

4/23/2013

ORDINANCE NO. 29036

An ordinance readopting and continuing in effect CHAPTER 12, "CITY YOUTH PROGRAM STANDARDS OF CARE," composed of Sections 12-1 through 12-19, of the Dallas City Code, as amended; re-establishing standards of care for youth programs sponsored by the city of Dallas in compliance with state law; providing a severability clause; and providing an effective date and an expiration date.

WHEREAS, the city of Dallas has a long history of providing recreational programs for youth of ages five through 13 years, which programs contribute to the overall well-being of the city's youth and families; and

WHEREAS, the city council finds it necessary to adopt standards of care for those youth programs in compliance with the requirements of Section 42.041(b)(14) of the Texas Human Resources Code, as amended, in order to exempt those programs from state child-care licensing requirements; and

WHEREAS, on June 11, 1997, the city council, after holding a public hearing, adopted Ordinance No. 23159, which, effective June 16, 1997, added Chapter 12 to the Dallas City Code to establish standards of care for city-sponsored youth programs; and

WHEREAS, Section 42.041(b)(14) of the Texas Human Resources Code, as amended, requires that the city's youth program standards of care be readopted by ordinance annually after a public hearing; and

WHEREAS, Chapter 12 of the Dallas City Code, which establishes standards of care for city-sponsored youth programs, was readopted by the city council on June 10, 1998 by Ordinance No. 23534, on June 9, 1999 by Ordinance No. 23907, on June 14, 2000 by Ordinance No. 24281, on May 23, 2001 by Ordinance No. 24611, on May 22, 2002 by Ordinance No. 24943, on May 28, 2003 by Ordinance No. 25269, on June 9, 2004 by Ordinance No. 25628, on May 25, 2005 by Ordinance No. 25998, on June 14, 2006 by Ordinance No. 26376, on June 13, 2007 by Ordinance No. 26800, on June 11, 2008 by Ordinance No. 27222, on June 10, 2009 by Ordinance No. 27565, on June 9, 2010 by Ordinance No. 27911, on May 25, 2011 by Ordinance No. 28217, and on May 23, 2012 by Ordinance No. 28670; and

WHEREAS, Chapter 12 of the Dallas City Code will expire on June 16, 2013 unless, before that date, it is readopted by the city council after a public hearing is held regarding the standards of care for city-sponsored youth programs; and

WHEREAS, a public hearing on these standards of care was held before the city council on June 12, 2013; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That CHAPTER 12, "CITY YOUTH PROGRAM STANDARDS OF CARE," composed of Sections 12-1 through 12-19, of the Dallas City Code, as amended, is readopted and continued in effect, as restated below, with amendments to Sections 12-1, 12-2, 12-8, 12-14, 12-18, and 12-19 to read as follows:

"CHAPTER 12

CITY YOUTH PROGRAM STANDARDS OF CARE

ARTICLE I.

GENERAL.

SEC. 12-1. PURPOSE.

This chapter and the standards of care established by this chapter are adopted by the city council of the city of Dallas, Texas in compliance with Section 42.041(b)(14) of the Texas Human Resources Code, as amended, in order to exempt city youth programs from state child-care licensing requirements. These standards of care are intended to be minimum standards by which the city will operate its youth programs. The programs operated by the city are recreational in nature and are not child-care facilities. Although this chapter establishes standards of care for city youth programs for children of ages five through 13 years, nothing in this chapter requires the city to provide any youth programs, or prevents the city from limiting youth programs to specific age groups within the five- through 13-year-old range.

SEC. 12-2. EFFECTIVE DATE.

This chapter and the youth program standards of care established in this chapter expire on June 16, 2014 [2013], unless sooner terminated or extended by ordinance of the city council.

SEC. 12-3. DEFINITIONS.

In this chapter:

- (1) ADMINISTRATION CENTER means the main administrative site for a city youth program.
- (2) CITY means the city of Dallas, Texas.
- (3) CITY COUNCIL means the city council of the city of Dallas.
- (4) DEPARTMENT means the park and recreation department of the city.
- (5) DIRECTOR means the director of the park and recreation department or the director's authorized representative.
- (6) INTER-SESSION means the periods of time when a year-round school is not in session.
- (7) PARENT means a person who:
 - (A) is a natural parent, an adoptive parent, or a step-parent of a youth;
 - (B) is, under court order, the guardian of the person of a youth or is a public or private agency with whom a youth has been placed by a court; or
 - (C) otherwise has legal custody and authority to enroll a youth in a city youth program.

(8) **PARTICIPANT** means a youth whose parent has completed all required registration procedures and who is determined by the director to be eligible to participate in a city youth program.

(9) **PROGRAM COORDINATOR** or **COORDINATOR** means a full-time professional employee of the department who is responsible for:

(A) managing a recreational facility where a youth program is conducted; or

(B) overseeing the planning, administration, and implementation of a particular city youth program.

(10) **PROGRAM EMPLOYEE** or **EMPLOYEE** means any person hired to work for the department who is assigned responsibility for managing, administering, or implementing some portion of a youth program. The term includes program coordinators and program leaders.

(11) **PROGRAM LEADER** or **LEADER** means a full-time, part-time, permanent, or temporary employee of the department, or an independent contractor or volunteer of the city, who is assigned responsibility for implementing or conducting some portion of a youth program.

(12) **PROGRAM MANUAL** means a notebook of policies, procedures, required forms, and organizational and programming information relevant to the city's youth programs, as promulgated or otherwise approved by the director.

(13) **PROGRAM SITE** means any area or facility where any portion of a city youth program is conducted.

(14) **STANDARDS OF CARE** means all provisions contained in this chapter.

(15) **YOUTH** means a person who is not less than five years nor more than 13 years of age.

(16) **YOUTH PROGRAM** or **PROGRAM** means a city-sponsored recreational program for youth that may be offered by the park and recreation department after school, during the summer, during holidays, or during inter-session. The term does not include any program or activity to which attendees are free to come and go at will without regard to the presence of a parent or other responsible adult to care for them.

SEC. 12-4. ADMINISTRATION.

(a) The director shall implement, administer, and enforce the youth program standards of care. The director may by written order establish such rules, regulations, and policies, not inconsistent with this chapter, as the director determines are necessary to discharge any duty under or to effect the policy of this chapter.

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- (b) No city youth program may be advertised as a child-care facility.
- (c) The standards of care apply to all youth programs sponsored by the city, whether offered after school, during the summer, during holidays, or during inter-session.
- (d) When registering for a youth program, each participant's parent will be provided a current copy of the standards of care and will be informed that the youth program is not licensed by the State of Texas. A current copy of the standards of care will also be maintained at each youth program site for inspection and review by the public and by program employees.
- (e) The director shall cause a criminal background check to be conducted on each prospective youth program employee. If results of that criminal check indicate that an applicant has been convicted of any of the following offenses, the applicant will not be considered for employment:
 - (1) a felony or a misdemeanor classified as an offense against a person or family;
 - (2) a felony or misdemeanor classified as public indecency;
 - (3) a felony or misdemeanor violation of any law intended to control the possession or distribution of any controlled substance;
 - (4) any offense involving moral turpitude; or
 - (5) any offense that would potentially put youth participants or the city of Dallas at risk.
- (f) The provisions of this chapter are administrative in nature and are not subject to criminal penalties.

SEC. 12-5. INSPECTION; MONITORING; ENFORCEMENT.

- (a) A coordinator shall initiate an inspection report for each youth program to confirm that standards of care are being met. Each inspection report will be sent to the director for review and kept on record for at least two years. The director shall review each report and establish deadlines and criteria for program compliance with the standards of care.
- (b) The director shall make visual inspections of each youth program site based on the following schedule:
 - (1) Each after school program site will be inspected bimonthly.
 - (2) Each summer program site will be inspected twice during its summer schedule.

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(3) Each holiday program site will be inspected once during the winter break and once during the spring break.

(4) Each inter-session program site will be inspected once during each inter-session.

(c) Any complaint regarding enforcement of the standards of care at a youth program must be directed to the program site coordinator. The coordinator shall take necessary steps to resolve each problem. The complaint and its resolution must be recorded by the coordinator. The director shall address any serious complaint regarding enforcement of the standards of care and record the complaint and its resolution.

(d) The director shall make an annual report to the city council on the overall status of the youth programs and their operation relative to compliance with the standards of care.

SEC. 12-6. ENROLLMENT.

Before a youth may be enrolled in a youth program, a parent must sign registration forms that contain the following information:

- (1) the child's name, age, address, and home telephone number;
- (2) the name and address of each parent and a telephone number for each parent during program hours;
- (3) the name and telephone number of each person to whom the child may be released;
- (4) a statement of the child's special problems or needs;
- (5) an emergency medical authorization;
- (6) proof of residency, when appropriate;
- (7) a liability waiver; and
- (8) an acknowledgement that the parent has been informed and understands that the program is not licensed by the State of Texas.

SEC. 12-7. SUSPECTED ABUSE.

Every program employee shall report suspected child abuse or neglect in accordance with the Texas Family Code.

ARTICLE II.

STAFFING: RESPONSIBILITIES AND TRAINING.

SEC. 12-8. YOUTH PROGRAM COORDINATOR: QUALIFICATIONS AND RESPONSIBILITIES.

- (a) Each coordinator must meet all of the following qualifications:
 - (1) Be at least 21 years of age.
 - (2) ~~[Have a bachelor's degree from an accredited college or university in one of the following areas:~~
 - ~~(A) — recreation administration or general recreation;~~
 - ~~(B) — physical education; or~~
 - ~~(C) — any other comparable degree plan that lends itself to working in a public recreation environment.~~
 - (3) Have two years of experience planning and implementing recreational activities.
 - (4) ~~(4)~~ Pass a background investigation, including, but not limited to, testing for illegal substances.
 - (5) ~~(5)~~ Have successfully completed a course in first aid and cardio pulmonary resuscitation (CPR) based on either American Heart Association or American Red Cross standards.
 - (6) ~~(6)~~ Be able to furnish proof of a clear tuberculosis test within 12 months prior to employment.
- (b) A coordinator is responsible for:
 - (1) administering the daily operations of a youth program in compliance with the standards of care;
 - (2) recommending for hire, supervising, and evaluating leaders for a youth program; and
 - (3) planning, implementing, and evaluating a youth program.

SEC. 12-9. YOUTH PROGRAM LEADERS: QUALIFICATIONS AND RESPONSIBILITIES.

- (a) Each leader must meet all of the following qualifications:
 - (1) Be age 18 years of age or older, if working with children.
 - (2) Be able to consistently exhibit competency, good judgment, and self-control when working with children.
 - (3) Relate to children with courtesy, respect, tolerance, and patience.
 - (4) Have successfully completed a course in first aid and cardio pulmonary resuscitation (CPR) based on either American Heart Association or American Red Cross standards.
 - (5) Be able to furnish proof of a clear tuberculosis test within the 12 months prior to employment.
 - (6) Pass a background investigation, including, but not limited to, testing for illegal substances.
- (b) A leader is responsible for:
 - (1) providing participants with an environment in which they can feel safe, enjoy wholesome recreation activities, and participate in appropriate social opportunities with their peers;
 - (2) knowing and following all city, departmental, and program standards, policies, and procedures that apply to the youth programs; and
 - (3) ensuring that participants are released only to a parent or a person designated by a parent and complying with the department-approved plan for verifying the identity of a person authorized to pick up a participant when that person is not known to the leader.

SEC. 12-10. TRAINING AND ORIENTATION.

- (a) The department shall provide training and orientation to program employees relating to working with children in general and relating to the specific job responsibilities of each employee. A coordinator shall provide each leader with a program manual specific to each youth program.
- (b) Each program employee will be trained in appropriate procedures for handling emergencies and in other areas, including, but not limited to, city, departmental, and program policies and procedures, provision of recreational activities, safety issues, child psychology, and organization.

(c) Each program employee shall be familiar with the standards of care for the youth programs and with all program policies, including the discipline, guidance, and release of participants, as outlined in the program manual.

(d) Each program employee will be required to sign an acknowledgement that the employee received the training required under this chapter.

ARTICLE III.

OPERATIONS.

SEC. 12-11. STAFF-PARTICIPANT RATIO.

(a) In each city youth program, the standard ratio of participants to leaders will be 20 to 1.

(b) Each participant will be assigned a program employee who is responsible for the participant and who is aware of the participant's habits, interests, and special needs and problems, as identified by the participant's parent during registration for a youth program.

(c) At all times, at least one employee who is 18 years of age or older must be present at each program site.

SEC. 12-12. DISCIPLINE.

(a) A program employee shall implement discipline and guidance in a consistent manner based on the best interests of program participants.

(b) No corporal punishment or treatment may be used. A program employee may use brief, supervised separation of a participant from the group, if necessary.

(c) As necessary, program employees shall provide discipline reports to the parents of participants. A parent will be asked to sign a participant's discipline report to indicate that the parent has been advised about a specific problem or incident.

(d) An excessive number of discipline reports or discipline reports of a severe nature, as described in the program manual, may result in a participant being suspended from a program.

(e) Any participant who poses a danger to other participants or staff will be removed from the program site as soon as possible.

SEC. 12-13. PROGRAMMING.

(a) A program employee shall attempt to provide activities for each group according to the participants' ages, interests, and abilities. The activities must be appropriate to each participant's health, safety, and well-being. The activities also must be flexible and promote each participant's emotional, social, and mental growth.

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(b) A program employee shall attempt to provide that indoor and outdoor time periods include:

- (1) alternating active and passive activities;
- (2) opportunity for individual and group activities; and
- (3) outdoor time each day, as the weather permits.

(c) A program employee shall be attentive and considerate of the participants' safety on field trips and during any transportation provided by the program. A program employee must have a written list of all participants in each group and shall check the roll frequently.

(d) During trips, each program employee who supervises participants shall maintain immediate access to the emergency medical forms and emergency contact information for each participant. First aid supplies and a guide to first aid and emergency care must be readily available to each program employee on every field trip.

SEC. 12-14. COMMUNICATION.

(a) ~~[Each program site must have a pager to allow the site to be contacted by administration center personnel.]~~ Each site must have access to a telephone for use in contacting the administration center and making emergency calls.

(b) A coordinator shall post the following telephone numbers adjacent to a telephone that is accessible to all program employees at each site:

- (1) Dallas ambulance or emergency medical services.
- (2) Dallas police department.
- (3) Dallas fire department.
- (4) The administration center.
- (5) Telephone numbers at which each participant's parents may be reached.
- (6) The telephone number for the program site.

SEC. 12-15. TRANSPORTATION.

(a) Before a participant may be transported to or from a city-sponsored activity, a transportation form, completed by a parent of the participant, must be filed with a coordinator.

(b) Every program vehicle used for transporting youth participants must be equipped with:

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(1) first aid supplies and a first aid and emergency care guide that are easily accessible to program employees in the vehicle; and

(2) an operable 6-BC portable fire extinguisher that is installed in the passenger compartment of the vehicle and that is easily accessible to program employees in the vehicle.

SEC. 12-16. RELEASE OF PARTICIPANTS.

(a) A participant will be released from a youth program only to a parent or to a person designated by the parent in the registration forms.

(b) Each program site must have a copy of a department-approved plan to verify the identity of a person authorized to pick up a participant if that person is not known to a program leader.

ARTICLE IV.

FACILITY STANDARDS.

SEC. 12-17. SAFETY.

(a) Program employees shall inspect each program site daily to detect sanitation and safety concerns that might affect the health and safety of the participants. A daily inspection report must be completed by program employees and kept on file by the coordinator.

(b) All buildings, grounds, and equipment at each program site must be inspected, cleaned, repaired, and maintained to protect the health of the participants.

(c) All equipment and supplies used in a program must be safe for use by the participants.

(d) First aid supplies must be readily available to all program employees at each site, during transportation to an off-site activity, and for the duration of any off-site activity. A program employee shall maintain first aid supplies in a designated location, readily available to staff. Each program employee must at all times have immediate access to a guide to first aid and emergency care.

(e) Air conditioners, electric fans, and heaters at each program site must be mounted out of the participants' reach or have safeguards that keep participants from being injured.

(f) Porches and platforms at each program site that are more than 30 inches above the ground must be equipped with railings that participants can reach.

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(g) All swing seats at each program site must be constructed of durable, lightweight, relatively pliable material.

SEC. 12-18. FIRE.

(a) In case of fire, danger of fire, explosion, or any other emergency, a program employee's first priority is to evacuate the participants to a designated safe area.

(b) Each program site must have at least one fire extinguisher approved by the fire marshal that is readily available to all program employees. Annually [~~Once each month~~], a coordinator shall inspect the fire extinguisher and send an inspection report to the director, who shall keep the report on file for a minimum of two years. Every program employee must be trained in the proper use of a fire extinguisher.

(c) Fire drills will be initiated at each program site according to the following schedule:

(1) After school programs. A fire drill will be conducted once every three months. Program employees will confer with school staff to ensure that city and school procedures do not conflict.

(2) Summer programs: A fire drill will be conducted twice during the session.

(3) Holiday programs: A fire drill will be conducted once during the fall and spring sessions.

(4) Inter-session programs: A fire drill will be conducted once during each inter-session.

SEC. 12-19. HEALTH.

(a) Illness or injury.

(1) A participant who is considered to be a health or safety concern to other participants or employees will not be admitted to a program.

(2) Illnesses and injuries will be handled in a manner that protects the health of all participants and employees.

(3) A program employee shall follow plans to provide emergency care for injured participants with symptoms of an acute illness as specified in the program manual.

(4) Each program employee shall follow the recommendation of the Texas Department of Health concerning the admission or readmission of any participant after a communicable disease.

(b) Medication. A program employee shall administer medication only in accordance with the following conditions:

(1) A parent must complete and sign a medication form that provides a current list of medications that a participant must take while in the program [~~authorization for a program employee to dispense medication~~], with details as to times and dosages. The form must include authorization for a program employee to dispense the medication and an indemnification clause to protect the city.

(2) Every prescription medication must be in the original container and labeled with the child's name, a date, directions, and the physician's name. A program employee shall administer the medication only as stated on the label. A program employee may not administer medication after the expiration date.

(3) Every nonprescription medication must be labeled with the child's name and the date the medication was brought to the program. A nonprescription medication must be in the original container and shall be administered by a program employee only according to label direction.

(4) Any medication dispensed will be limited to routine oral ingestion that requires no special knowledge or skill [~~on the part of any program employee~~]. No injection may be administered by a program employee.

(5) A program employee shall ensure that all medications are inaccessible to program participants and, if it is necessary to keep medications in a refrigerator, that the medications are kept separate from food.

(c) Toilet facilities.

(1) Each program site must have inside toilets located and equipped so that children can use them independently and program employees can supervise as needed.

(2) One flush toilet must be provided for every 30 children. Urinals may be counted in the ratio of toilets to children, but may not exceed 50 percent of the total number of toilets.

(3) An appropriate and adequate number of lavatories must be provided.

(d) Sanitation.

(1) Each program facility must have adequate light, ventilation, and heat.

(2) Each program must be provided with an adequate supply of water meeting the standards of the Texas Department of Health for drinking water. A program employee shall ensure that water is supplied to participants in a safe and sanitary manner.

(3) Program employees shall ensure that garbage is removed daily from each building at a program site."

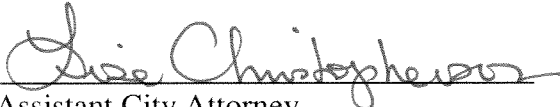
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SECTION 2. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of CHAPTER 1 of the Dallas City Code, as amended.

SECTION 3. That this ordinance will take effect on June 16, 2013, and it is accordingly so ordained.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By 
Assistant City Attorney

Passed JUN 12 2013

LC/DCC/00540A