



Minimum Standards Revision Notice

Date: March 10, 2021

Effective Date: March 10, 2021

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

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

Subject: New Requirements for Physical Activity, Nutrition, and Screen Time for Child-Care Centers

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).

The changes are effective March 10, 2021.

New Requirements for Physical Activity, Nutrition, and Screen Time for Child-Care Centers

Definitions

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

Amended §746.123:

- Updates definitions for:
 - (28) 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;
 - (37) Natural environment, to be consistent with the current definition in the Individuals with Disabilities Education Act, and provide a new example; and
 - (47) School-age child, to include a child enrolled in or who has completed kindergarten;
- Adds new definitions for:
 - (39) 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;
 - (40) 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;
 - (41) 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
 - (48) 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;
- 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

§746.501. What written operational policies must I have?

§746.2203. What written activity plans must caregivers follow?

§746.2205. What must a written activity plan include?

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

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

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

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

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

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

Amended §746.501:

- At (a)(18), adds a requirement for child-care centers to include operational policies for physical activity and outlines the specific areas the policies must include;
- Updates citations and language throughout the rule; and
- Adds a weblink to CFOC and a reference to the Licensing Technical Assistance Library to the Helpful Information box after the rule to provide additional resources regarding physical activity.

Amended §746.2203:

- At (a), adds “operation” as an entity who may develop a written activity plan and requires the plan to comply with the requirements in §746.2205; and
- At (c), updates language regarding children with special care needs.

Amended §746.2205:

- Specifies that the activity plan must be written and outline the specific daily activities required in §746.2206;
- Removes requirements for outdoor play, active and quiet play, regular meal and snack times, supervised naptimes, and child and caregiver-initiated activities, as these requirements are now included in §746.2206;
- Updates language regarding screen time activities and adds a reference to §746.2207; and
- Adds a Helpful Information box after the rule with information regarding the developmental benefits of a planned, but flexible program.

New §746.2206:

- Outlines the activities a child-care center must include in a written activity plan and requires the child-care center to include the approximate times of the activities in the plan. New requirements include:
 - A minimum of two opportunities for outdoor play, weather permitting, for:
 - An amount of time as tolerated by an infant birth through 12 months of age; and
 - A minimum of 60 total minutes daily for an infant 13 months through 17 months of age, a toddler, or a pre-kindergarten age child;
 - Indoor and outdoor active and quiet play, which must include moderate to vigorous active play for:
 - A minimum of 60 minutes for toddlers; and
 - A minimum of 90 minutes for pre-kindergarten age children; and
 - Caregiver-initiated activities, two of which promote movement.
- Includes activity requirements for child-initiated activities, regular meal and snack times, and supervised naptimes or rest times that were previously required in §746.2205; and

- Adds information to the Helpful Information box after the rule to further clarify outdoor play and active play requirements.

Amended §746.2417:

- Specifies that all required activities, not just outdoor play, be offered daily;
- At (1), requires opportunities for outdoor play occur as required in §746.2206;
- At (2)(B), limits the time an infant may be seated in a restricted device to 15 minutes, unless the infant is eating or being transported;
- At (3), adds “supervised tummy time” as a required physical activity for an infant and at (8), as an example of a large muscle activity;
- Updates punctuation throughout the rule; and
- Adds a Helpful Information box after the rule with clarifying information about infant schedules, tummy time, and restrictive environments.

Amended §746.2507:

- Specifies that all required activities, not just outdoor play, be offered daily;
- At (1), requires opportunities for outdoor play occur as required in §746.2206;
- At (5), expands active play requirements to include moderate to vigorous active play; and
- Updates language and punctuation throughout the rule.

Amended §746.2607:

- Specifies that all required activities, not just outdoor play, be offered daily;
- At (1), requires opportunities for outdoor play occur as required in §746.2206;
- At (5), expands active play requirements to include moderate to vigorous active play; and
- Updates language and punctuation throughout the rule.

Amended §746.2707:

- Specifies that all required activities, not just outdoor play, be offered daily;
- At (4), replaces tape recorders and CD players with puzzles or interlocking building blocks as examples of age-appropriate activities that promote small-muscle development; and
- Updates language and punctuation throughout the rule.

Amended §746.2805:

- 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 §746.2803(4)(D) of the subchapter; and
- Adds clarifying information to the Helpful Information box after the rule regarding withholding active play.

Nutrition

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

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

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

§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?

§746.3319. Must I serve meals family style?

Amended §746.3301:

- At (b), adds the requirement that all child-care centers 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 §746.3305;
- Removes language that allowed child-care centers 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 infant formula and whole grains, clarifications regarding fruit and vegetable juice, and sampling foods of different colors and textures to the Helpful Information box after the rule.

New §746.3303:

- 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 §746.3309:

- 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, punctuation, and a citation; and
- Adds information regarding food allergies to the Helpful Information box after the rule.

Amended §746.3311:

- 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 §746.3319:

- 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

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

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

Amended §746.2207:

- Replaces the phrase “TV/video, computer, or video games” with “screen time activity”;
- At (c), adds restrictions to screen time activities offered at the child-care center, including:
 - Reducing the amount of allotted screen time from two hours to one hour per day;
 - Requiring that screen time activities relate to 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 (d), 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.

Amended §746.3209:

- At (b), adds requirements for screen time activities during nighttime care to:
 - Include the requirements of §746.2207; and
 - Prohibit the use of screen time activities in a cot, bed, or mattress, or one hour before bedtime.

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](#).