




# Simplified: Texas's **water activity** regulations for licensed childcare centers



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# Intro

With warmer temperatures comes a lot more outdoor activities for the little ones. Many of these activities include water, like wading pools, swimming pools, running through sprinklers, and inflatable water toys. And in Texas's heat, we know these water activities are just what you need to cool off on a hot summer day.

But, when children are engaging in water activities, it is critical that specific safety protocols and emergency procedures are in place. Texas's water activity regulations are designed to ensure the safety of children around water while at preschool or a childcare center.

At Family, we want to help you meet requirements - especially when it's for the safety of the children. So, we're here to break down - and simplify - the specifics of these regulations for you.

# Terms to know

The following terms and definitions are from Texas Health and Human Services.

- *Water activities* – “Related to the use of swimming pools, splashing pools, wading pools, sprinkler play, or other bodies of water.”
- *Swimming pool* - An artificial body of water that is deeper than 2 feet. It is used “for public or private recreational purposes, swimming, diving, aquatic sports or activities, or therapeutic purposes.”
- A type of pool or body of water that is less than 2 feet deep.
- *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 must be “current and relevant to the type of water activity in which children will engage, and represents the type of training described”.
- *Life-saving Devices* – “devices include U.S. Coast Guard approved life jackets, ring buoys, rescue tubes, and reaching poles or shepherd’s hooks.”



# Overview of the regulations



## Overview of the Regulations

In addition to the usual information you must have in case of emergency - like emergency contact information, and treatment or medication permissions - these are water-specific safety requirements.

### Water activities permission

- Licensed childcare operations must have written parental consent before allowing children to participate in water activities.
- This consent must be attained **before** the child's admission.
- Parents and primary caregivers must be informed of the specific water activities, the location, and the measures in place to ensure their child's safety.
- The consent must clearly distinguish if the child can swim, with or without assistance.

## Water activities licensing & policies

- If your licensed childcare center does not have any swimming pool or body of water, you must notify your center's Licensing office in writing before you decide to add one.
- Operational policies for all water activities must be written.
- Centers must keep detailed and up-to-date records of parental consents, staff certifications, water safety training, and maintenance of water facilities.
- Incident reports must be documented and reviewed to constantly improve safety measures.

## General water safety requirements

- All bodies of water must be unreachable and inaccessible to children. Bodies of water include swimming pools, ponds, creeks, birdbaths, fountains, buckets, and inflatable toys that can catch or hold water.
- Children cannot swim in any other type of water that is not outlined in these regulations.

## Swimming pool (more than 2 feet deep) safety requirements

- Swimming pools must be built and maintained according to the standards of the Texas Department of State Health Services for public pools and any other applicable state or local regulations.
  - Swimming pools at your childcare center must be surrounded by a 6-foot fence or wall that prevents children's access to the pool.
  - Fences or gates that lead to the pool area must have self-closing and self-latching hardware that is out of children's reach.
  - Gates must be locked when you are not using the pool.
  - Doors from the childcare center that go to the pool area must have a lock that children cannot reach, and can only be opened by adults.
  - Doors leading to the pool area must not be designated as fire and emergency evacuation exits.
- Remove any equipment or furniture that children can use to climb over fences or open gates.
  - The water must be clean and always at safe levels of chlorine and pH to prevent infections and other health issues.
  - Drain grates must be in place, in good condition, and unable to be removed without using tools.
  - Any chemicals and/or pumps must be out of reach from children.
  - An adult who knows how to immediately turn off the pump and filtering system must be present when a child is in the pool.
  - Machinery rooms must be locked when any child is in the vicinity.
  - The bottom of the water must always be visible.

### Wading/splashing pool (less than 2 feet deep) safety requirements

- In addition to the swimming pool safety requirements listed above, wading/splashing pools must:
  - Be stored and put away so they are out of children's reach when not in use.
  - Be drained and sanitized daily.
  - Be stored without water and in a way where they will not catch or hold water (for example, if it rains).

### Sprinkler play safety requirements

- Sprinkler equipment must not be on or near a hard, slippery surface, such as concrete.
- A child cannot be left alone with sprinkler equipment.
- Sprinkler equipment must be stored and kept out of the reach of children when not in use.



## Ratio and supervision requirements for water activities

- For all bodies of water, the ratio is determined by the age of the youngest child in the group

**RATIO FOR SPLASHING OR WADING POOLS (two feet or less)**

If the age of the youngest child is	Then you must have this many adults to supervise	And this is the maximum number of children you can have
0-23 months	1	1
2 years	1	2
3 years	1	6
4 years	1	16
5 years	1	20
6 - 8 years	1	22

**RATIO FOR SWIMMING POOLS (more than two feet deep)**

If the age of the youngest child is	Then you must have this many adults to supervise	And this is the maximum number of children you can have
0-23 months	1	1
2 years	1	2
3 years	1	6
4 years	1	8
5 years	1	10
6+ years	1	12

\*For wading, splashing and swimming pools, closer supervision is required based on children's comfort and skill in the water, and/or with increased difficulty of seeing children.

## Ratio and supervision requirements for water activities

- All persons who are counted in the adult-to-child ratio must know how to swim, and be ready to do so in case of emergency.
- All supervisors must be able to see all children at all times, and remain undistracted and within arm's reach while watching children in and around water.
- A certified lifeguard must always be present when children are in swimming pools (water deeper than 2 feet).
- The certified lifeguard may be counted in the adult-to-child ratio, except when other people are swimming at the same time as the children from your childcare center.
- The lifeguard must never be left alone with any of the children unless the lifeguard is also a qualified caregiver for your center.
- Adult volunteers and employees from your center, who do not meet the minimum qualifications for caregivers - as specified in Subchapter D on Personnel - are allowed to be a water activity supervisor, and included in the child/supervisor ratio for water activities as long as:
  - The required number of adult-to-child classroom ratio is met with adult caregivers that meet the minimum qualifications for water safety. In other words, as long as you are meeting the required classroom ratio with qualified caregivers, then the other adult supervisors can be volunteers and other staff. Still, all water activity supervisors that are counted in the ratio must be able to swim, and must be prepared to do so in an emergency.
  - All other water activity minimum standards are met, like "standards relating to supervision, discipline, and guidance."
- There must be at least two adult supervisors if four or more children are in swimming pools.




## Water activities emergency procedures


- Centers must have a detailed emergency plan in place for water-related incidents, including procedures for rescue, emergency medical services, and notifying parents.
- Practicing these procedures is critical so all staff are familiar with the emergency procedures.
- A minimum of two life-saving devices must always be available.
- Further, one additional life-saving device must be available for every 2,000 square feet of water surface.
- While most training and certifications are already required of all childcare staff, make sure any adult involved in children's water activities have up-to-date CPR and first aid certification.
- Weather conditions must not be of any concern. For example, there must be no risk of heat-related sickness.
- It is necessary to adjust water activities to the weather. For example, outdoor water activities are still permitted in very hot weather for shorter periods of time, or with appropriate clothing and consistent access to water and shade.

# Tips to stay compliant


## Communication with parents and family members:

-  Regularly update and communicate with families about water safety practices and clearly notify them of any changes in the procedures.


## Regular inspections:

-  Routinely inspects water facilities and equipment to maintain safety standards.



## Continuous staff training:

-  Provide ongoing professional development for staff to stay updated on the latest water safety practices and regulatory requirements.



## Child education:

-  Teach children basic water safety rules and practices, in an age appropriate way, like teaching children to wait for a grown up, and to remember a life jacket.

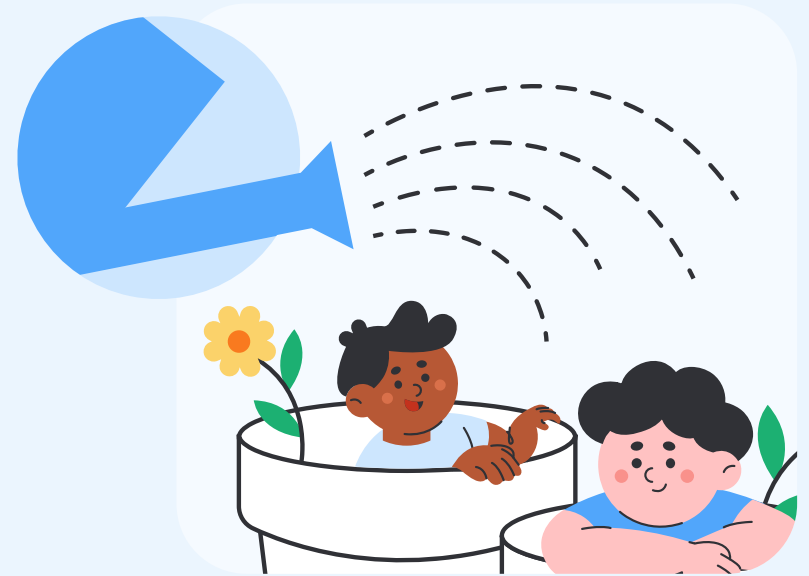
## Health & hygiene:

-  Children must be in good health to participate in water activities. Any child showing signs of illness should be excluded.
-  Follow proper hygiene, like requiring children to shower before entering swimming pools to minimize the possibility of contamination.

## Remember, nothing replaces adult supervision:

-  Life jackets are not a substitute for adult supervision, because accidents can still happen.
-  Securing every pool with a proper barrier, gate or fence offers an additional layer of protection. But, it does not substitute for constant adult visual supervision.

These regulations may seem a bit daunting, but don't forget, water play and water activities are actually such a great way to teach children and incorporate new activities for their growth and development of skills like fine motor skills, science and more.



# Quick checklist

Check these off to help you meet Texas's water activity requirements. But, also make sure to read all the information above too, because this list isn't as detailed!



## Before engaging in any water activity

- Licensing is aware of your center's pool or water area.
- Emergency policies are in place and all staff is aware and prepared.
- Operational policies for all water activities are written.
- Detailed and up-to-date records of parental consents, staff certifications, water safety training, and maintenance of water facilities are easily accessible.
- A clear process for Incident reports to be documented is in place.
- Permission from primary caregivers for children to engage in water activities have been given.
- The permission form specifically says if the child can swim with or without assistance.
- There is a six-foot fence or gate or barrier around your center's pool.
- All gates, fences and barriers can only be unlocked by adults.
- Any doors leading to the swimming area are locked.
- Any machinery or mechanical rooms are locked.
- Pumps and any other pool equipment are out of reach of children.
- Water is clean and sanitized and has normal pH levels.



## Water equipment storage

- Wading pool and sprinkler equipment are stored away appropriately, and out of reach from children when not in use.



## Adult supervision

- All supervisors who are counted in the adult-to-child ratio know how to swim and are prepared to do so in case of emergency.
- Supervisors can see all children at all times.
- Supervisors are within arm's reach of the children.
- Supervisors are not distracted, and able to pay full attention to the water activity and children.
- A *certified lifeguard* is present when children are in *swimming pools* (water deeper than 2 feet).
- There are other supervisors so that the lifeguard will never be left alone with any of the children, unless the lifeguard is also a qualified caregiver at your center.
- The number of supervisors meets the ratio requirement based on the youngest child participating in the water activity. (This also includes having the appropriate ratio of qualified adults and volunteers).
- There are at least two adult supervisors if four or more children are in *swimming pools*.

## Emergency protocols

- There are a minimum of two life-saving devices available.
- There is one additional life-saving device for every 2,000 square feet of water surface.
- Supervisors have necessary certifications, such as CPR and first aid.
- Children are wearing life-saving devices that fit them appropriately.
- The weather is not of any concern - it is not too hot outside for the children



 family