The purpose of this proposal is to implement Senate Bill (S.B.) 952, 86th Legislature, Regular Session, 2019, which adds Subsections 42.042(e-3), (e-4), and (e-5) to the Human Resources Code (HRC) to require 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, 4th edition (CFOC), and with the nutrition standards of the federal Child and Adult Care Food Program (CACFP). CCR also intends to extend these requirements to School-Age and Before and After-School Programs in Chapter 744 and Licensed Homes in Chapter 747, so that the minimum standards for physical activity, nutrition, and screen time are congruent throughout Chapters 744, 746, and 747.

NOTE: Helpful Information boxes, included with the rules for purposes of informal comment, are not minimum standards but provide explanations to help the provider better understand the implementation of the standards. Once adopted, the Helpful Information Boxes will be posted on the Texas Health and Human Services website.

# TITLE 26 HEALTH AND HUMAN SERVICES

# PART 1 HEALTH AND HUMAN SERVICES COMMISSION

# CHAPTER 744 MINIMUM STANDARDS FOR SCHOOL-AGE AND BEFORE OR AFTER-SCHOOL PROGRAMS

# SUBCHAPTER A PURPOSE, SCOPE, AND DEFINITIONS

# DIVISION 3 DEFINITIONS

§744.123. 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 administration of an operation, such as bookkeeping, enrolling children, answering the telephone, and collecting fees.

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

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

 (7) Before or after-schoolprogram--An operation that provides care before and after or before or after the customary school day and during school holidays, for at least two hours a day, three days a week, to children who attend pre-kindergarten through grade six.

 (8) 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 (relating to Substitutes, Volunteers, and Contractors).

 (9) 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.

 (10) 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 you must be able to document that the certificate represents the type of training described.

 (11) 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.

 (12) 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.

 (13) 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 §744.1319(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 §744.1319(a) and (b) of this chapter, or self-study training.

 (14) 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.

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

 (16) Director--An adult you designate to have daily, on-site responsibility for your operation, including maintaining compliance with the minimum standards, rules, and laws. As this term is used in this chapter, a director may be an operation director, program director, or site director, unless the context clearly indicates otherwise.

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

 (18) Enrollment--The list of names or number of children who have been admitted to attend an operation for any given period of time; the number of children enrolled in an operation may vary from the number of children in attendance on any given day.

 (19) 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.

 (20) Field trips--Activities conducted away from the operation.

 (21) Food service--The preparation or serving of meals or snacks.

 (22) 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?).

 (23) Garbage--Waste food or items that when deteriorating cause offensive odors and attract rodents, insects, and other pests.

 (24) Governing body--A group of persons or officers of a corporation or other type of business entity having ultimate authority and responsibility for the operation.

 (25) 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.

 (26) 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 that are not licensed in the United States or in the country in which the person practices.

 (27) 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.

 (28) 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.

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

 (30) 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.

 (31) 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.

 (32) Janitorial duties--Those duties that involve the cleaning and maintenance of the operation's 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.

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

 (34) Multi-site operations--Two or more operations owned by the same person or entity, but the operations have separate permits. These operations may have centralized business functions, record keeping, and leadership.

 (35) Natural environment--Settings that are natural or typical for all children of the same age without regard to ability or disability. For example, the natural environment for eating a meal is at a table with peers or family. The natural environment for learning social skills is a play group of peers.

 (36) Nighttime care--Care given on a regular or frequent basis to children who are starting or continuing their night sleep, or to children who spend the night or part of the night at the operation between the hours of 9:00 p.m. and 6:00 a.m.

 (37) Operation--A person or entity offering a before or after-school program or school-age program that is subject to Licensing's regulation. An operation includes the building and the premises where the program is offered, any person involved in providing the program, and any equipment used in providing the program.

 (38) Operation director--A director at your operation who is not supervised by a program director. An operation that has an operation director cannot have a program director or a site director.

 (39) Owner--The sole proprietor, partnership, corporation, or other type of business entity who owns the operation.

 (40) Permit holder--The owner of the operation that is granted the permit.

 (41) 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:

 (A) Operation voluntarily closes;

 (B) Operation must close because of an enforcement action in Subchapter L of Chapter 745 (relating to Enforcement Actions);

 (C) Permit expires according to §745.481 of this title (relating to When does my permit expire?); or

 (D) Operation must close because its permit is automatically revoked according to the Texas Human Resources Code §§42.048(e), 42.052(j), or 42.054(f).

 (42) 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 heart rate and breathing rate.

 (43) 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 the vigorous physical activity.

 (44) Pre-kindergarten age child--A child who is three or four years of age.

 (45) Premises--Includes the operation, any lots on which the operation is located, any outside ground areas, any outside play areas, and the parking lot.

 (46) Program--The services and activities provided by an operation.

 (47) Program director--A director who oversees your program at multi-site operations and supervises a site director at each operation.

 (48) 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.

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

 (50) 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 labelling instructions for sanitizing (paying attention to any instructions regarding contact time and toxicity on surfaces likely to be mouthed by children). 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.

 (51) School-age child--A child who is five years of age and older, and who will attend school at or away from the operation beginning in August or September of that year.

 (52) School-age program--An operation that provides supervision and recreation, skills instruction, or skills training for at least two hours a day and three days a week to children who attend pre-kindergarten through grade six. A school-age program operates before or after the customary school day and may also operate during school holidays, the summer period, or any other time when school is not in session.

 (53) 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.

 (54) 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.

 (55) 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.

 (56) Site director--A director who has on-site responsibility at a specific operation, but who is supervised by a program director.

 (57) 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.

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

 (59) 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.

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

# TITLE 26 HEALTH AND HUMAN SERVICES

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# SUBCHAPTER B ADMINISTRATION AND COMMUNICATION

# DIVISION 4 OPERATIONAL POLICIES

§744.501. What written operational policies must I have?

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 G of this chapter (relating to Discipline and Guidance). A copy of Subchapter G may be used for your discipline and guidance policy, unless you use disciplinary and training measures specific to a skills-based program, as specified in §744.2109 of this chapter (relating to May I use disciplinary measures that are fundamental to teaching a skill, talent, ability, expertise, or proficiency?);

 (8) Suspension and expulsion of children;

 (9) Meals and food service practices;

 (10) Immunization requirements for children, including tuberculosis screening and testing if required by your regional Texas Department of State Health Services or local health authority;

 (11) Enrollment procedures, including how and when parents will be notified of policy changes;

 (12) Transportation, if applicable;

 (13) Water activities, if applicable;

 (14) Field trips, if applicable;

 (15) Animals, if applicable;

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

 (17) Procedures for parents to review and discuss with the director any questions or concerns about the policies and procedures of the operation;

 (18) Procedures for parents to visit the operation at any time during your hours of operation to observe their child, program activities, the building, the premises, and equipment without having to secure prior approval;

 (19) Procedures for parents to participate in the operation's activities;

 (20) Procedures for parents to review a copy of the operation's most recent Licensing inspection report and how the parent may access the minimum standards online;

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

 (22) Emergency preparedness plan;

 (23) Procedures for conducting health checks, if applicable; and

 (24) Information on vaccine-preventable diseases for employees, unless your operation is in the home of the permit holder, the director, or a caregiver. The policy must address the requirements outlined in §744.2581 of this chapter (relating to What must a policy for protecting children from vaccine-preventable diseases include?).

***Helpful Information***

| *Regarding paragraph (8) of this section, your operation should have a policy clarifying the steps that parents can take to prevent suspension or expulsion of their child. On the other hand, 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 operation. Additional information regarding a policy for suspension and expulsion can be found in the Licensing Technical Assistance Library.* |
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# SUBCHAPTER F DEVELOPMENTAL ACTIVITIES AND EQUIPMENT

# DIVISION 1 ACTIVITIES AND ACTIVITY PLANS

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

1. Caregivers must ensure children receive individual attention and care including:

 (1) Flexible programming according to each child's age, interest, and abilities;

 (2) Encouraging communication and expression of feelings in appropriate ways;

 (3) Study time for those children who choose to work on homework assignments;

 (4) Physical care routines appropriate to each child's developmental needs; and

 (5) A caregiver who is aware of the arrival and departure of each child, including dismissing children who ride the bus or walk home.

(b) You must ensure that children who need special care due to disabling or limiting conditions receive the care recommended by a health-care professional or qualified professionals affiliated with the local school district or early childhood intervention program. These basic care requirements must be documented and on file for review at the operation during your hours of operation. Activities must integrate all children, including those with special care needs. You may need to adapt equipment and vary methods to ensure that you care for children with special needs in a natural environment.

***Helpful Information***

| * *A school-age child develops a strong secure sense of identity through positive experiences with adults and peers. Although school-age children are learning to accept personal responsibility and act independently, they continue to need the supervision and support of adults.*
* *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.*
* *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.*
* *A child-care operation is considered a place of public accommodation under the Americans with Disabilities Act (ADA), Title III, because it holds itself out to the public as a business. There is additional information regarding ADA and resources online at http://www.dfps.state.tx.us/Child\_Care/Information\_for\_Providers/faq\_ada.asp*
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§744.2002. What additional activities must caregivers provide when a child is in care for more than five consecutive hours in a day?

You must include the following activities for programs where you anticipate a child will be in care five or more consecutive hours in a day.

 (1) Outdoor play in which the children make use of both small and large muscles, as weather permits;

 (2) A balance of active and quiet play, including group and individual activities;

 (3) Opportunities for active play both indoors and outdoors. Examples 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;

 (4) 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;

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

 (6) Regular meal and snack times as specified in Subchapter J of this Chapter (relating to Nutrition and Food Service);

 (7) Supervised naptimes or rest times;

 (8) Sufficient time for activities and routines so that children can progress at their own developmental rate; and

 (9) No long waiting periods between activities or prolonged periods during which children stand or sit.

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

 If your operation cares for a childunder the age of five, you must:

 (1) Have ~~a~~ written procedures that includethe following:

 (A) How caregivers will supervise the child while transitioning the child to and from restrooms, indoor and outdoor activity spaces, and spaces shared by other persons outside of the operation;

 (B) How caregivers will meet the unique care needs of the child; (C) How caregivers will meet the outdoor play and physical activity needs in §744.2002(1) and (3) of this subchapter (relating to What additional activities must caregivers provide when a child is in care for more than five consecutive hours in a day), including:

 (i) A minimum of two opportunities for outdoor play for at least 60 total minutes when a child is in care for eight hours, although you may prorate this requirement if a child is in care for less than eight hours; and

 (ii) A minimum of 90 minutes of moderate to vigorous active play when a child is in care for eight hours, although you may prorate this requirement if a child is in care for less than eight hours;

 (D) Under what circumstances the childwill be mixing with older children in the operation; and

 (E) Any modifications to space or equipment that will be made to accommodate the child.

(2) Have written policies that address the promotion of indoor and outdoor physical activity that are consistent with this subchapter. 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) The setting(s) in which your physical activity program will take place;

 (E) The recommended clothing and footwear that a child would require in order to participate in physical activities; and

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

 (3) Follow the policies and procedures and make them available for review by:

 (A) Licensing upon request during your hours of operation; and

 (B) Parents at enrollment and as needed thereafter.

***Helpful Information***

| * *Pre-kindergarten age children have different care needs from school-age children. Younger children may require additional assistance from caregivers in areas such as:*
* *Self-care activities such as toileting and hand washing;*
* *Transitioning from one activity to another;*
* *Saying goodbye to a parent; and*
* *Communicating with peers.*
* *Regarding paragraph (1)(C)(i) and outdoor play:*
	+ *You may divide the total minutes of outdoor play into shorter time frames that total at least 60 minutes;*
	+ *You may accommodate weather and air quality by adjusting the scheduled outdoor play, the length of time outdoors, and child’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.*

*• Regarding paragraph (1)(C)(ii) 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 90 minutes of active play).** *When prorating outdoor play and active play based on the total hours a child is in care, allow 20 minutes of outdoor/active play for every three hours that the child is in the program.*
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§744.2005. What written activity plans must caregivers follow?

(a) For programs with a child whom you anticipate to be in care for five or more consecutive hours in a day, you must have a written activity plan that complies with §744.2002 of this subchapter (relating to What additional activities must caregivers provide when a child is in care for more than five consecutive hours in a day?) and §744.2003(1)(C) of this subchapter (relating to What are the additional requirements if my operation cares for a child under the age of five?)

(b) A written activity plan must:

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

 (2) Outline the daily routines and specific activities for each group and the approximate times those activities will occur;

 (3) Be followed by the caregiver or caregivers responsible for the relevant group of children; and

 (4) Be inclusive for all children in the group regardless of special care needs.

(c) A written activity plan may include one or more screen time activities specified in §744.2007 of this subchapter (relating to May I use a screen time activity with children?), if you also include alternative activities for children who do not want to participate.

***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 an operation provides and also provides the caregiver with a guideline to follow.*
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§744.2007. May I use a screen time activity with children?

(a) You may use a screen time activity to supplement, but not to replace, an activity for children described in §744.2001 of this subchapter (relating to What planned activities must caregivers provide for children in their care?) and §744.2002 of this subchapter (relating to What additional activities must caregivers provide when a child is in care for more than five consecutive hours in a day?).

(b) If you use a screen time activity for a child, 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.

(c) School age children 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.*
* *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. Also see §744.1203(6)(D), 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.*
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# CHAPTER 744 MINIMUM STANDARDS FOR SCHOOL-AGE AND BEFORE OR AFTER-SCHOOL PROGRAMS

# SUBCHAPTER G DISCIPLINE AND GUIDANCE

§744.2105. 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; and

 (10) Requiring a child to remain silent or inactive for inappropriately long periods of time for the child's age.

***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) of this section, you must never withhold active play from children who misbehave, although children exhibiting out of control behavior may need a brief supervised separation or time out that is consistent with §744.2103(b)(4) of this subchapter to calm themselves or settle down before resuming cooperative play or activities.*
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# CHAPTER 744 MINIMUM STANDARDS FOR SCHOOL-AGE AND BEFORE OR AFTER-SCHOOL PROGRAMS

# SUBCHAPTER J NUTRITION AND FOOD SERVICE

§744.2401. What are the basic requirements for mealand 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 a second serving from the vegetable, fruit, grain, and milk groups.

(f) You must ensure a supply of drinking water is readily 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.

(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 §744.2667 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>.*
* *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. However, it is acceptable to serve beverages with added sugars for a special occasion such as a holiday or birthday celebration.*
* *Your operation 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.*
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§744.2403. How often must I feed children in my care?

You must follow the guidelines in Figure 26 TAC §744.2403 when determining how often to feed a child in your care.

Figure: 26 TAC §744.2403

| 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. |
| (4) 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.*
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§744.2409. May parents provide meals and snacks for their child instead of my operation providing them?

(a) Yes. However , your enrollment 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 operation 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 operation; 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 www.dfps.state.tx.us/Child\_Care/Search\_Texas\_Child\_Care/CCLNET/Source/TALibrary/TechnicalAssistance.aspx.*
* *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 program employee who has knowledge of the food ingredients and the child’s needs.*
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§744.2411. What are the requirements for a child who requires a special dietor does not want to eat foods the operation serves?

(a) You must have written approval from a health-care professional or a registered or licensed dietician in the child's records to serve a child a therapeutic or special diet. You must give this 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 from a health-care professional.

***Helpful Information***

| *An operation 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.* |
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§744.2421. Must I serve meals family style?

(a) No, 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. Conversation at the table adds to the pleasant mealtime environment and provides opportunities for informal modeling of appropriate eating behaviors, communication about eating, and imparting nutrition learning experiences.*
	+ *The presence of adult caregivers during mealtime:*
* *Helps prevent behaviors that increase risk, such as fighting, children feeding each other, 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.*
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# 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 (relating to Substitutes, Volunteers, and Contractors).

 (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 10clock 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 that 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, the natural environment for eating a meal is at a table with peers or family. The 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 Subchapter L of Chapter 745 (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.

 (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 who will attend school at or away from the child-care center in August or September of that year.

 (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 or wading pools, sprinkler play, or other bodies of water.

# 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) The setting(s) in which your physical activity program will take place;

 (E) The recommended clothing and footwear that a child would require in order to participate 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 1000 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***

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| * *Regarding paragraph (8)* *of this section, your operation should have a policy clarifying the steps that parents can take to prevent suspension or expulsion of their child. On the other hand, 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 can be found in the Licensing Technical Assistance Library.*
* *Regarding paragraph (9)* *of this section, a sample Infant in Child Care Safe Sleep Policy can be found in the Licensing Technical Assistance Library.*
* *Regarding paragraph (25)* *of this section:*
* *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.*
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# TITLE 26 HEALTH AND HUMAN SERVICES

# PART 1 HEALTH AND HUMAN SERVICES COMMISSION

# CHAPTER 746 MINIMUM STANDARDS FOR CHILD-CARE CENTERS

# SUBCHAPTER F DEVELOPMENTAL ACTIVITIES AND ACTIVITY PLAN

§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 caregiver(s) 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***

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| *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 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 children?), if you also include alternative activities for children who do not want to participate.

***Helpful Information***

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| *Research indicates children receive the greatest 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 in which the children make use of both small and large muscles;

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

 (B) Infants 13 months through 17 months of age, toddlers, and pre-kindergarten age children 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***

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| * *Regarding paragraph (1) of this section and outdoor play:*
	+ *For infants from birth through 12 months of age, there are 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) of this section 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.*
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§746.2207. May I use a screen time activity with children?

(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 toddlers?); §746.2607 of this chapter(relating to What activities must I provide for pre-kindergarten-age children?); and §746.2707 of this chapter(relating to What activities must I provide for school-age children?).

(c) If you use a screen time activity for a child, 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 hourper 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) School-age children may use screen time without restriction for homework.

***Helpful Information***

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| * + *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. 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.*
 |

# 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 infants?

Activities for infants must include at least the following:

 (1) Daily 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 each day that are outside of the crib and any restrictive device;

 (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, teethers, 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***

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| * *Each infant should follow an individual schedule that will vary based on the infant’s 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.*
* *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 not seat infants for more than 15 minutes at a time, except during meals or transportation. You should always encourage the least restrictive environment.*
 |

# TITLE 26 HEALTH AND HUMAN SERVICES

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# CHAPTER 746 MINIMUM STANDARDS FOR CHILD-CARE CENTERS

# SUBCHAPTER I BASIC CARE REQUIREMENTS FOR TODDLERS

§746.2507. What activities must I provide for toddlers?

Activities for toddlers must include at least the following:

 (1) Daily 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.

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# 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 pre-kindergarten age children?

Activities for pre-kindergarten age children must include at least the following:

 (1) Daily 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.

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# 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 school-age children?

Activities for school-age children must include at least the following:

 (1) Study time for those children who choose to work on homework;

 (2) Daily 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 tape recorders or CD players;

 (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***

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| * *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 times 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

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# 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; 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***

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| * *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) of this section, you must never withhold active play from children who misbehave although children exhibiting out of control behavior may need a brief supervised separation or time out that is consistent with §746.2803(4)(D) of this subchapter to calm themselves or settle down before resuming cooperative play or activities.*
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# TITLE 26 HEALTH AND HUMAN SERVICES

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# 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 andmay 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 children?); and

 (2) May not be used in bed or one hour before bedtime.

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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***

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| * *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 should only be used 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 children 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

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| 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. |
| (4) 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***

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| * *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.*
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§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 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***

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| * *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 www.dfps.state.tx.us/Child\_Care/Search\_Texas\_Child\_Care/CCLNET/Source/TALibrary/TechnicalAssistance.aspx.*
* *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) You must have written approval from a health-care professional or a registered or licensed dietician in the child's records to serve a child a therapeutic or special diet. You must give this 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 from a health-care professional.

***Helpful Information***

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| *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.* |

§746.3313. Can I make substitutions and/or rotate the daily menus?

Yes:

 (1) Substitutions of comparable food value may be made to the daily menu, but you must keep a record of any substitutions made; and

 (2) You may rotate menus, but you must keep a record of which menu was used for each date.

§746.3317. What general requirements apply to food service and preparation?

All food and drinks must be of safe quality and must be stored, prepared, distributed, and served under sanitary and safe conditions, including but not limited to the following:

 (1) You must sanitize food service equipment, dishes, and utensils after each use;

 (2) If your child-care center lacks adequate facilities for sanitizing dishes and utensils, you must use only disposable, single-use items;

 (3) You must wash re-useable napkins, bibs, and tablecloths after each use;

 (4) You must discard single-service napkins, bibs, dishes, and utensils after use;

 (5) Caregivers with open wounds and/or any injury that inhibits hand washing, such as casts, bandages, or braces, must not prepare food;

 (6) You must serve children's food on plates, napkins, or other sanitary holders such as a high chair tray, and you must not place food on a bare table or eating surface, which includes the floor;

 (7) You must not serve foods that present a risk of choking for infants and toddlers;

 (8) You must cover all food stored in the refrigerator;

 (9) When meals are prepared at the child-care center, the food preparation area must be separated from the eating, play, and bathroom areas. You must not use the food preparation area as a passageway while food is being prepared; and

 (10) You must not store poisonous or toxic materials and cleaning supplies with food.

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§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***

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| * *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, 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.*
 |

§746.3321. Are children allowed to use toothbrushes after meal and snack times?

(a) Yes, although toothbrushes and tooth powders or pastes provided for each child's individual use must be:

 (1) Labeled with the child's full name;

 (2) Stored out of children's reach when not in use; and

 (3) Stored in a manner that prevents the toothbrushes from touching each other during storage.

(b) Children must have adult supervision while brushing their teeth.

# TITLE 26 HEALTH AND HUMAN SERVICES

# PART 1 HEALTH AND HUMAN SERVICES COMMISSION

# CHAPTER 747 MINIMUM STANDARDS FOR CHILD-CARE HOMES

# SUBCHAPTER A PURPOSE, SCOPE, AND DEFINITIONS

# DIVISION 3 DEFINITIONS

§747.123. 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.

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

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

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

 (5) After-school hours--Hours before and after school, and days when school is not in session, such as school holidays, summer vacations, and teacher in-service days.

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

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

 (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).

 (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 you 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 home--A registered or licensed child-care home, as specified in §747.113 of this chapter (relating to What is a registered child-care home?) or §747.115 of this chapter (relating to What is a licensed child-care home?). This term includes the program, home, grounds, furnishings, and equipment.

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

 (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 §747.1315(a) of this chapter (relating to Must child-care training meet certain criteria?); or

 (B) Self-instructional training that was created by an individual or individuals, as specified in §747.1315(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--An assistant caregiver, substitute caregiver, or any other person a child-care home employs full-time or part-time to work for wages, salary, or other compensation, including kitchen staff, office staff, maintenance staff, or anyone hired to transport a child.

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

 (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" (child-care home) 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 that 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 home, 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) Natural environment--Settings that are natural or typical for all children of the same age without regard to ability or disability. For example, the natural environment for eating a meal is at a table with peers or family. The natural environment for learning social skills is a play group of peers.

 (37) 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:

 (A) Home voluntarily closes;

 (B) Home must close because of an enforcement action in Chapter 745, Subchapter L (relating to Enforcement Actions);

 (C) Permit expires according to §745.481 of this title (relating to When does my permit expire?); or

 (D) Home must close because its permit is automatically revoked according to the Human Resources Code §§42.048(e), 42.052(i), or 42.054(f).

 (38) 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.

 (39) 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.

 (40) Pre-kindergarten age child--A child who is three or four years of age.

 (41)Regular--On a recurring, scheduled basis. Note: For the definition of "regularly or frequently present at an operation" (child-care home) as it applies to background checks, see §745.601 of this title.

 (42) 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.

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

 (44) 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 labelling 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.

 (45) School-age child--A child who is five years of age and older, and who will attend school at or away from the child-care home beginning in August or September of that year.

 (46) 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.

 (47) 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.

 (48) 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.

 (49) 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 orsmall muscles, learning, talking, communicating, self-help, social skills, emotional well-being, seeing, hearing, and breathing.

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

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

 (52) 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.

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

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# CHAPTER 747 MINIMUM STANDARDS FOR CHILD-CARE HOMES

# SUBCHAPTER B ADMINISTRATION AND COMMUNICATION

# DIVISION 4 OPERATIONAL POLICIES

§747.501. What written operational policies must I have?

You must develop written operational policies and procedures that at a minimum address each of the following:

 (1) Procedure for the release of children;

 (2) Illness and exclusion criteria;

 (3) Procedures for dispensing medication, or a statement that medication is not dispensed;

 (4) Procedures for handling medical emergencies;

 (5) Discipline and guidance policy that is consistent with Subchapter L of this title (relating to Discipline and Guidance). A copy of Subchapter L may be used for your discipline and guidance policy;

 (6) 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;

 (7) Animals, if applicable;

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

 (A) The duration of physical activity at your home, both indoor and outdoor;

 (B) The recommended clothing and footwear that a child would require to participate in physical activities; and

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

 (9)Procedures for parents to visit the child-care home any time during your hours of operation to observe their child, program activities, the home, the premises, and equipment without having to secure prior approval;

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

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

 (12) Your emergency preparedness plan;

 (13) Procedures for conducting health checks, if applicable; and

 (14) Information on vaccine-preventablediseases for employees if your licensed child-care home is not located in your own residence. The policy must address the requirements outlined in §747.3411 of this chapter (relating to What must a policy for protecting children from vaccine-preventable diseases include?).

***Helpful Information***

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| *Regarding paragraph (6) of this section, a sample Infant in Child Care Safe Sleep Policy can be found in the Licensing Technical Assistance Library.* |

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# SUBCHAPTER F DEVELOPMENTAL ACTIVITIES AND ACTIVITY PLAN

§747.2102. What written activity plans must I follow?

1. You must develop and follow a written activity plan that complies with §747.2103 of this subchapter (relating to What must a written activity plan include?).

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

***Helpful Information***

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

§747.2103. What must a written activity plan include?

(a) A written activity plan must:

 (1) List the dates (daily, weekly, or monthly) the plan covers;

 (2) Outline the specific daily activities, as required by §747.2104 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 §747.2105 of this subchapter (relating to May I use a screen time activity with children?), if you also include alternative activities for children who do not want to participate.

***Helpful Information***

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| *Research indicates children receive the greatest developmental benefits from attending child-care that offers 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.* |

§747.2104. What specific activities must I include in a written activity plan?

(a) You must include these daily activities in your written activity plan:

 (1) A minimum of two daily opportunities for outdoor play in which the children make use of both small and large muscles; (2) A balance of active and quiet play that incorporates group and individual activities both indoors and outdoors;

 (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.

(b) Your written activity plan must also include the approximate times that children may engage in outdoor play and moderate to vigorous active play as provided in Figure 26 TAC §747.2104.

Figure: 26 TAC §747.2104

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| Type of Play | Amount of Time a Child May Engage in Activities |
| (1) A minimum of two daily opportunities for outdoor play in which the children make use of both small and large muscles | (A) Infants birth through 12 months of age may engage in outdoor play for an amount of time as tolerated by the infant; and(B) Infants 13 months through 17 months of age, toddlers, and pre-kindergarten age children must engage in outdoor play for a minimum of 60 total minutes daily. |
| (2) Opportunities for active play that incorporate group and individual activities both indoors and outdoors | (A) Toddlers must engage in moderate to vigorous active play for a minimum of 60 minutes daily; and(B) Pre-kindergarten age children must engage in moderate to vigorous active play for a minimum of 90 minutes daily.  |

(c) Children in your care must be able to engage in outdoor and active play for the times provided in subsection (b) if your home:

 (1) Has more than one caregiver; or

 (2) Only cares for one age range of children described in subsection (b)(1) and (b)(2) of this section. For example, if your home does not care for an infant birth through 12 months of age, you must allow the children in your care to engage in outdoor play for 60 total minutes.

(d) If your home only has one caregiver and cares for more than one age range of children described in subsection (b)(1) and(b)(2) of this section, children in care must engage in outdoor and active play for the time required for the younger age group.

***Helpful Information***

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* *Regarding paragraph (b)(1) of this section and outdoor play:*
	+ *For infants from birth through 12 months of age, there are 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 (b)(2) of this section 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.*
 |

§747.2105. May I use a screen time activity with children?

(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 with a child who is two years old or older that is described in §747.2407 of this chapter (relating to What activities must I provide for toddlers?), §747.2507 of this chapter (relating to What activities must I provide for pre-kindergarten age children?), and §747.2607 of this chapter (relating to What activities must I provide for school-age children?).

(c) If you use a screen time activity for a child, 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

 (5) Is turned off when not in use.

(d) School-age children may use screen time without restriction for homework.

***Helpful Information***

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| * + - *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. Also see §747.1501(c)(6)(C) 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. Cell phones may be used briefly for necessary phone calls, as long as appropriate supervision is maintained.*
 |

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# SUBCHAPTER H BASIC CARE REQUIREMENTS FOR INFANTS

§747.2317. What activities must I provide for infants?

Activities for infants must include at least the following:

 (1) Daily opportunities for outdoor play, weather permitting, as specified in §747.2104 of this chapter (relating to What specific activities must I include in a written activity plan?);

 (2) Multiple opportunities to explore each day that are outside of the crib and any restrictive device;

 (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 or activities include busy boxes, rattles, teethers, 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, or pillows or supportive equipment for those learning to sit up.

***Helpful Information***

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| * *Each infant should follow an individual schedule that will vary based on the infant’s 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.*
* *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 not seat infants for more than 15 minutes at a time, except during meals or transportation. You should encourage the least restrictive environment at all times.*
 |

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# SUBCHAPTER I BASIC CARE REQUIREMENTS FOR TODDLERS

§747.2407. What activities must I provide for toddlers?

Activities for toddlers must include at least the following:

 (1) Daily opportunities for outdoor play, weather permitting, as specified in §747.2104 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, 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, toddler-sized washable cars and trucks, 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, 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 §747.2104 of this chapter. Examples of age-appropriate 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.

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# SUBCHAPTER J BASIC CARE REQUIREMENTS FOR PRE-KINDERGARTEN AGE CHILDREN

§747.2507. What activities must I provide for pre-kindergarten age children?

Activities for pre-kindergarten age children must include at least the following:

 (1) Daily opportunities for outdoor play, weather permitting, as specified in §747.2104 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 §747.2104 of this chapter. Examples of age-appropriate active play 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, toy 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 feeding themselves.

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# SUBCHAPTER K BASIC CARE REQUIREMENTS FOR SCHOOL-AGE CHILDREN

§747.2607. What activities must I provide for school-age children?

Activities for school-age children must include at least the following:

 (1) Study time for those who choose to do homework;

 (2) Daily 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 tape recorders or CD players;

 (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 knee pads, 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 active play 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***

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| * + - *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 times 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.* |

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# SUBCHAPTER L DISCIPLINE

§747.2705. 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; 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***

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| * *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) of this section, you must never withhold active play from children who misbehave although children exhibiting out of control behavior may need a brief supervised separation or time out that is consistent with §747.2703(4)(D) of this subchapter to calm themselves or settle down before resuming cooperative play or activities.*
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# SUBCHAPTER P NIGHTTIME CARE

§747.3009. Must I provide activities for children in nighttime care?

(a) Activities and routines must meet the unique needs of children in nighttime care and 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 in §747.2105 of this chapter (relating to May I use a screen time activity with children?); and

 (2) May not be used in bed or one hour before bedtime.

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# SUBCHAPTER Q NUTRITION AND FOOD SERVICE

§747.3101. 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 §747.3617 of this title (relating to What is a food allergy emergency plan?).

***Helpful Information***

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| * *You can find the CACFP meal and snack patterns at* [*https://www.fns.usda.gov/cacfp/meals-and-snacks*](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 should only be used if there is a statement from a healthcare 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 homes to provide fruit and vegetable juices for infants.*
* *You 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 foods of different colors and textures.*
 |

§747.3103. How often must I feed children in my care?

You must follow the guidelines in Figure 26 TAC §747.3103 when determining how often to feed a child in your care.

Figure 26 TAC §747.3103

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| 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. |
| (4) During the nighttime | Depending on the time the child arrives and leaves:(A) An evening meal and breakfast;(B) A bedtime snack and breakfast; or(B) An evening meal, a bedtime snack, and breakfast. |

***Helpful Information***

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| * *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.*
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§747.3109. May parents provide meals and snacks for their children instead of my child-care home providing them?

(a) Yes. However, your enrollment 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 home 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 home; and

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

***Helpful Information***

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| * *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*](file:///%5C%5C12aust1001fs01%5Cshare10012%5CCCL%5CCCL%20Policy%20Division%5CRules%5C2020%20Phy%20Act%2C%20Screen%20Time%20%26%20Nutrition%5CDraft%20Rules%5CRules%20shared%20with%20Workgroup%5Cwww.fns.usda.gov%5Ctn%5Cmyplate)*; and*
	+ *Resources on choking foods, food allergies, nutrition for young children, and other information can be found or downloaded from* [*www.dfps.state.tx.us/Child\_Care/Search\_Texas\_Child\_Care/CCLNET/Source/TALibrary/TechnicalAssistance.aspx*](file:///%5C%5C12aust1001fs01%5Cshare10012%5CCCL%5CCCL%20Policy%20Division%5CRules%5C2020%20Phy%20Act%2C%20Screen%20Time%20%26%20Nutrition%5CDraft%20Rules%5CRules%20shared%20with%20Workgroup%5Cwww.dfps.state.tx.us%5CChild_Care%5CSearch_Texas_Child_Care%5CCCLNET%5CSource%5CTALibrary%5CTechnicalAssistance.aspx)*.*
* *A child with food allergies is at risk when eating foods that have not been prepared or served by the child’s parent or the primary caregiver who has knowledge of the food ingredients and the child’s needs.*
 |

§747.3111. What are the requirements for a child who requires a special diet or does not want to eat foods I serve?

(a) You must have written approval from a health-care professional or a registered or licensed dietician in the child's records to serve a child a therapeutic or special diet.

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

(c) You may encourage, but 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 from a health-care professional.

***Helpful Information***

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| *You 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.* |

§747.3113. Must I post and maintain daily menus?

No, however you must:

 (1) Maintain menus showing all meals and snacks prepared and served at your child- care home for the previous three months.

 (2) Keep a record of any substitutions made. Substitutions must be of comparable food value.

 (3) Date the menus. If you rotate menus, there must be a record of which menu was used for each date.

 (4) Make menus available to Licensing and parents for review upon request.

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§747.3117. What general requirements apply to food service and preparation?

All food and drinks must be of safe quality and stored, prepared, distributed, and served under sanitary and safe conditions, including:

 (1) You must sanitize food service equipment, dishes, and utensils after each use;

 (2) If your child-care home lacks adequate facilities for sanitizing dishes and utensils, you must use only disposable, single-use items;

 (3) You must wash re-useable napkins, bibs, and tablecloths after each use;

 (4) You must discard single-service napkins, bibs, dishes, and utensils after use;

 (5) You must serve children's food on plates, napkins, or other sanitary holders, such as a high chair tray, and you must not place food on a bare table or eating surface, which includes the floor;

 (6) You must not serve foods that present a risk of choking for infants and toddlers;

 (7) You must cover all food stored in the refrigerator; and

 (8) You must not store poisonous or toxic materials and cleaning supplies with food.

§747.3119. 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, you must supervise children to prevent cross-contamination of the food.

***Helpful Information***

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| * *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, stuffing food in to 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.*
 |

§747.3121. Are children allowed to use toothbrushes after meal and snack times?

(a) Yes, although toothbrushes and tooth powders or pastes provided for each child's individual use must be:

 (1) Labeled with the child's full name;

 (2) Stored out of children's reach when not in use; and

 (3) Stored in a manner that prevents the toothbrushes from touching each other during storage.

(b) Children must have adult supervision during tooth brushing activities.