



# Minimum Standards Revision Notice

---

**Date:** March 10, 2021

**Effective Date:** March 10, 2021

**To:** All Holders of Chapter 744, Minimum Standards for School-Age and Before or After-School Programs

**From:** Jean Shaw, HHSC Associate Commissioner for Child Care Regulation

**Subject:** New Requirements for Physical Activity, Nutrition, and Screen Time for School-Age and Before or After-School Programs

The amendments, new sections, and repeals are necessary to implement Senate Bill (S.B.) 952, 86th Legislature, Regular Session, 2019, which added Subsections 42.042(e-3), (e-4), and (e-5) to the Texas Human Resources Code (HRC). The new Subsections require HHSC Child Care Regulation (CCR) to align the minimum standards for child-care centers and registered child-care homes with standards for physical activity and screen time in Caring for Our Children (CFOC), 4th edition, and with the nutrition standards of the federal Child and Adult Care Food Program (CACFP).

CCR has extended these requirements to School-Age and Before and After-School Programs in Chapter 744, so that the minimum standards for physical activity, nutrition, and screen time are congruent throughout Chapters 744, 746, and 747.

The changes are effective March 10, 2021.

## **New Requirements for Physical Activity, Nutrition, and Screen Time for School-Age and Before or After-School Programs**

### **Definitions**

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

Amended §744.123:

- Updates definitions for:
  - (22) Frequent, to specify more than two times in a 30-day period and clarify that “regularly or frequently present at an operation” applies to background checks;
  - (26) Health-care professional, to exclude physicians, nurses, or other medical professionals who are not licensed to practice in the country in which the person practices;
  - (35) Natural environment, to be consistent with the current definition in the Individuals with Disabilities Education Act, and provide a new example;
  - (48) Regular, to add that the definition of “regularly or frequently present at an operation” as it applies to background checks is located in §745.601; and
  - (51) School-age child, to include a child enrolled in or who has completed kindergarten;
- Adds new definitions for:
  - (42) Physical activity (moderate), which are levels of activity for a child that are at intensities faster than a slow walk, but still allow the child to talk easily;
  - (43) Physical activity (vigorous), which is 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;
  - (44) Pre-kindergarten age child, which is a child who is three or four years of age before the beginning of the current school year; and
  - (53) Screen time activity, which is an activity during which a child views media content on a cell or mobile phone, tablet, computer, television, video, film, or DVD;
- Removes the definition of “Regularly or frequently present at an operation”;
- Updates citations, grammar, language, and punctuation throughout the rule; and

- Adds a Helpful Information box after the rule to clarify how to determine the beginning of the current school year and provide examples of media content.

## Physical Activity

§744.501. What written operational policies must I have?

§744.2001. What planned activities must caregivers provide for children in their care?

§744.2002. What additional activities must caregivers provide when a child is in care for more than five consecutive hours in a day?

§744.2003. What are the additional requirements if my operation cares for a child under the age of five?

§744.2005. What written activity plans must caregivers follow?

§744.2105. What types of discipline and guidance or punishment are prohibited?

Amended §744.501 updates citations and language throughout the rule.

Amended §744.2001 removes activity requirements for children in care for five or more consecutive hours, as those are now included in §744.2002.

New §744.2002 outlines the activities a child-care operation must include when a child is in care for five or more consecutive hours in a day. The activities were previously included in §744.2001. Required activities include:

- Outdoor play, as weather permits;
- Active and quiet play, including group and individual activities;
- Indoor and outdoor active play;
- Child-initiated activities;
- Caregiver-initiated activities, two of which must promote movement;
- Regular meal and snack times;
- Supervised nap or rest times;
- Sufficient time for activities that allow a child to progress at the child's own rate; and
- No long waiting periods between activities.

Amended §744.2003:

- At (1)(C), adds a requirement for an operation caring for a child under age five to include written procedures addressing outdoor and active play needs when a child is in care more than five consecutive hours in a day. The procedures must include:
  - A minimum of two opportunities for outdoor play, weather permitting, for at least 60 total minutes when a child is in care for eight hours, with an option to prorate the time requirement based on hours in care; and
  - A minimum of 90 minutes of moderate to vigorous active play when a child is in care for eight hours, with an option to prorate the time requirement based on hours in care;
- At (2), adds a requirement for an operation caring for a child under age five to include written operational policies for physical activity and outlines the specific areas the policies must include;

- At (3), reorganizes the rule into two subsections and adds a new requirement at (3)(B) that the policies be shared with parents at enrollment and as needed thereafter, rather solely upon request;
- Updates language throughout the rule; and
- Adds clarifying information about outdoor and active play requirements, a weblink to CFOC, and a reference to the Licensing Technical Assistance Library to the Helpful Information box after the rule.

Amended §744.2005:

- Reorganizes the rule and makes the following changes:
  - At (a), specifies that a written activity plan comply with the requirements in §744.2002 and §744.2003(1)(C) when a child is in care for more than five consecutive hours in a day;
  - At (b), outlines the requirements of a written activity plan for all children, including;
    - Identifying the group the plan targets and listing the dates the plan covers;
    - Outlining the daily routines and activities for each group and approximate times of the activities;
    - Requiring the caregiver responsible for the group to follow the plan; and
    - Being inclusive for a child regardless of special care needs; and
  - At (c), adds language to allow the inclusion of one or more screen time activities in the plan.

Amended §744.2105:

- Expands the list of prohibited discipline and guidance measures to include withholding active play or keeping a child inside as a consequence for behavior, unless the child's behavior during active play requires a brief supervised separation or time out as allowed in §744.2103(b)(4) of the subchapter; and
- Adds clarifying information to the Helpful Information box after the rule regarding withholding active play.

## Nutrition

§744.2401. What are the basic requirements for meal and snack times?

§744.2403. How often must I feed a child in my care?

§744.2409. May parents provide meals and snacks for their child instead of my operation providing them?

§744.2411. What are the requirements for a child who requires a special diet or does not want to eat foods the operation serves?

§744.2421. Must I serve meals family style?

Amended §744.2401:

- At (b), adds the requirement that all operations follow the meal patterns established by the CACFP, regardless of program participation for reimbursement;

- At (e), incorporates the requirement to allow second servings from certain food groups previously required in repealed §744.2403;
- Removes language that allowed child-care operations to follow either CACFP meal patterns or CCR meal requirements;
- Updates language and citations throughout the rule; and
- Adds a weblink to CACFP and additional information regarding whole grains, clarification regarding fruit and vegetable juice, and sampling foods of different colors and textures to the Helpful Information box after the rule.

New §744.2403:

- Reorganizes the requirements for how often to feed a child into a chart;
- Restructures certain requirements regarding how much food to offer based on hours in care; and
- Adds information regarding the importance of snacks to the Helpful Information box after the rule.

Amended §744.2409:

- At (a), reorganizes the rule into two subsections and adds language allowing a parent to sign an addendum to the enrollment agreement if the parent provides meals and snacks;
- Updates grammar and a citation; and
- Adds information regarding sharing nutritional resources with parents to the Helpful Information box after the rule.

Amended §744.2411:

- At (a), reorganizes the rule to clarify requirements for a child who requires a therapeutic or special diet, including:
  - A new requirement for written approval from a physician or health-care professional with prescriptive authority if the diet is related to a disability restricting the child's diet;
  - Written approval from a health-care professional or registered or licensed dietician if the diet is not related to a disability restricting the child's diet;
  - Maintaining a copy of the written approval in the child's record; and
  - Providing all employees who prepare and serve food with information about the diet;
- At (d), replaces the phrase "from a physician" with a reference to the approval requirements at (a)(1); and
- Adds a Helpful Information box after the rule regarding vegetarian diets.

Amended §744.2421:

- Adds a requirement that children be allowed to feed themselves according to their developmental level; and
- Adds information to the Helpful Information box after the rule regarding caregivers modeling appropriate dining etiquette.

## Screen Time

§744.2007. May I use a screen time activity with a child?

Amended §744.2007:

- Replaces the phrase “TV/video, computer, or video games” with “screen time activity”;
- At (b), adds restrictions to screen time activities offered at the child-care operation, including:
  - Reducing the amount of allotted screen time from two hours to one hour per day;
  - Requiring that screen time activities relate to planned activities that meet educational goals, are not used during mealtimes, snack times, naptimes, or rest times, do not include advertising or violence, and are turned off when not in use;
- At (c), adds flexibility for school-age children to use screen time without restriction for homework;
- Updates language and citations throughout the rule; and
- Adds information about screen time as well as a weblink to CFOC to the Helpful Information box after the rule.

You may view the adopted rules and highlighted versions of the adopted rules at [Minimum Standards | Texas Health and Human Services](#). CCR is updating the minimum standards publications and will notify you when the updates are complete.

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