

Guidance to Daycare Child Care Providers about Variances

Child Care Regulation (CCR) understands this is an unprecedented time for child day care providers. We are truly appreciative of the collaboration and efforts each of you are showing during this time to meet the needs of the children in your care.

We know that many child day care operations continue to operate as an essential service and you have many questions. We are trying to address as many as possible through this communication.

How does the Public Health Declaration and local orders impact my operation?

As HHSC has communicated before, Governor Abbott's Public Health Declaration, which requires schools and some businesses to close, does not apply to child day care operations; however, local control orders issued by your local city or county officials may impact your ability to operate or impact your operation's capacity. Please contact your local officials if you have questions about your ability to operate or any other limitations placed on your operation.

May I request changes to my operation in order to serve parents who are deemed essential workers?

Yes, you may request the following changes to your operation through your online [Child Care Licensing Account](#) or by contacting your licensing inspector:

- Adding services like night time care
- Changing your hours or the days you are operating
- Changing the ages served
- Moving to a temporary location

If you don't know who your current licensing inspector is, you can send an email to MSC@hhsc.state.tx.us

May I request a waiver or variance for a regulation that I am unable to comply with at this time?

CCR has received many questions about the challenges providers are facing in meeting certain regulations during this time and will consider variances for any minimum standard in 26 Texas Administrative Code (TAC) Chapters 744, 746 or 747.

Other requirements, such as background checks, are required by statute and rules in 26 TAC Chapter 745 and cannot be varied through the same variance process as minimum standards.

Please know that CCR is working diligently on creating broad solutions for regulations that cannot be varied or that are otherwise challenging for all operations to meet. As those solutions are finalized, CCR will provide additional guidance.

The most frequently asked questions relate to background checks, CPR/First Aid training, pre-service training, TB testing and immunizations, ratio, capacity, and record keeping.

Please refer to the guide below for more information about which areas you can request an individual variance for:

- Requirement in Statute or 26 TAC Chapter 745 and **CANNOT** request an individual variance:
 - Background Checks
 - Pre-Service Training
 - TB tests and Immunizations
- Topics that can be requested for an individual variance:
 - CPR/First Aid
 - Ratio Requirements
 - Capacity
 - Record Keeping

Individual variances may be requested through your online [Child Care Licensing Account](#). CCR staff will review each variance and provide approvals on a case by case basis. Please provide detailed information regarding how you can reduce risk to children in your operation by meeting the regulation in a different way. We ask that you only request variances for situations where an urgent need exists.

What steps should I take if I choose to close my operation?

Whether you plan to permanently or temporarily close your operation, [complete the following survey to update us on your operation's status](#).

CCR is working on further guidance regarding voluntary suspensions that we will send soon.

Resources

Please keep the following list of resources readily available:

[HHSC COVID-19 Guidance for Child Care Providers](#)

[DSHS COVID-19 Informational Page](#)

[Coronavirus Disease 2019 \(COVID-19\) Local Health Entities](#)

[Centers for Disease Control COVID-19 Informational Page](#)

[CDC Guidelines for Childcare Programs](#)

[Texas Department of Agriculture Coronavirus Updates](#)

[School Meal Finder](#)

[211 Texas](#)