonged periods during which children stand or sit.

(b) A written activity plan may include one or more screen time activities, as specified in §746.2207 of this subchapter (relating to May I use a screen time activity with a child?), if you also include alternative activities for children who do not want to participate.

Helpful Information

Research indicates children receive significantly more developmental benefits from attending centers that offer a variety of activities addressing emotional, social, intellectual, and physical development. A planned but flexible program that allows children to make decisions about their activities fosters independence and creative expression.

§746.2206. What specific activities must I include in a written activity plan?

You must include these daily activities and the approximate times they will occur in your written activity plan:

(1) A minimum of two daily opportunities for outdoor play, weather permitting, in which a child makes use of both small and large muscles:

(A) An infant birth through 12 months of age may engage in outdoor play for an amount of time as tolerated by the infant; and

(B) An infant 13 months through 17 months of age, a toddler, or a pre-kindergarten age child must engage in outdoor play for a minimum of 60 total minutes daily;

(2) A balance of active and quiet play that incorporates group and individual activities, both indoors and outdoors, and must include:

(A) A minimum of 60 minutes of moderate to vigorous active play for toddlers; and

(B) A minimum of 90 minutes of moderate to vigorous active play for pre-kindergarten age children;

(3) Child-initiated activities where:

(A) The equipment, materials, and supplies are within reach of the child; and

(B) The child chooses the activity on the child's own initiative;

(4) Caregiver-initiated activities that the caregiver directs or chooses, at least two of which must promote movement;

(5) Regular meal and snack times, as specified in Subchapter Q of this chapter (relating to Nutrition and Food Service); and

(6) Supervised naptimes or rest times.

Helpful Information

- *Regarding paragraph (1) and outdoor play:*
 - *For an infant from birth through 12 months of age, there is no recommended total minutes of outdoor play;*
 - *You may divide the total minutes of outdoor play into shorter time frames that total 60 minutes;*
 - *You may accommodate weather and air quality by adjusting the scheduled outdoor play, the length of time outdoors, and children's clothing;*
 - *When you shorten or cancel outdoor play to accommodate weather or air quality, you should increase the time of indoor physical activity, so the total amount of physical activity remains the same; and*
 - *You should incorporate opportunities to actively enjoy physical activity into part-time programs by prorating these requirements accordingly (e.g., 20 minutes of outdoor play for every three hours at the center).*
- *Regarding paragraph (2) and active play: Opportunities for active play may overlap with outdoor play and do not need to be counted separately (e.g. 30 minutes of active outdoor play that includes moderate to vigorous physical activity may be counted toward the required 60 or 90 minutes of active play).*
- *Outdoor play provides for greater freedom and flexibility, fuller expression through loud talk, and a greater range of active movement. Outdoor play also extends opportunities for large muscle development, social-emotional development, and small muscle development by offering variety, challenge, and complexity in ways that are not attainable in a confined indoor space.*

§746.2207. May I use a screen time activity with a child?

- (a) You may not use a screen time activity for a child under the age of two years.
- (b) You may use a screen time activity to supplement, but not to replace, an activity for a child who is two years old or older that is described in §746.2507 of this chapter (relating to What activities must I provide for a toddler?); §746.2607 of this chapter (relating to What activities must I provide for a pre-kindergarten-age child?); and §746.2707 of this chapter (relating to What activities must I provide for a school-age child?).
- (c) If you use a screen time activity for a child at the center, you must ensure that the activity:
- (1) Is related to the planned activities that meet educational goals;
 - (2) Is age-appropriate;
 - (3) Does not exceed one hour per day;
 - (4) Is not used during mealtime, snack times, naptimes, or rest times;

(5) Does not include advertising or violence; and

(6) Is turned off when not in use.

(d) A school-age child may use screen time without restriction for homework.

Helpful Information

- *The requirements for screen time activities are consistent with the [Caring for Our Children: National Health and Safety Performance Standards, 4th Edition](#).*
- *For children under the age of two, no media time is recommended since during the first two years of life children's brains and bodies are going through critical periods of growth and development. It is important that very young children have positive social interactions with their parents and caregivers instead of through media time that takes away from these vital interactions.*
- *Excessive media use has been associated with lags in achievement of knowledge and skills, as well as negative impacts on sleep, weight, and social and emotional health.*
- *Children should view screen time activities with an adult who can help the children apply what they are learning to the world around them.*
- *Research indicates that screen time is most appropriate and offers the most benefit when children are actively engaged with the content they are viewing. Labeling objects, identifying people on screen, and asking questions are all active viewing strategies that maximize children's learning during screen time.*
- *Caregivers serve as role models and should not be using digital media that is not directly involved in the care of children. Also see §746.1203(6)(D) of this chapter, which does not allow caregivers to use personal electronic devices, such as cell phones, tablets, and video games that are not directly involved in the teaching, care, or supervision of children in care.*
- *Regarding paragraph (c)(3), the one hour limit on screen time does not apply to field trips away from the center.*

TITLE 26 HEALTH AND HUMAN SERVICES
PART 1 HEALTH AND HUMAN SERVICES COMMISSION
CHAPTER 746 MINIMUM STANDARDS FOR CHILD-CARE CENTERS
SUBCHAPTER H BASIC CARE REQUIREMENTS FOR INFANTS

§746.2417. What activities must I provide for an infant?

Daily activities for an infant must include at least the following:

(1) Opportunities for outdoor play, weather permitting, as specified in §746.2206 of this chapter (relating to What specific activities must I include in a written activity plan?);

(2) Multiple opportunities to explore that ensure the infant is:

(A) Outside of the crib; and

(B) Not seated in any restrictive device for more than 15 minutes, unless the infant is eating or being transported;

(3) Opportunities for physical activity, including supervised tummy time, reaching, grasping, pulling up, creeping, crawling, and walking in a safe, clean, uncluttered area;

(4) Opportunities for visual stimulation through nonverbal communication. Examples of age-appropriate equipment include large pictures of faces and familiar objects; simple, soft, washable books and toys; unbreakable mirrors or mobiles attached to cribs visible from the baby's position; and brightly patterned crib sheets;

(5) Opportunities for auditory stimulation. Examples of age-appropriate equipment or activities include verbal communication, soothing music, and musical or sounding toys;

(6) Opportunities for sensory stimulation. Examples of age-appropriate equipment include surfaces, fabrics, textured toys, washable dolls, and toy animals;

(7) Opportunities for small-muscle development. Examples of age-appropriate equipment include busy boxes, rattles, teething toys, grasping toys, shaking or squeezing toys, or cloth toys; and

(8) Opportunities for large-muscle development. Examples of age-appropriate equipment or activities include blankets or quilts for floor or supervised tummy time, crib and play gyms, variety of light-weight balls, and pillows or supportive equipment for those learning to sit up.

Helpful Information

- *Each infant should follow an individual schedule that will vary based on the infant's individual needs, but caregivers should offer a variety of opportunities that aid in the development of social, cognitive, and motor skills. Participation in activities will be dependent on the ability and developmental level of each individual infant. For example, a developmentally appropriate physical activity for a younger infant is supervised tummy time, as this helps the infant develop neck and shoulder muscles. However, once an infant is crawling, alternate physical activities become more appropriate to develop motor skills and tummy time is no longer necessary.*
- *Regarding paragraph (3) of this section and supervised tummy time, caregivers should begin tummy time with infants for short periods of time (3 - 5 minutes), increasing the amount of time as the infant shows the infant is enjoying the activity.*
- *You should always encourage the least restrictive environment when planning activities for infants.*

TITLE 26 HEALTH AND HUMAN SERVICES
PART 1 HEALTH AND HUMAN SERVICES COMMISSION
CHAPTER 746 MINIMUM STANDARDS FOR CHILD-CARE CENTERS
SUBCHAPTER I BASIC CARE REQUIREMENTS FOR TODDLERS

§746.2507. What activities must I provide for a toddler?

Daily activities for a toddler must include at least the following:

(1) Opportunities for outdoor play, weather permitting, as specified in §746.2206 of this chapter (relating to What specific activities must I include in a written activity plan?);

(2) Opportunities for thinking skills and sensory development. Examples of age-appropriate equipment or activities include shape or item sorting toys, stacking or nesting toys, puzzles with less than six pieces, washable board books, washable blocks, and snapping and take-apart toys;

(3) Opportunities for small-muscle development. Examples of age-appropriate equipment or activities include large-size washable crayons and markers, variety of paper and art materials, table or easel for art, large paintbrushes, non-toxic play-dough, large-sized washable toy transportation vehicles, toy animals, and toy people;

(4) Opportunities for large-muscle development. Examples of age-appropriate equipment or activities include low-climbing structures, small riding toys, toys for pushing or pulling, a variety of light-weight balls for indoor and outdoor play, and rhythm instruments;

(5) Opportunities for moderate to vigorous active play, both indoors and outdoors, as specified in §746.2206 of this chapter. Examples of age-appropriate equipment or activities include music, songs, simple games and dramatic or imaginary play that encourage movement such as dancing, running, climbing, stretching, walking, and marching;

(6) Opportunities for language development. Examples of age-appropriate equipment or activities include washable soft animals or puppets, simple picture books, and pictures of familiar items and places;

(7) Opportunities for social and emotional development. Examples of age-appropriate equipment or activities include dress-up clothes and accessories, housekeeping equipment, unbreakable mirrors, washable dolls with accessories, items for practicing buttoning, zipping, lacing, and snapping, and baskets, tubs, and tote bags (not plastic bags) for carrying and toting; and

(8) Opportunities to develop self-help skills such as toileting, hand washing, and self-feeding.

TITLE 26 HEALTH AND HUMAN SERVICES
PART 1 HEALTH AND HUMAN SERVICES COMMISSION
CHAPTER 746 MINIMUM STANDARDS FOR CHILD-CARE CENTERS
SUBCHAPTER J BASIC CARE REQUIREMENTS FOR PRE-KINDERGARTEN AGE CHILDREN

§746.2607. What activities must I provide for a pre-kindergarten age child?

Daily activities for a pre-kindergarten age child must include at least the following:

(1) Opportunities for outdoor play, weather permitting, as specified in §746.2206 of this chapter (relating to What specific activities must I include in a written activity plan?);

(2) Opportunities for thinking skills and sensory development. Examples of age-appropriate equipment or activities include sand and water play, blocks, framed puzzles with up to 30 pieces, variety of large stringing beads, and simple board games;

(3) Opportunities for small-muscle development. Examples of age-appropriate equipment or activities include large non-toxic crayons, markers, paint, water colors and various size brushes, adjustable easels, collage materials, chalkboard and chalk, clay or dough and tools, workbench and accessories, round end scissors, glue and paste, different types of music and videos, rhythm instruments, and fingerplays;

(4) Opportunities for large-muscle development. Examples of age-appropriate equipment or activities include small wagons, light-weight balls of all sizes, small wheelbarrows, tricycles, push toys, swings, slides, climbing equipment, balance beam, hanging bars, and outdoor building materials;

(5) Opportunities for moderate to vigorous active play, both indoors and outdoors, as specified in §746.2206 of this chapter. Examples of age-appropriate equipment or activities include active games such as tag and hot potato, dancing and creative movement to music and singing, simple games and dramatic or imaginary play that encourages running, stretching, climbing, walking and marching;

(6) Opportunities for language development. Examples of age-appropriate equipment or activities include flannel board stories, puppets, and variety of storybooks, writing materials, and stories on tape;

(7) Opportunities for social and emotional development. Examples of age-appropriate equipment or activities include dress-up clothes and accessories, mirrors, dolls, simple props for different themes, puppets, transportation toys, play animals, and table games; and

(8) Opportunities to develop self-help skills such as toileting, hand washing, returning equipment to storage areas or containers, and serving and self-feeding.

TITLE 26 HEALTH AND HUMAN SERVICES
PART 1 HEALTH AND HUMAN SERVICES COMMISSION
CHAPTER 746 MINIMUM STANDARDS FOR CHILD-CARE CENTERS
SUBCHAPTER K BASIC CARE REQUIREMENTS FOR SCHOOL-AGE CHILDREN

§746.2707. What activities must I provide for a school-age child?

Daily activities for a school-age child must include at least the following:

- (1) Study time for those children who choose to work on homework;
- (2) Opportunities for outdoor play, weather permitting;
- (3) Opportunities for thinking skills and sensory development. Examples of age-appropriate equipment or activities include sand and water play; construction materials and blocks; puzzles with 50 or more pieces; pattern-making materials, such as wood, paper, plastic, beads, ceramic tiles, cloth, or cardboard; games that contain rules and require some skill or strategy; specific skill development materials, such as rulers, tape measures, telescopes, weather observation equipment, models of the solar system, and microscopes; books; and magazines;
- (4) Opportunities for small-muscle development. Examples of age-appropriate equipment or activities include art and craft materials, such as paints, markers, colored pencils, crayons, clay, weaving, or braiding materials; music and musical instruments of all types; and puzzles or interlocking building blocks;
- (5) Opportunities for large-muscle development. Examples of age-appropriate equipment or activities include balls and sports equipment, such as kick balls, baseballs, soccer balls, basketballs, skates, and horseshoes; riding equipment, such as kick scooters or skateboards, with kneepads, elbow pads, and helmets; and outdoor and gym equipment, such as slides, swings, climbing apparatus, and upper-body equipment;
- (6) Opportunities for active play both indoors and outdoors. Examples of age-appropriate equipment or activities include active games such as tag and Simon Says, dancing and creative movement to music and singing, simple games and dramatic or imaginary play that encourages running, stretching, climbing, and walking; and
- (7) Opportunities for social and emotional development. Examples of age-appropriate equipment or activities include dolls with detailed, realistic accessories; role-play materials, including real equipment for library, hospital, post office, costumes, makeup and disguise materials; puppets and puppet show equipment; transportation toys, such as small vehicles or models; play and art materials; nature materials; and human and animal figurines.

Helpful Information

- *Research has shown that school-age children benefit from an after-school care program that provides an enriching contrast to the formal school environment. Activities including team sports, cooking, art, dramatics, music, crafts, and games allow them to explore new interests and relationships.*
- *Indoor and outdoor active play enhances fitness and general health and supports creativity, learning, and development.*
- ***Naptime** and rest time for **school-age** children will vary with each child's individual needs. Children in full-day care benefit from resting or napping during their long day. A rest period may be reading books or listening to soft music or books on tape.*

TITLE 26 HEALTH AND HUMAN SERVICES
PART 1 HEALTH AND HUMAN SERVICES COMMISSION
CHAPTER 746 MINIMUM STANDARDS FOR CHILD-CARE CENTERS
SUBCHAPTER L DISCIPLINE AND GUIDANCE

§746.2805. What types of discipline and guidance or punishment are prohibited?

There must be no harsh, cruel, or unusual treatment of any child. The following types of discipline and guidance are prohibited:

- (1) Corporal punishment or threats of corporal punishment;
- (2) Punishment associated with food, naps, or toilet training;
- (3) Pinching, shaking, or biting a child;
- (4) Hitting a child with a hand or instrument;
- (5) Putting anything in or on a child's mouth;
- (6) Humiliating, ridiculing, rejecting, or yelling at a child;
- (7) Subjecting a child to harsh, abusive, or profane language;
- (8) Placing a child in a locked or dark room, bathroom, or closet;

(9) Withholding active play or keeping a child inside as a consequence for behavior, unless the child is exhibiting behavior during active play that requires a brief supervised separation or time out that is consistent with §746.2803(4)(D) of this subchapter (relating to What methods of discipline and guidance may a caregiver use?); and

(10) Requiring a child to remain silent or inactive for inappropriately long periods of time for the child's age, including requiring a child to remain in a restrictive device.

Helpful Information

- *Child development research supports that physical punishment such as pinching, shaking, or hitting children teaches them that hitting or hurting others is an acceptable way to control unwanted behavior or get what they want.*
- *Children will also mimic adults who demonstrate loud or violent behavior.*
- *Rapping, thumping, popping, yanking, and flicking a child are all examples of corporal punishment.*
- *Regarding paragraph (9), you must never withhold active play from a child who misbehaves (i.e., keeping a child indoors with another caregiver while the rest of the children go outside or making a child sit out of active play in the afternoon for a behavior that occurred in the morning). However, if a child is exhibiting poor behavior during active play, you may separate the child from the group, as described in §746.2803(4)(D), to allow the child to settle down before resuming cooperative play or activities.*

TITLE 26 HEALTH AND HUMAN SERVICES
PART 1 HEALTH AND HUMAN SERVICES COMMISSION
CHAPTER 746 MINIMUM STANDARDS FOR CHILD-CARE CENTERS
SUBCHAPTER P NIGHTTIME CARE

§746.3209. Must I provide activities for children in nighttime care?

(a) Activities and routines must meet the unique needs of children in nighttime care. These may include quiet activities, such as homework, reading, puzzles, or board games; time for personal care routines and preparation for sleep, such as brushing teeth, washing hands and face, toileting, and changing clothes; and an evening meal, breakfast, and snack as specified in Subchapter Q of this chapter (relating to Nutrition and Food Service).

(b) Screen time activities:

(1) Must meet the requirements of §746.2207 of this chapter (relating to May I use a screen time activity with a child?); and

(2) May not be used in a cot, bed, or mattress, or one hour before bedtime.

TITLE 26 HEALTH AND HUMAN SERVICES
PART 1 HEALTH AND HUMAN SERVICES COMMISSION
CHAPTER 746 MINIMUM STANDARDS FOR CHILD-CARE CENTERS
SUBCHAPTER Q NUTRITION AND FOOD SERVICE

§746.3301. What are the basic requirements for meal and snack times?

(a) You must serve all children regular meals and morning and afternoon snacks as specified in this subchapter.

(b) The meals and snacks must follow the meal patterns established by the U.S. Department of Agriculture (USDA) Child and Adult Care Food Program (CACFP) that is administered by the Texas Department of Agriculture. You must follow these patterns regardless of whether you are participating in the program for reimbursement.

(c) If you serve breakfast, you do not have to serve a morning snack.

(d) A child must not go more than three hours without a meal or snack being offered, unless the child is sleeping.

(e) You must serve enough food to allow children second servings from the vegetable, fruit, grain, and milk groups.

(f) You must ensure a supply of drinking water is always available to each child at every snack, mealtime, and after active play and is served in a safe and sanitary manner.

(g) You must not serve beverages with added sugars, such as carbonated beverages, fruit punch, or sweetened milk except for a special occasion such as a holiday or birthday celebration.

(h) You must not use food as a reward.

(i) You must not serve a child a food identified on the child's food allergy emergency plan, as specified in §746.3817 of this chapter (relating to What is a food allergy emergency plan?).

Helpful Information

- You can find the CACFP meal and snack patterns at <https://www.fns.usda.gov/cacfp/meals-and-snacks>.
- All infant formula and dry infant cereal must be iron-fortified. Look for "infant formula with iron" or a similar statement on the front of the formula. Make sure the formula is not an "FDA exempt infant formula", which you should use only if there is a statement from a health care professional.
- To help ensure that grains are whole grain-rich, look closely at the ingredient list to make sure a whole grain is listed as the first ingredient or second after water.
- Research indicates serving drinking water to children ensures they are properly hydrated and facilitates reducing the intake of extra calories from nutrient poor foods and drinks which are associated with weight gain and obesity.
- Water should not be a substitute for milk at meals or snacks where milk is a required component. It is appropriate to require children to first drink the milk before serving themselves water.
- Beverages with added sugars should be avoided because they can contribute to child obesity, tooth decay, and poor nutrition.
- The CACFP meal pattern for infants does not allow centers to serve fruit and vegetable juices to infants.
- The center may only use pasteurized full-strength juice to meet the vegetable or fruit requirement at one meal or snack per day.
- Caregivers should encourage children to sample a variety of food of different colors and textures.

§746.3303. How often must I feed a child in my care?

You must follow the guidelines in Figure 26 TAC §746.3303 when determining how often to feed a child in your care.

Figure: 26 TAC §746.3303

If a child is in care:	You must offer the child at least this amount of food:
(1) Less than four hours	One snack.
(2) Four to five hours	One meal.
(3) Six to eight hours	One meal and one snack.
(4) More than eight hours	(A) Two meals and one snack; or (B) One meal and two snacks.
(5) During the nighttime	Depending on the time child arrives and leaves: (A) An evening meal and breakfast; (B) A bedtime snack and breakfast; or (C) An evening meal, a bedtime snack, and breakfast.

Helpful Information

- *Well-balanced meals provide the food children need to grow, think, fight infection, and fuel their bodies.*
- *The American Academy of Pediatrics (AAP) affirms that, since young children eat in small feedings and a child's appetite and interest in food may vary from one meal or snack to the next, children need to be fed often. As a result, snacks often become a significant part of a child's daily food intake.*

§746.3309. May parents provide meals and snacks for their child instead of my child-care center providing them?

(a) Yes. However, your enrollment agreement, or an addendum to the agreement, signed by the parent must include a statement that the parent:

(1) Is choosing to provide the child's meals and snacks from home; and

(2) Understands the child-care center is not responsible for its nutritional value or for meeting the child's daily food needs.

(b) If the parent provides a meal but not a snack, you are responsible for providing a snack as specified in this subchapter.

(c) You must provide safe and proper storage and service of the individual meals and snacks provided by parents.

(d) Snacks provided by a parent must not be shared with other children, unless:

(1) A parent is providing baked goods for a celebration or party being held at the center; and

(2) You ensure that the shared snacks meet the needs of children who require special diets.

Helpful Information

- *When a parent provides the child's meals and snacks from home, it is important to share information with the parents on the nutritional value of foods, sample menus, information on food allergies, and choking hazards, such as:*
 - *Sample menu items, introducing new foods, MyPlate materials, understanding nutrition labels, and more can be found at www.fns.usda.gov/tn/myplate; and*
 - *Resources on choking foods, food allergies, nutrition for young children, and other information can be found or downloaded from the Licensing Technical Assistance Library.*
- *A child with food allergies is at risk when eating foods that have not been prepared or served by the child's own parent or a center employee who has knowledge of the food ingredients and the child's needs.*

§746.3311. What are the requirements for a child who requires a special diet or does not want to eat foods that the center serves?

(a) To serve a child a therapeutic or special diet, you must:

(1) Have written approval from:

(A) A physician or health-care professional with prescriptive authority if the diet relates to a disability that restricts the child's diet; or

(B) A health-care professional or a registered or licensed dietician if the diet does not relate to a disability that restricts the child's diet;

(2) Maintain the written approval in the child's record; and

(3) Give the information to all employees preparing and serving food.

(b) You must discuss recurring eating problems with the child's parent.

(c) You may encourage but must not force children to eat.

(d) You must not serve nutrient concentrates and supplements such as protein powders, liquid protein, vitamins, minerals, and other nonfood substances without written instructions **as required in paragraph (a)(1) of this section.**

Helpful Information

The center may serve meat alternatives to accommodate vegetarian diets without special authorization from a health-care professional or dietician. The CACFP offers guidance on how to include meat alternatives as part of the meal pattern.

§746.3319. Must I serve meals family style?

(a) **You** do not have to use family-style meal service, although all meals and snack times must:

(1) Be unhurried;

(2) Allow children to feed themselves according to their developmental level;
and

(3) Include adult supervision of children.

(b) If meals and snacks are served family style, caregivers must supervise children to prevent cross-contamination of the food.

Helpful Information

- *Mealtime is a great opportunity for children to learn about new food, develop new motor skills, increase their dexterity, and develop language and social skills through conversation. They also learn about counting, colors, shapes, amounts, smells, temperatures, and tastes.*
- *While feeding themselves, children use fine motor skills and learn self-help skills that build a child's self-esteem.*
- *The presence of adult caregivers during mealtime:*
 - *Helps prevent behaviors that increase risk, such as fighting, children feeding each other, children stuffing food into the mouth, etc.;*
 - *Ensures that children do not increase their risk of choking by eating while talking, crying, laughing, or playing; and*
 - *Offers an opportunity for caregivers to model appropriate dining etiquette.*

TITLE 26 HEALTH AND HUMAN SERVICES
PART 1 HEALTH AND HUMAN SERVICES COMMISSION
CHAPTER 746 MINIMUM STANDARDS FOR CHILD-CARE CENTERS
SUBCHAPTER Q NUTRITION AND FOOD SERVICE

REPEAL

§746.3303. How often must I feed a child in my care?

§746.3305. How do I know what a child's daily food needs are?

§746.3307. What kind of foods must I serve for snacks?

§746.3315. May I serve powdered milk?

§746.3316. May I serve fruit or vegetable juices?