

Extracted from the Texas DFPS Child Care Minimum Standards Handbook

http://www.dfps.state.tx.us/Documents/Child_Care/Child_Care_Standards_and_Regulations/Centers746.pdf

§746.1103

Are there different personnel qualifications for employees and caregivers?

*Subchapter D, Personnel
Division 2, Child-Care Center Employees and Caregivers
09/01/03*

Yes. Personnel requirements for employees apply to all employees and caregivers. Personnel requirements for caregivers apply only to those persons counted in child/caregiver ratio. The following chart outlines the personnel qualifications for employees and caregivers:

Employees not counted in child/caregiver ratio:	Caregivers counted in child/caregiver ratio:
PRS background check	PRS background check
Be free of active tuberculosis	Be free of active tuberculosis
Notarized Licensing <i>Affidavit for Applicants for Employment</i> form; and	Notarized Licensing <i>Affidavit for Applicants for Employment</i> form; and
Orientation to the child-care center	Orientation to the child-care center
	18 years old or older
	High school diploma or equivalent
	Eight hours pre-service training

Caregivers assigned responsibility for the care and supervision of a group of children require a different level of skill and knowledge than employees that may have contact with children, but are not responsible for their care.

§746.1105

What minimum qualifications must each of my child-care center employees meet?

*Subchapter D, Personnel
Division 2, Child-Care Center Employees and Caregivers
09/01/03*

Each child-care center employee who is regularly or frequently present while children are in care must:

- (1) Meet the requirements in Subchapter F of Chapter 745 of this title (relating to Background Checks);
- (2) Have a current record of a tuberculosis examination, showing they are free of contagious TB, if required by the regional Texas Department of Health or local health authority;
- (3) Complete a notarized Licensing *Affidavit for Applicants for Employment* form as specified in Human Resources Code, §42.059; and
- (4) Complete orientation to your child-care center as specified in Division 4 of this subchapter (relating to Professional Development).

§746.1107**What additional minimum qualifications must each of my caregivers meet?**

*Subchapter D, Personnel
Division 2, Child-Care Center Employees and Caregivers
09/01/03*

Except as otherwise provided in this division, each employee counted in the child/caregiver ratio must comply with minimum standards for employees and must:

- (1) Be at least 18 years of age;
- (2) Have a:
 - (A) High school diploma; or
 - (B) High school equivalent; and
- (3) Complete eight hours of pre-service training, as specified in Division 4 of this subchapter (relating to Professional Development) before being counted in the child/caregiver ratio.

Research clearly shows that the caregiver-child relationship is the single most important component of a child's experience in care, and that caregivers chosen for their knowledge of the developmental needs of the children in their care and for their ability to respond appropriately to these needs promotes a healthy and safe child-care environment.

§746.1109**Under what circumstances may I employ a person under the age of 18 or a person who does not have a high school diploma or equivalent as a caregiver?**

*Subchapter D, Personnel
Division 2, Child-Care Center Employees and Caregivers
09/01/03*

- (a) You may employ a 16 or 17 year old who has a high school diploma or its equivalent and count the person in the child/caregiver ratio, provided that:
 - (1) You don't leave the person alone with or in charge of the child-care center or a group of children;
 - (2) The person works in the same room with and is supervised by a caregiver qualified under §746.1107 of this title (relating to What additional minimum qualifications must each of my caregivers meet?); and
 - (3) The person has completed a child-care-related career program, which the Texas Education Agency or another state or federal agency approves.
- (b) You may employ a 16,17, or 18 year old who attends high school but has not graduated and count the person in the child/caregiver ratio, provided that:
 - (1) You don't leave the person alone with or in charge of a group of children or the child-care center;
 - (2) The person works in the same room with and is supervised by a caregiver qualified under §746.1107 of this title (relating to What additional minimum qualifications must each of my caregivers meet?);
 - (3) The person is currently enrolled in or has completed a child-care-related career program, which the Texas Education Agency or another state or federal agency approves; and
 - (4) The person is expected to obtain a high school diploma.

Age 18 is the minimal age a caregiver can be expected to make independent decisions and respond appropriately to the needs of children. A high school diploma or its equivalency is a recognized indicator of basic literacy in our society.

§746.1111**Does education received outside of the United States count toward caregiver qualifications?**

*Subchapter D, Personnel
Division 2, Child-Care Center Employees and Caregivers
09/01/03*

Yes, however you must provide supporting information such as a copy of the diploma or letter from the school district to indicate that the education is equivalent to a high school diploma program in the United States. Documents written in a foreign language must be translated into English.

§746.1113**Do the caregiver qualifications specified in this division apply to a caregiver that was employed before May 1, 1985?**

*Subchapter D, Personnel
Division 2, Child-Care Center Employees and Caregivers
09/01/03*

A caregiver who worked in a licensed child-care center before May 1, 1985, must comply with all caregiver qualifications with the exception of the educational requirement specified in §746.1107(2) of this title (relating to What additional minimum qualifications must each of my caregivers meet?).

§746.1115**What does Licensing mean by the term “high school equivalent”?**

*Subchapter D, Personnel
Division 2, Child-Care Center Employees and Caregivers
09/01/03*

- (a) A high school equivalent is a program recognized by the Texas Education Agency (TEA) or other public educational entity outside of Texas, which offers training similar to reading, writing, and problem-solving skills taught at the high school level, such as a General Educational Development (GED) certificate.
- (b) You must provide original documentation to us to verify completion of any high school equivalency program.

General Responsibilities for Child-Care Center Personnel

§746.1201

What general responsibilities do my child-care center employees have?

*Subchapter D, Personnel
Division 3, General Responsibilities for Child-Care Center Personnel
09/01/03*

All child-care center employees, including persons not counted in the child/caregiver ratio, must:

- (1) Demonstrate competency, good judgment, and self-control in the presence of children and when performing assigned responsibilities;
- (2) Relate to children with courtesy, respect, acceptance, and patience;
- (3) Recognize and respect the uniqueness and potential of all children, their families, and their cultures;
- (4) Not abuse, neglect, or exploit children; and
- (5) Report suspected abuse, neglect, and exploitation to prs or to law enforcement.

§746.1203

What additional responsibilities do my caregivers counted in the child/caregiver ratio have?

*Subchapter D, Personnel
Division 3, General Responsibilities for Child-Care Center Personnel
09/01/03*

In addition to the responsibilities for employees specified in this division, caregivers counted in the child/caregiver ratio must:

- (1) Know and comply with the minimum standards for child-care centers;
- (2) Know which children they are responsible for;
- (3) Know each child's name and have information showing each child's age;
- (4) Supervise children at all times, adjusting appropriately for different ages and abilities of children;
- (5) Ensure the children are not out of control;
- (6) Be free from duties not directly involving the teaching, care, and supervision of children, such as:
 - (A) Administrative and clerical functions that take the caregiver's attention away from the children;
 - (B) Meal preparation, except when 12 or fewer children are in care; and
 - (C) Janitorial duties, such as mopping, vacuuming, and cleaning restrooms. Sweeping up after an activity or mopping up spills may be necessary for the children's safety and are not considered janitorial duties;
- (7) Interact routinely with children in a positive manner;
- (8) Foster developmentally appropriate independence in children through planned but flexible program activities;
- (9) Foster a cooperative rather than a competitive atmosphere;

(continued)

- (10) Show appreciation of children's efforts and accomplishments; and
- (11) Ensure continuity of care for children by sharing with incoming caregivers information about each child's activities during the previous shift and any verbal or written instructions given by the parent.

Research has shown children's physical, social, emotional and intellectual development and safety depend on consistent, caring interaction between children and their caregivers.

§746.1205

What does Licensing mean by "supervise children at all times"?

*Subchapter D, Personnel
Division 3, General Responsibilities for Child-Care Center Personnel
09/01/03*

Supervising children at all times means that the assigned caregiver is accountable for each child's care. This includes responsibility for the ongoing activity of each child, appropriate visual and/or auditory awareness, physical proximity, and knowledge of activity requirements and each child's needs. The caregiver must intervene when necessary to ensure children's safety. In deciding how closely to supervise children, the caregiver must take into account:

- (1) Ages of the children;
- (2) Individual differences and abilities;
- (3) Indoor and outdoor layout of the child-care center; and
- (4) Neighborhood circumstances, hazards, and risks.

Supervision is basic to the prevention of harm. Parents have an understanding that caregivers will supervise their children in their absence. Adults who are attentive and who understand young children's behaviors are in the best position to safeguard their well-being.

Child-care centers can also establish an understanding with parents regarding who (when the parent and when the center) is responsible for the child while the parent and the child are both on the premises. These understandings could be laid out in the enrollment agreement.

Professional Development

§746.1301

What training must I ensure that my employees have?

*Subchapter D, Personnel
Division 4, Professional Development
09/01/03*

You must make sure that each employee has the following training:

- (1) Orientation to the child-care center for all employees;
- (2) Eight clock hours of pre-service training, or documentation of exemption, for caregivers;
- (3) 15 clock hours of annual training for caregivers;
- (4) 20 clock hours of annual training for the director; and
- (5) CPR and first aid as specified in this division.

Employees, such as janitors and cooks, who do not have responsibility in caring for a group of children, do not have the same training needs as a caregiver who is responsible for the care and supervision of a group of children.

§746.1303

What should orientation to my child-care center include?

*Subchapter D, Personnel
Division 4, Professional Development
09/01/03*

Your orientation for employees must include at least the following:

- (1) An overview of the minimum standards found in this chapter;
- (2) Your center's operational policies including discipline, guidance, and the release of children;
- (3) An overview of symptoms of child abuse, neglect, and sexual abuse and the responsibility for reporting these;
- (4) The procedures to follow in handling emergencies. Emergencies may include, but are not limited to, fire, explosion, tornado, toxic fumes, volatile persons, and severe injury or illness of a child or adult; and
- (5) The use and location of fire extinguishers and first-aid equipment.

Children are at risk when adults responsible for them don't know what they are doing, as a result of inadequate training, preparation or orientation. Orientation programs for new employees are specific to the individual child-care center as facilities, procedures, and children vary. Orientation, which addresses employee responsibilities, is different from training, which addresses issues general to the care of children.

§746.1305**What must be covered in the eight clock hours of pre-service training for caregivers?**

*Subchapter D, Personnel
Division 4, Professional Development
09/01/03*

- (a) Before a caregiver can be counted in the child/caregiver ratio, the caregiver must complete eight clock hours of pre-service training that covers the following areas:
 - (1) Developmental stages of children;
 - (2) Age-appropriate activities for children;
 - (3) Positive guidance and discipline of children;
 - (4) Fostering children's self-esteem;
 - (5) Supervision and safety practices in the care of children;
 - (6) Positive interaction with children; and
 - (7) Preventing the spread of communicable diseases.
- (b) If a caregiver provides care for children younger than 24 months of age, one hour of that caregiver's pre-service training must cover the following topics:
 - (1) Recognizing and preventing shaken baby syndrome;
 - (2) Preventing sudden infant death syndrome; and
 - (3) Understanding early childhood brain development.

Pre-service training should be viewed as a support to the caregiver who has taken on the responsibility of caring for children for the first time and as a benefit to the children in her care. Research indicates without some basic understanding of children and how to work with them, the health, safety and well-being of the children in care are at risk.

§746.1307**Are any caregivers exempt from the pre-service training?**

*Subchapter D, Personnel
Division 4, Professional Development
09/01/03*

Yes. Caregivers with at least six months prior experience in a regulated child-care center or with documentation of equivalent child-care training are exempt from the pre-service training requirements.

§746.1309**How many clock hours of annual training must be obtained by caregivers?**

*Subchapter D, Personnel
Division 4, Professional Development
09/01/03*

- (a) Each caregiver must obtain at least 15 clock hours of training each year. The 15 clock hours of annual training are exclusive of orientation, pre-service training requirements, CPR and first aid, and high school child-care work-study classes.
- (b) At least six clock hours of annual training must be in one or more of the following topics:
 - (1) Child growth and development;
 - (2) Guidance and discipline;
 - (3) Age-appropriate curriculum; and
 - (4) Teacher-child interaction.
- (c) The remaining clock hours of annual training must be in one or more of the following topics:
 - (1) Care of children with special needs;
 - (2) Adult and child health;
 - (3) Safety;
 - (4) Risk management;
 - (5) Identification and care of ill children;
 - (6) Cultural diversity for children and families;
 - (7) Professional development (for example, effective communication, time and stress management);
 - (8) Preventing the spread of communicable diseases;
 - (9) Topics relevant to the particular age group the caregiver is assigned (for example, caregivers assigned to an infant or toddler group should receive training on biting and toilet training);
 - (10) Planning developmentally appropriate learning activities; and
 - (11) Minimum standards and how they apply to the caregiver.
- (d) If a caregiver provides care for children younger than 24 months of age, one hour of that caregiver's annual training must cover the following topics:
 - (1) Recognizing and preventing shaken baby syndrome;
 - (2) Preventing sudden infant death syndrome; and
 - (3) Understanding early childhood brain development.

Research has shown that caregivers who are better trained are better able to prevent, recognize, and correct health and safety problems. Promoting learning and development in children, whose needs and abilities change at a rapid rate, requires skill. Annual ongoing training provides caregivers an opportunity to learn the newest techniques for addressing children's behaviors, to discover the latest findings on what children need as they develop, and to refresh and re-energize their skills. Some re-training on previously studied topics is necessary to keep skills and knowledge up-to-date.

§746.1311**How many clock hours of training must my child-care center director obtain each year?**

*Subchapter D, Personnel
Division 4, Professional Development
03/01/08*

- (a) The child-care center director must obtain at least 20 clock hours of training each year. The 20 clock hours of annual training are exclusive of CPR and first aid, orientation, and pre-service training requirements.
- (b) At least six clock hours of the annual training must be in one or more of the following topics:
 - (1) Child growth and development;
 - (2) Guidance and discipline;
 - (3) Age-appropriate curriculum;
 - (4) Teacher-child interaction; and
 - (5) Serving children with special care needs.
- (c) A director with five or fewer years of experience as a qualified director of a child-care center must also complete at least six clock hours of the annual training in management techniques, leadership, or staff supervision.
- (d) A director with more than five years of experience as a qualified director of a child-care center must complete at least three clock hours of the annual training in management techniques, leadership, or staff supervision.
- (e) If the center provides care for children younger than 24 months of age, one hour of the annual training must cover the following topics:
 - (1) Recognizing and preventing shaken baby syndrome;
 - (2) Preventing sudden infant death syndrome; and
 - (3) Understanding early childhood brain development.
- (f) The remainder of the 20 clock hours of annual training must be selected from the training topics specified in §746.1309(c) of this title (relating to How many clock hours of annual training must be obtained by caregivers?).
- (g) The director may obtain clock hours or CEUs from the same sources as caregivers, with the following exceptions:
 - (1) Training hours may not be earned for presenting training to others; and
 - (2) No more than ten of the required 20 clock hours of annual training may be obtained through self-instructional training.

§746.1313**When must annual training for my caregivers and director be obtained?**

*Subchapter D, Personnel
Division 4, Professional Development
09/01/03*

Each caregiver and director must obtain their annual training within 12 months from the date of their employment and during each subsequent 12-month period. If they obtain more than the minimum number of annual training clock hours required, they may not carry the additional clock hours over to the next year.

§746.1315**Who must have first-aid and CPR training?**

*Subchapter D, Personnel
Division 4, Professional Development
03/01/04*

- (a) One caregiver per group of children must have current training in first aid with rescue breathing and choking. Pediatric first aid is preferred, but not required.
- (b) One caregiver or employee per child-care center, and one caregiver or employee for each group of children away from the child-care center, must have current training in CPR for infants, children, and adults.
- (c) CPR training and re-certification must adhere to the guidelines for cardiopulmonary resuscitation (CPR) for laypersons established by the American Heart Association, and consist of a curriculum that includes use of a CPR manikin and both written and hands-on skill-based instruction, practice, and testing.
- (d) CPR and first-aid training must not be obtained through self-instructional training.

According to the American Academy of Pediatrics, knowledge of pediatric first aid, including management of a blocked airway and rescue breathing and the confidence to use these skills, are critically important to the outcome of an emergency situation. CPR and first-aid training obtained from resources that meet the criteria in subsection (c) will help ensure that the techniques and information the caregiver receives is up to date.

§746.1317**Must the training for my caregivers and the director meet certain criteria?**

*Subchapter D, Personnel
Division 4, Professional Development
09/01/03*

- (a) Training may include clock hours or CEUs obtained through:
 - (1) Workshops or courses offered by local school districts, colleges or universities, or Licensing;
 - (2) Conferences;
 - (3) Self-instructional materials, excluding CPR and first aid;
 - (4) Planned learning opportunities provided by child-care associations or Licensing; or
 - (5) Planned learning opportunities provided by professional consultants or by a child-care center director or caregiver that meets minimum standard qualifications.
- (b) All training must include:
 - (1) Specifically stated learning objectives;
 - (2) A curriculum, which includes experiential or applied activities;
 - (3) An evaluation/assessment tool to determine whether the person has obtained the information necessary to meet the stated objectives; and
 - (4) A certificate of successful completion from the training source.

§746.1319**Does Licensing approve training resources or trainers for training hours?**

*Subchapter D, Personnel
Division 4, Professional Development
09/01/03*

No. We do not approve or endorse training resources or trainers for training hours. You should, however, ensure you and your employees receive relevant training from reliable resources, in topics specified in this division, and that participants receive original documentation of completion, as specified in this division.

Recommendation: Since the Department does not approve training sources, it is very important that training for your employees come from a reliable source that has experience in the topic that they are presenting. We recommend you ask the trainer to provide you with a résumé or vita showing relevant experience and education, or be certain you are obtaining training through reliable sources in the community who have verified the presenter's qualifications for you. Also, ask to see a copy of the certificate your employees will receive and to preview the materials, before entering into an agreement to purchase any training.

§746.1321**If I have a caregiver who attends college or a Child Development Associate/Certified Child-Care Professional credential program, may I count these clock hours toward the annual training requirement?**

*Subchapter D, Personnel
Division 4, Professional Development
09/01/03*

Yes. If the training is in a topic specified in this division and the caregiver can provide documentation of completion as specified in this division, then you may count this training toward the annual training requirement.

§746.1323**If I hire a caregiver or a director that received training at another child-care center, may these hours count towards the annual training requirement at my center?**

*Subchapter D, Personnel
Division 4, Professional Development
09/01/03*

If the caregiver or director is able to provide documentation of training obtained within two months before coming to work for your child-care center, this training may apply toward the annual training requirement. If you apply this training to the annual training requirement, you must adjust the annual training year due dates for this person accordingly.

§746.1325**What is self-instructional and instructor-led training?**

*Subchapter D, Personnel
Division 4, Professional Development
07/01/05*

- (a) Self-instructional training is designed to be used by one individual working alone and at their own pace to complete the lessons or modules. Lessons or modules commonly include questions with clear right and wrong answers. Examples include, but are not limited to, computer-based training (CBT), written materials, or a combination of video-based and written materials.
- (b) Instructor-led training is characterized by the communication and interaction that takes place between the learner and the instructor and must include an opportunity for the learner to interact with the instructor to obtain information beyond the scope of the training materials. The instructor must be able to communicate with the learner in a timely and organized fashion, including but not limited to the instructor answering questions, providing feedback on skills practice, providing guidance or information on additional resources, and proactively contacting learners. Examples include, but are not limited to, classroom training, on-line distance learning, video-conferencing, or other group learning experiences.
- (c) Both self-instructional and instructor-led training must also include the components listed in §746.1317(b) of this title (relating to Must the training for my caregivers and the director meet certain criteria?).

§746.1327**How many annual training clock hours may caregivers obtain from self-instructional materials?**

*Subchapter D, Personnel
Division 4, Professional Development
09/01/03*

A caregiver may obtain no more than one-half of the required 15 clock hours of annual training from self-instructional materials. We may ask to review self-instructional materials to ensure self-instructional training criteria are met.

Obtaining training in a group setting provides caregivers an opportunity to interact and share knowledge about child-care practices and to gain exposure to different views and ideas about the best practices in child care.

§746.1329**What documentation must I provide to Licensing to verify that training requirements have been met?**

*Subchapter D, Personnel
Division 4, Professional Development
03/01/04*

- (a) Except as provided in this section, you must maintain original certificates documenting CPR/first-aid and annual training in each employee's personnel record at the child-care center. To be counted toward compliance with the minimum standards, the trainer or training source must provide the participant with an original certificate or letter showing:
 - (1) The participant's name;
 - (2) Date of the training;
 - (3) Title/subject of the training;
 - (4) The trainer's name, or the source of the training for self-instructional training; and
 - (5) Length of the training specified in clock hours, CEUs, or college credit hours, as appropriate.
- (b) Documentation of CPR/first-aid training must include the same information in subsection (a) of this section, and must also include the expiration date of the training, as determined by the organization providing the training. A photocopy of the original CPR/first-aid certificate or letter may be maintained in the personnel record, as long as the employee can provide an original document upon request by Licensing.
- (c) You must obtain a signed and dated statement from the employee and the person providing the orientation and pre-service training stating the employee has received the orientation and pre-service training, or you may obtain documentation as specified in subsection (a) of this section.

Original certificates help to verify the person who actually received the training. A permit holder has the discretion to release training records to an employee upon leaving their employment.

Volunteers, Substitutes, and Contractors

§746.1401

What minimum standards must substitutes comply with?

*Subchapter D, Personnel
Division 5, Volunteers, Substitutes, and Contractors
09/01/03*

- (a) Substitutes counted in the child/caregiver ratio, whether paid or unpaid, are considered caregivers and must comply with minimum standards that apply to employees and caregivers, except as otherwise provided in this division.
- (b) Substitutes not counted in the child/caregiver ratio, whether paid or unpaid, must comply with minimum standards that apply to employees, except as otherwise provided in this division.

Substitute caregivers, counted in the child/caregiver ratio, are required to meet the same qualifications as other caregivers who have responsibility for the direct care and supervision of children in order to protect the health, safety and well-being of children in care. The risk to children from an unqualified caregiver is the same whether the caregiver is a paid substitute or a volunteer.

§746.1403

What minimum standards must volunteers or contractors such as the dance, gymnastics, computer, or music teacher, comply with?

*Subchapter D, Personnel
Division 5, Volunteers, Substitutes, and Contractors
09/01/03*

- (a) Volunteers and contractors, whether paid or unpaid, who are regularly or frequently present at the child-care center but not counted in the child/caregiver ratio, must comply with minimum standards that apply to employees.
- (b) Volunteers and contractors, whether paid or unpaid, who are regularly or frequently present at the child-care center and counted in the child/caregiver ratio, must comply with minimum standards that apply to employees and caregivers.
- (c) Volunteers and contractors that do not meet caregiver qualifications, whether paid or unpaid, must never be left alone with children.

Volunteers and/or parents who supplement the ratios for swimming, wading and field trip activities on an incremental or irregular basis do not require training.