

TABLES & GRAPHICS

Graphic images included in rules are published separately in this tables and graphics section. Graphic images are arranged in this section in the following order: Title Number, Part Number, Chapter Number and Section Number.

Graphic images are indicated in the text of the emergency, proposed, and adopted rules by the following tag: the word “Figure” followed by the TAC citation, rule number, and the appropriate subsection, paragraph, subparagraph, and so on.

Figure: 40 TAC §809.137(c)

Child Care Facility Change Rubric

Facility Change – Internal Change in Ownership

A change in ownership to an affiliated person or a change in business structure. An affiliated person is a relative, or a person with a substantial interest in both the facility being changed and the receiving facility. A change in business structure is one that impacts the legal form of a business to include liability, taxation, management, and registration requirements, such as changing from sole proprietor to corporation, or from for-profit to non-profit. For more information on business structure, see the Office of the Secretary of State’s Business Structure web page at <https://www.sos.state.tx.us/corp/businessstructure.shtml>.

Status Prior to Change	Status After Change
Entry Level Certified	Entry Level designation remains with facility’s existing 24-month issued timeline Star level retained and fully reassessed three months from the change
Suspension Terminated from CCS	For the purpose of the reassessment, the requirements outlined in §809.131(a)(1) and (2) of this subchapter (permanent license (full permit) issued by Child Care Regulation and 12-month history) will be deemed to have been met in this facility change type. Suspension status remains with facility’s existing 18-month issued timeline Termination from Child Care Services remains and: <ul style="list-style-type: none"> • If Entry Level designation timeline remains, returns with any Entry Level designation time remaining • If Entry Level designation with no time remaining, returns once certification is achieved • If in suspension when terminated, returns once certification is achieved

Facility Change – External Change in Ownership

A change in ownership to a person who is not an affiliated person, and the new owner has no existing child care programs in operation.

Status Prior to Change	Status After Change
Entry Level Certified	Entry Level designation remains and a new 24-month timeline is issued Star level retained and fully reassessed three months from the change
	For the purpose of the reassessment, the requirements outlined in §809.131(a)(1) and (2) of this subchapter (permanent license (full permit) issued by Child Care Regulation and 12-month history) will be deemed to have

	been met in this facility change type.
Suspension	Suspension status remains and a new 18-month timeline is issued
Terminated from CCS	Termination from CCS remains and may return once certification is achieved

Facility Change – Move

The facility relocates to a new location, regardless of previous location.

Status After Change	
Status Prior to Change	Status After Change
Entry Level	Entry Level designation remains with facility's existing 24-month issued timeline
Certified	Star level retained and fully reassessed three months from the change
	For the purpose of the reassessment, the requirements outlined in §809.131(a)(1) and (2) of this subchapter (permanent license (full permit) issued by Child Care Regulation and 12-month history) will be deemed to have been met in this facility change type.
Suspension	Suspension status remains with facility's existing 18-month issued timeline
Terminated from CCS	Termination from CCS remains and: <ul style="list-style-type: none"> • If Entry Level designation timeline remains, returns with any Entry Level designation time remaining • If Entry Level designation with no time remaining, returns once certification is achieved • If in suspension when terminated, returns once certification is achieved

Facility Change – Facility Type

The facility is regulated under a different set of CCR minimum standards. For example, from licensed center (CCR minimum standards 26 TAC, Chapter 746) to school-age only (CCR minimum standards 26 TAC, Chapter 744), or from registered or licensed home (CCR minimum standards 26 TAC, Chapter 747) to licensed center (CCR minimum standards 26 TAC, Chapter 746).

Status After Change	
Status Prior to Change	Status After Change
Entry Level	Entry Level designation remains and a new 24-month timeline is issued
Certified	Star level retained and fully reassessed three months from the change
	For the purpose of the reassessment, the requirements outlined in §809.131(a)(1) and (2) of this subchapter (permanent license (full permit) issued by Child Care Regulation and 12-month history) will be deemed to have been met in this facility change type.
Suspension	Suspension status remains and a new 18-month timeline is issued
Terminated from CCS	Termination from CCS remains and:

	<ul style="list-style-type: none"> • If Entry Level designation timeline remains, returns with any Entry Level designation time remaining • If Entry Level designation with no time remaining, returns once certification is achieved • If in suspension when terminated, returns once certification is achieved
--	---

Facility Change – Split

The existing provider opens a new facility, that is not or was not currently in operation, to serve a subset of the ages currently served. This change results in the composition of the ages served by the current facility changing. For example, an all-ages provider opens a second location to serve Infants only, while the current provider continues to serve Toddlers through School-Age.

Current Provider's Status Prior to Change	Current and New Provider Status After Change
Entry Level	<ul style="list-style-type: none"> • Current Provider's Entry Level designation remains with facility's existing 24-month issued timeline • New Provider receives Entry Level designation
Certified	<ul style="list-style-type: none"> • Current Provider's star level retained and fully reassessed three months from the change • New Provider receives Current Provider's star level and fully reassessed three months from the change <ul style="list-style-type: none"> ○ For the purpose of the reassessment, the requirements outlined in §809.131(a)(1) and (2) of this subchapter (permanent license (full permit) issued by Child Care Regulation and 12-month history) will be deemed to have been met in this facility change type.
Suspension	<ul style="list-style-type: none"> • Current Provider's suspension remains with facility's existing 18-month issued timeline • New Provider receives suspension status with new timeline
Terminated from CCS	<ul style="list-style-type: none"> • Current Provider remains terminated from CCS and: <ul style="list-style-type: none"> ○ If Entry Level designation timeline remains, returns with any Entry Level designation time remaining ○ If Entry Level designation with no time remaining, returns once certification is achieved ○ If in suspension when terminated, returns once certification is achieved • New Provider is considered terminated from CCS and: <ul style="list-style-type: none"> ○ If Current Provider has Entry Level designation timeline remaining, returns with any Entry Level designation time remaining ○ If Current Provider has Entry Level designation with no time remaining, returns once certification is achieved ○ If Current Provider was in suspension when terminated, returns once certification is achieved

Facility Change – Expansion

An existing provider that opens a new facility, or purchases an existing facility, while continuing to operate at their current location(s)

If all existing facilities are certified, the new facility receives the average star-level (rounded down) of all existing facilities.

For example, Little Cubby Bears opens a sixth facility, Little Cubby Bears #6. Little Cubby Bears #1 - #4 are all Four-Star certified facilities and Little Cubby Bears #5 is a Three-Star certified facility. The average of these five existing facilities is 3.8; thus, Little Cubby Bears #6 will receive a Three-Star certification.

Current Provider's Status Prior to Change	New Provider's Status After Change
<p>All Existing Facilities are Certified.</p>	<ul style="list-style-type: none"> • Receives the star level based on the average of all existing facilities. <ul style="list-style-type: none"> ○ The average star-level calculation will always be rounded down. • Requests to participate in CCS must be made within six months of the new facility opening. • The new facility will be reassessed three months from the request to participate in CCS <ul style="list-style-type: none"> ○ For the purpose of the reassessment, the requirements outlined in §809.131(a)(1) and (2) of this subchapter (permanent license (full permit) issued by Child Care Regulation and 12-month history) will be deemed to have been met in this facility change type.
<p>The Provider has some Existing Facilities that are Certified; however, one or more facilities are Entry Level designated, in Suspension, or have been Terminated from CCS.</p>	<ul style="list-style-type: none"> • Entry Level designation with 24-month timeline • The new provider may request a Texas Rising Star assessment as soon as they are ready. Where the assessment occurs prior to the new facility receiving a permanent (nonexpiring) license from CCR, the requirements outlined in §809.131(a)(1) and (2) of this subchapter (permanent license (full permit) issued by Child Care Regulation and 12-month history) will be deemed to have been met in this facility change type.
<p>None of the Existing Facilities are Certified.</p>	<p>Entry Level Designation with 24-month timeline</p>