

ORDINANCE NO. 1233

AN ORDINANCE ESTABLISHING STANDARDS OF CARE FOR THE RECREATION PROGRAMS FOR ELEMENTARY SCHOOL AGE CHILDREN OPERATED BY THE CITY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Southlake, Texas is a home rule city acting under its charter adopted by the electorate pursuant to Article IX, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, Section 42.041 of the Texas Human Resources Code provides that an elementary-age recreation program operated by a municipality is not required to obtain a license from the state provided that the governing body of the municipality annually adopts standards of care for such programs by ordinance after a public hearing; and

WHEREAS, the City Council has conducted a public hearing and desire to adopt the standards set forth in this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTHLAKE, TEXAS:

SECTION 1.

The Standards of Care attached hereto as Exhibit "A" and incorporated by reference herein are hereby for recreation programs for elementary-age children.

SECTION 2.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction,

such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 3.

This ordinance shall be in full force and effect from and after its passage, and it is so ordained.

PASSED AND APPROVED ON FIRST READING ON THIS 20th DAY OF OCTOBER, 2020.

MAYOR

ATTEST:

CITY SECRETARY

PASSED AND APPROVED ON SECOND READING ON THIS 3rd DAY OF NOVEMBER, 2020.

MAYOR

ATTEST:

CITY SECRETARY

APPROVED AS TO FORM:

CITY ATTORNEY

Exhibit "A"

Community Services Department

CITY OF
SOUTHLAKE



Standards of Care For Youth Programs

Community Services Department
285 Shady Oaks Drive
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CITY OF SOUTHLAKE YOUTH PROGRAMS

STANDARDS OF CARE

The following Standards of Care have been adopted by the City Council of Southlake, Texas, to comply with Chapter 42 of the Texas Human Resources Code, specifically Section 42.041(b)(14) regarding an exemption for the City of Southlake's Youth Programs, as defined herein. These Standards of Care are intended to be minimum standards by which the City of Southlake Community Services Department will operate the City's Youth Programs. The Youth Programs are recreational in nature and are not child-care facilities or day care programs, and are not licensed by the State of Texas.

General Administration

1. Organization
 - A. The governing body of the City of Southlake Youth Programs is the City of Southlake City Council.
 - B. Implementation of the Youth Programs Standards of Care ("Standards of Care") is the responsibility of the Director of Community Services and departmental employees.
 - C. These Standards of Care apply to all Youth Programs operated by the Department, including but not limited to: the Summer Day Camp Programs, Holiday Day Camp Programs, and Spring Break Day Camp Programs.
 - D. Each Program Site will have available for public and staff review a current copy of the Standards of Care.
 - E. Parents of participants may obtain a copy of the Standards of Care from the City during the program registration process. In addition, the Standards of Care can be accessed on the City's website at: www.SouthlakeParksandRec.com.
 - F. Criminal background checks shall be conducted on prospective staff. No person who has been convicted of, who is under indictment for, or is the subject of an official criminal complaint alleging violation of, any of the crimes listed in the Texas Department of Protective and Regulatory Service's Day Care Center Minimum Standards and Guidelines Appendix II, as same may be amended, or a felony violation of the Texas Controlled Substance Act, may be present while children are in care.

2. Definitions

- A. Camp Director: A Department employee who is assigned responsibility to implement and direct a Youth Program and oversee the Program Employees assigned to the corresponding Youth Program.
- B. Department: Community Services Department of the City of Southlake.
- C. Employee(s): Individuals who have been hired to work for the City of Southlake and have been assigned responsibility for managing, administering, or implementing some portions of the Youth Programs.
- D. Parent(s): One or both parent(s) or legal guardian(s) who have legal custody and authority to enroll the child(ren) in the Youth Programs.
- E. Participant: A Youth whose parent(s) or legal guardian(s) have completed all required registration procedures and determined to be eligible for the Youth Programs.
- F. Program Coordinator or Coordinator: A Department employee who has been assigned administrative responsibility for the Youth Programs and oversees the Camp Directors.
- G. Program Employee: A Department employee who is assigned to work with participants of a Youth Program at a Program Site.
- H. Program Manual: Notebook of policies, procedures, required forms, and organizational and programming information relevant to Youth Programs.
- I. Program Site: The facilities and surrounding property where Youth Programs are held.
- J. Program Supervisor: A Department employee who oversees the Program Coordinator and operations of all Youth Programs.
- K. City: City of Southlake, Texas.
- L. City Council: City Council of the City of Southlake, Texas.
- M. Youth: A school aged person between the ages of 5 and 13, as of the program start date of the Youth Program.
- N. Youth Programs: The City of Southlake Youth Programs consisting of programs such as: the Summer Day Camp Programs, Holiday Day Camp Programs, and

Spring Break Day Camp Programs. A single camp may be referred to as a Youth Program.

3. Objectives of Youth Programs

- A. To provide Youth, including those with special needs, with the opportunity of recreational activities which may include sports, games, arts and crafts, education, dance, drama, special events, field trips, tournaments, etc.
- B. To provide an encouraging atmosphere by emphasizing the positive development of physical skills, emotional development and growth of self-confidence.
- C. To provide a safe environment by promoting good health and welfare for all participants.
- D. To teach Youth how to spend their leisure time wisely in an effort to meet the emotional, physical and social needs of the Youth.

4. Inspections/Monitoring/Enforcement

- A. The City has established these Standards of Care in order to obtain an exemption from the State regarding the Youth Programs. Once the exemption is established, the State will not monitor the Youth Programs. These Standards of Care will be reviewed annually and brought before the City Council for consideration, regarding any amendments recommended by the Program Supervisor, and approval after a public hearing regarding the Standards of Care is held, pursuant to Texas Human Resources Code § 42.041(b)(14).
- B. The Program Coordinator shall prepare an inspection report and submit it to the Program Supervisor to confirm the Standards of Care are being adhered to.
 - (1) Monthly inspection reports shall be sent to the Program Supervisor for review and maintained by the City in accordance with applicable record retention policies.
 - (2) The Program Supervisor shall review the monthly inspection report and shall establish deadlines and criteria for compliance with the Standards of Care where failure to comply is noted.
- C. The Program Supervisor shall make visual inspections of the Youth Programs based on the following schedule.

1. Youth Programs operating during the summer shall be inspected no less than twice during the Youth Program's summer schedule.
 2. Youth Programs which operate during the regular Carroll Independent School District school year, for two (2) weeks or less, shall be inspected at least once during the Youth Program's schedule.
- D. Complaints regarding enforcement of the Standards of Care shall be directed to the Program Coordinator. The Program Coordinator shall be responsible to take the necessary steps to address the complaint and resolve the problem, if any. Complaints regarding enforcement of the Standards of Care and resolution of complaints arising under the Standards of Care shall be recorded by the Program Coordinator. All complaints regarding enforcement of the Standards of Care where a deficiency is noted will be forwarded to the Program Supervisor with the complaint and the resolution noted.
5. Enrollment

Before a child may enroll in a Youth Program, the parents shall sign registration forms that contain the following information about the child:

- (1) Name, home address, home telephone number, parent's email address;
- (2) Name and address of parent(s) and contact telephone number(s) during Youth Program hours;
- (3) The names and telephone numbers of people to whom the child can be released;
- (4) A statement of the child's special problems, needs or medical conditions;
- (5) Emergency medical authorization;
- (6) A signed liability waiver.

6. Suspected Abuse

Program Employees shall report suspected child abuse or neglect in accordance with the Texas Family Code. In a situation where an Employee is involved in an incident with a child that could be considered to be child abuse, the incident shall be immediately reported to the Program Supervisor. The Program Supervisor will immediately notify the Police Department and any other agency, as may be appropriate.

Texas State law requires the Employees of the Youth Programs to report any suspected abuse or neglect of a child to the Texas Department of Family and Protective Services or a law enforcement agency. Failure to report suspected abuse is punishable by fines up to \$1,000 and/or confinement up to one hundred eighty (180) days. Confidential reports may be made by calling 1.800.252.5400.

A complete copy of the Texas Family Code regulations regarding child abuse can be found at <http://www.statutes.legis.state.tx.us>

Staffing - Responsibilities and Training

1. Camp Director

A. Qualifications. The Camp Director shall:

- (1) Consistently exhibit competency, good judgment, and self-control when working with Youth.
- (2) Interact with Youth with courtesy, respect, tolerance, and patience.
- (3) Successfully complete a course in first aid, CPR, and AED, in compliance with American Heart Association standards.
- (4) Pass a background investigation and testing for illegal substances.
- (5) Be mature, responsible, and able to complete duties with minimal supervision.
- (6) Communicate effectively with the public.
- (7) Possess a valid Texas driver's license.
- (8) Have previous experience in supervising Youth of varying age levels in a group setting and possess knowledge of recreational games, crafts, and activities.
- (9) Complete City-mandated training.
- (10) Be at least eighteen (18) years of age.

- B. Job Functions. The Camp Director shall endeavor to:
- (1) Direct and supervise Program Employees. Hiring and training shall be the responsibility of the Program Coordinator with assistance from the Camp Director.
 - (2) Complete and submit proper records, including Youth Program schedules, Program Employee schedules, accident/incident reports, and participant attendance.
 - (3) Schedule appropriate activities in accordance with the philosophy of the Youth Program and coordinate with the Program Coordinator to ensure appropriate reservations and transportation are secured in order to complete activities.
 - (4) Maintain an orderly, clean and safe environment for the Youth while promoting a non-competitive program directed toward accentuating positive behaviors, physical development, and emotional growth.
 - (5) Maintain supplies, equipment and all necessary documentation for the operation of the Youth Program.
 - (6) Communicate with Parent(s) as necessary.
 - (7) Conduct on-going evaluations regarding the Youth Program and implement approved recommendations, as needed.
 - (8) Provide reports to Program Coordinator on a weekly basis regarding Youth Program activities.
 - (9) Know and follow all City, Department, and Program Manual standards, policies, and procedures that apply to Youth Programs.
 - (10) Ensure that participants are released only to a Parent or an adult designated by the Parent in accordance with Department procedures. All Program Sites will have a copy of the approved Department procedure to verify the identity of a person authorized to pick-up a participant.

2. Program Employees

A. Qualifications. A Program Employee must:

- (1) Consistently exhibit competency, good judgment, and self-control when working with Youth.
- (2) Interact with Youth with courtesy, respect, tolerance, and patience.
- (3) Successfully complete a course in first aid, CPR, and AED, in compliance with American Heart Association standards.
- (4) Pass a background investigation and testing for illegal substances.
- (5) Be mature, responsible, and able to complete duties with minimal supervision.
- (6) Possess a valid Texas driver's license.
- (7) Have previous experience in working with Youth of varying age levels in a group setting and possess knowledge of recreational games, crafts, and activities.
- (8) Complete City-mandated training.
- (9) Be at least sixteen (16) years of age.

B. Essential Job Functions. A Program Employee shall endeavor to:

- (1) Promote a non-competitive, positive, image-enhancing environment for each participant through the direction of fun, varied, and well-organized activities.
- (2) Directly lead activities using a method that will provide opportunities for the involvement of all participants on an equal basis.
- (3) Exhibit enthusiasm for the activity to impart a feeling of excitement in the participants.
- (4) Follow procedures for Youth Programs drop off and pick-up and preparation of accident/incident reports.
- (5) Follow guidelines for safety and storage of equipment and notify Camp Director regarding supplies inventories.

(6) Ensure safety of Youth at Program Site and on field trips.

(7) Adhere to these Standards of Care for Youth Programs.

3. Personnel Restriction

A person shall not be employed as an Employee in a Youth Program if:

(1) The person would be permanently barred from being present at a child care operation while children are in care under the Texas Administrative Code Title 40, Part 19, Chapter 745 (Licensing).

4. Training/Orientation

A. The Department is responsible to provide training and orientation to all Youth Programs employees who work with children regarding their specific job responsibilities. Program Coordinators shall provide each Camp Director with a staff program manual specific to each Youth Program.

B. Employees must be familiar with these Standards of Care for Youth Programs.

C. Employees shall be trained in appropriate procedures to handle emergencies.

D. Employees shall be trained in City, Department, and Program Manual policies and procedures applicable to Youth Programs.

E. Employees shall be required to sign an acknowledgment that they received the required training.

Service Standards

1. Appearance

A. Youth Programs shirts shall be worn by participants and volunteers.

B. The City's dress code policy shall be adhered to at all time. Failure to comply with the dress code will result in an Employee being sent home.

2. Interaction with Parents and Participants

A. Participants and Parents will be treated with respect at all times.

- B. Program Employees and Camp Directors shall keep parents continuously informed of activities and schedules. A weekly schedule shall be distributed and copies shall be kept with the daily sign in sheets.
 - C. Staff shall note details of behavior of participants (accomplishments, discipline problems, general activities, etc.) and update Parents as much as possible.
 - D. The Camp Director will review and document complaints and forward complaints to the Program Coordinator, and shall respond as appropriate. All complaints shall be addressed within one (1) business day, if they are not resolved on site. All complaints must be recorded, including resolution, and forwarded to Program Coordinator.
3. Additional Staff Responsibilities
- A. Program Employees shall monitor the sign in/out log at all times.
 - B. Program Employees shall spend 100% of their time while on duty actively involved with Participants and/or Parents.
 - C. Program Employees shall pick-up the area used by their group after each activity.
 - D. Prior to beginning work each day, all staff shall report to the appointed location for any messages, instructions, or information.

Operations

1. Staff/Participant Ratio
- A. The maximum ratio of Participants to Program Employees shall be 12:1 based on average daily attendance. In the event an employee is unable to report to the Program Site, a replacement shall be assigned.
 - B. Each Participant shall have a Program Employee who is assigned to him/her and who shall be aware of the Participant's habits, interests, and any special needs, as identified by the Participant's parent(s) during the registration process.
2. Discipline
- A. Program Employees shall implement discipline and guidance in a consistent manner based on the best interests of program participants.
 - B. There shall be no cruel, harsh or corporal punishment used as a method of discipline.

- C. Program Employees may use brief, supervised separation from the group if necessary. Participants shall be informed of Youth Program rules.
- D. As necessary, Program Employees shall initiate discipline reports to the Parent(s) of Participants. Parents shall be asked to sign discipline reports to indicate they have been advised about specific problems or incidents.
- E. A sufficient number and/or severe nature of discipline reports as detailed in the program manual may result in a Participant being suspended or removed from the Youth Programs. Parents shall be contacted to pick up their Youth immediately in the event of such suspension or removal.
- F. In instances where there is a danger to Participants or Employees, offending Participants shall be removed from the Program Site immediately.
- G. Any person(s) creating a nuisance, causing a disturbance, or creating an unsafe environment at any Program Site shall be subject to ejection from the Site and possible arrest and legal action.
- H. In the event any Employee believes that criminal conduct has occurred, or is reasonably likely to occur, the Employee shall immediately notify the Program Coordinator or other supervisory employee and/or contact the Police directly if time does not permit indirect reporting.

3. Programming

- A. Program Employees shall attempt to provide activities for each group according to the Participant's age, interests, and abilities. The activities must be appropriate to Participants' health, safety, and well-being. The activities also must be flexible and promote the Participants' emotional, social, and mental growth.
- B. Program Employees will attempt to provide indoor and outdoor time periods, weather permitting, that include:
 - (1) Alternating active and passive activities; and
 - (2) Opportunity for individual and group activities.
- C. Program Employees shall be attentive and considerate of the Participants' safety on field trips and during any transportation provided by the Youth Programs. Participants shall be counted before leaving the Program Site and before boarding the transportation to return to the Program Site, and at other times as deemed to be reasonably necessary to preserve the Participants' safety.

- (1) During trips, Program Employees supervising Participants must have immediate access to Participant forms and emergency contact information for each Participant; and
- (2) Program Employees shall have a written list of the Participants in the group and must check the attendance frequently; and
- (3) Program Employees shall have First Aid supplies, a guide to First Aid and emergency care available on field trips.

4. Communication

The Program Site shall have a telephone to allow the Program Site to be contacted by Parks and Recreation personnel or for making emergency calls.

5. Transportation

- A. First Aid supplies and a First Aid and emergency care guide will be available in all Youth Program vehicles that transport Youth.
- B. All Program vehicles used for transporting Participants shall have available a 6-BC portable fire extinguisher in the vehicle which shall be accessible to the adult occupants.

Facility Standards

1. Safety

- A. Program Employees shall inspect the Program Site daily to detect sanitation and safety concerns that might affect the health and safety of the Participants. Program employees will also complete a daily inspection report and submit it to the Program Coordinator, who shall maintain it in the City's files.
- B. The Camp Director shall inspect the buildings, grounds, and equipment on the Program Site to insure that they are clean, in good repair, and maintained so as to protect the health of the Participants.
- C. Program equipment and supplies shall be safe for Participants use.
- D. Program Employees shall have First Aid supplies available at the Program Site, during transportation, and for the duration of any off-site activity.

- E. Program Employees shall have First Aid supplies and a guide to First Aid and emergency care readily available in a designated location.

2. Fire

- A. In case of fire, danger of fire, explosion, or other emergency, a Program Employee's first priority is to evacuate the Participants to a designated safe area. Emergency evacuation and relocation plans shall be posted within the Program Site.
- B. The Program Site shall have an annual fire inspection by the local Fire Marshal, and the resulting report shall detail any safety concerns observed. The report shall be forwarded to the Supervisor who shall review and establish deadlines and criteria for compliance.
- C. Each Program Site must have at least one (1) operable, charged fire extinguisher approved by the Fire Marshal or designee readily available to all Program Employees. The fire extinguisher is to be inspected monthly by the Program Coordinator to verify that it is sufficiently charged and operable. All Employees will be trained in the proper use of a fire extinguisher.
- D. Fire drills shall be conducted monthly.

3. Health

A. Illness or Injury

- (1) Illnesses and injuries shall be handled in a manner to protect the health of all participants and employees. Parents shall be notified in cases of illness or injury. Paramedics shall be notified in the event of an injury that cannot be remedied through basic first aid. An accident report shall be completed for all injuries and forwarded to the Camp Director.
- (2) An ill Youth shall not be allowed to attend or participate in Youth Programs if the Youth is suspected of having a temperature and/or accompanied by behavior changes or other signs or symptoms until a medical evaluation indicating that the Youth can return to the Youth Program.
- (3) Employees shall follow the recommendations of the Texas Department of Health concerning the admission or readmission of any Participant after a communicable disease.

B. Program Employees shall administer medication only if:

- (1) Parent(s) complete and sign a "Consent to Administer Medication" Form that authorizes for Employees to administer medication and provide details as to time(s) and dosage(s) consistent with the medications label.
- (2) Prescription medications are in the original containers labeled with the Youth's name, a date, directions, and the prescribing physician's name. Employees shall administer the medication only as stated on the label. Employees shall not administer medication after the expiration date.
- (3) Non-prescription medications are labeled with the Youth's name and the date the medication was brought to the Youth Program. Non-prescription medication must be in the original container. The Employees shall administer non-prescription medications only according to label direction.
- (4) Medications dispensed shall be limited to routine oral ingestion, including inhalers, not requiring special knowledge or skills on the part of Program Employees.
- (5) Program Employees shall ensure medications are inaccessible to Participants.

C. Toilet Facilities

- (1) The Program Site shall have adequate indoor toilets and lavatories located and equipped so Youth can use them independently and Program Employees can supervise as needed.
- (2) There must be one (1) flush toilet for every thirty (30) participants. Urinals may be counted in the ratio of toilets to participants, but shall not exceed fifty percent (50%) of the total number of toilets.

D. Sanitation

- (1) The Program Site shall have adequate light, ventilation, and heat.
- (2) The Program Site shall have an adequate supply of drinking water meeting the standards of the Texas Department of Health for drinking water and ensure that it shall be supplied to the Participants in a safe and sanitary manner.
- (3) Program Employees shall ensure that garbage is removed from the Program Site daily.

SUBCHAPTER C. REGULATION OF CERTAIN FACILITIES, HOMES, AND
AGENCIES

This section was amended by the 84th Legislature. Pending publication of the current statutes, see S.B. 219, 84th Legislature, Regular Session, for amendments affecting this section.

Sec. 42.041. REQUIRED LICENSE. (a) No person may operate a child-care facility or child-placing agency without a license issued by the department.

(b) This section does not apply to:

- (1) a state-operated facility;
- (2) an agency foster home or agency foster group home;
- (3) a facility that is operated in connection with a shopping center, business, religious organization, or establishment where children are cared for during short periods while parents or persons responsible for the children are attending religious services, shopping, or engaging in other activities, including retreats or classes for religious instruction, on or near the premises, that does not advertise as a child-care facility or day-care center, and that informs parents that it is not licensed by the state;
- (4) a school or class for religious instruction that does not last longer than two weeks and is conducted by a religious organization during the summer months;
- (5) a youth camp licensed by the Department of State Health Services;
- (6) a facility licensed, operated, certified, or registered by another state agency;
- (7) an educational facility that is accredited by the Texas Education Agency, the Southern Association of Colleges and Schools, or an accreditation body that is a member of the Texas Private School Accreditation Commission and that operates primarily for educational purposes for prekindergarten and

above, a before-school or after-school program operated directly by an accredited educational facility, or a before-school or after-school program operated by another entity under contract with the educational facility, if the Texas Education Agency, the Southern Association of Colleges and Schools, or the other accreditation body, as applicable, has approved the curriculum content of the before-school or after-school program operated under the contract;

(8) an educational facility that operates solely for educational purposes for prekindergarten through at least grade two, that does not provide custodial care for more than one hour during the hours before or after the customary school day, and that is a member of an organization that promulgates, publishes, and requires compliance with health, safety, fire, and sanitation standards equal to standards required by state, municipal, and county codes;

(9) a kindergarten or preschool educational program that is operated as part of a public school or a private school accredited by the Texas Education Agency, that offers educational programs through grade six, and that does not provide custodial care during the hours before or after the customary school day;

(10) a family home, whether registered or listed;

(11) an educational facility that is integral to and inseparable from its sponsoring religious organization or an educational facility both of which do not provide custodial care for more than two hours maximum per day, and that offers an educational program in one or more of the following: prekindergarten through at least grade three, elementary grades, or secondary grades;

(12) an emergency shelter facility, other than a facility that would otherwise require a license as a child-care facility under this section, that provides shelter or care to a minor and the minor's child or children, if any, under [Section 32.201](#), Family Code, if the facility:

(A) is currently under a contract with a state or federal agency; or

(B) meets the requirements listed under Section 51.005(b)(3);

(13) a juvenile detention facility certified under Section 51.12, Family Code, a juvenile correctional facility certified under Section 51.125, Family Code, a juvenile facility providing services solely for the Texas Juvenile Justice Department, or any other correctional facility for children operated or regulated by another state agency or by a political subdivision of the state;

(14) an elementary-age (ages 5-13) recreation program operated by a municipality provided the governing body of the municipality annually adopts standards of care by ordinance after a public hearing for such programs, that such standards are provided to the parents of each program participant, and that the ordinances shall include, at a minimum, staffing ratios, minimum staff qualifications, minimum facility, health, and safety standards, and mechanisms for monitoring and enforcing the adopted local standards; and further provided that parents be informed that the program is not licensed by the state and the program may not be advertised as a child-care facility;

(15) an annual youth camp held in a municipality with a population of more than 1.5 million that operates for not more than three months and that has been operated for at least 10 years by a nonprofit organization that provides care for the homeless;

(16) a food distribution program that:

(A) serves an evening meal to children two years of age or older; and

(B) is operated by a nonprofit food bank in a nonprofit, religious, or educational facility for not more than two hours a day on regular business days;

(17) a child-care facility that operates for less than three consecutive weeks and less than 40 days in a period of 12 months;

(18) a program:

(A) in which a child receives direct instruction in a single skill, talent, ability, expertise, or proficiency;

(B) that does not provide services or offerings that are not directly related to the single talent, ability, expertise, or proficiency;

(C) that does not advertise or otherwise represent that the program is a child-care facility, day-care center, or licensed before-school or after-school program or that the program offers child-care services;

(D) that informs the parent or guardian:

(i) that the program is not licensed by the state; and

(ii) about the physical risks a child may face while participating in the program; and

(E) that conducts background checks for all program employees and volunteers who work with children in the program using information that is obtained from the Department of Public Safety;

(19) an elementary-age (ages 5-13) recreation program that:

(A) adopts standards of care, including standards relating to staff ratios, staff training, health, and safety;

(B) provides a mechanism for monitoring and enforcing the standards and receiving complaints from parents of enrolled children;

(C) does not advertise as or otherwise represent the program as a child-care facility, day-care center, or licensed before-school or after-school program or that the program offers child-care services;

(D) informs parents that the program is not licensed by the state;

(E) is organized as a nonprofit organization or is located on the premises of a participant's residence;

(F) does not accept any remuneration other than a nominal annual membership fee;

(G) does not solicit donations as compensation or payment for any good or service provided as part of the program; and

(H) conducts background checks for all program employees and volunteers who work with children in the program using information that is obtained from the Department of Public Safety;

(20) a living arrangement in a caretaker's home involving one or more children or a sibling group, excluding children who are related to the caretaker, in which the caretaker:

(A) had a prior relationship with the child or sibling group or other family members of the child or sibling group;

(B) does not care for more than one unrelated child or sibling group;

(C) does not receive compensation or solicit donations for the care of the child or sibling group; and

(D) has a written agreement with the parent to care for the child or sibling group;

(21) a living arrangement in a caretaker's home involving one or more children or a sibling group, excluding children who are related to the caretaker, in which:

(A) the department is the managing conservator of the child or sibling group;

(B) the department placed the child or sibling group in the caretaker's home; and

(C) the caretaker had a long-standing and significant relationship with the child or sibling group before the child or sibling group was placed with the caretaker;

(22) a living arrangement in a caretaker's home involving one or more children or a sibling group, excluding

children who are related to the caretaker, in which the child is in the United States on a time-limited visa under the sponsorship of the caretaker or of a sponsoring organization; or

(23) a facility operated by a nonprofit organization that:

(A) does not otherwise operate as a child-care facility that is required to be licensed under this section;

(B) provides emergency shelter and care for not more than 15 days to children 13 years of age or older but younger than 18 years of age who are victims of human trafficking alleged under Section 20A.02, Penal Code;

(C) is located in a municipality with a population of at least 600,000 that is in a county on an international border; and

(D) meets one of the following criteria:

(i) is licensed by, or operates under an agreement with, a state or federal agency to provide shelter and care to children; or

(ii) meets the eligibility requirements for a contract under Section 51.005(b)(3).

(b-1) Repealed by Acts 2009, 81st Leg., R.S., Ch. 720, Sec. 19(1), eff. September 1, 2009.

(c) A single license that lists addresses and the appropriate facilities may be issued to a general residential operation that operates noncontiguous facilities that are across the street from, in the same city block as, or on the same property as one another and that are demonstrably a single operation as indicated by patterns of staffing, finance, administrative supervision, and programs.

(d) A facility exempt from the provisions of Subsection (a) of this section that desires to receive or participate in federal or state funding shall be required to comply with all other provisions of this chapter and with all regulations promulgated under this chapter.

(e) The exemptions provided by Subsection (b) of this section do not affect the authority of local, regional, or state

health department officials, the state fire marshal, or local fire prevention officials to inspect child-care facilities.

(f) Notwithstanding the requirements of Subsection (b)(14), a municipality that operates an elementary-age (ages 5-13) recreation program may, in lieu of an annual public hearing, accept public comment through the municipality's Internet website for at least 30 days before the municipality adopts standards of care by ordinance if the municipality:

- (1) has a population of 300,000 or more; and
- (2) has held at least two annual public hearings on the standards of care and adopted standards of care by ordinance after those public hearings.

(g) A child-care facility that is exempt under Subsection (b)(3) from the licensing requirement of Subsection (a) may provide care for each child at the child-care facility for not more than 15 hours a week if the child-care facility:

- (1) provides the child care so that a person may attend an educational class provided by a nonprofit entity; and
- (2) is located in a county with a population of 800,000 or more that is adjacent to an international border.

Acts 1979, 66th Leg., p. 2361, ch. 842, art. 1, Sec. 1, eff. Sept. 1, 1979. Amended by Acts 1981, 67th Leg., p. 2812, ch. 759, Sec. 2, 3, eff. Aug. 31, 1981; Acts 1987, 70th Leg., ch. 1052, Sec. 4.03, eff. Sept. 1, 1987; Acts 1987, 70th Leg., ch. 1115, Sec. 2, eff. June 19, 1987; Acts 1995, 74th Leg., ch. 262, Sec. 54, eff. Jan. 1, 1996; Acts 1995, 74th Leg., ch. 847, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 165, Sec. 7.46, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 664, Sec. 3, 4, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1063, Sec. 7, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1217, Sec. 2, eff. Sept. 1, 1997; Acts 2001, 77th Leg., ch. 218, Sec. 3, eff. Sept. 1, 2001.

Amended by:

Acts 2005, 79th Leg., Ch. 268 (S.B. 6), Sec. 1.93(a), eff. September 1, 2005.

Acts 2007, 80th Leg., R.S., Ch. 263 (S.B. [103](#)), Sec. 25, eff. June 8, 2007.

Acts 2007, 80th Leg., R.S., Ch. 1037 (H.B. [1786](#)), Sec. 1, eff. September 1, 2007.

Acts 2007, 80th Leg., R.S., Ch. 1414 (H.B. [1385](#)), Sec. 1, eff. September 1, 2007.

Acts 2009, 81st Leg., R.S., Ch. 720 (S.B. [68](#)), Sec. 4, eff. September 1, 2009.

Acts 2009, 81st Leg., R.S., Ch. 720 (S.B. [68](#)), Sec. 5, eff. September 1, 2009.

Acts 2009, 81st Leg., R.S., Ch. 720 (S.B. [68](#)), Sec. 19(1), eff. September 1, 2009.

Acts 2011, 82nd Leg., R.S., Ch. 343 (H.B. [3051](#)), Sec. 1, eff. September 1, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 1082 (S.B. [1178](#)), Sec. 2, eff. September 1, 2011.

Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. [1093](#)), Sec. 22.001(30), eff. September 1, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 192 (S.B. [353](#)), Sec. 1, eff. May 25, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 746 (S.B. [427](#)), Sec. 1, eff. September 1, 2013.

This section was amended by the 84th Legislature. Pending publication of the current statutes, see S.B. [219](#), 84th Legislature, Regular Session, for amendments affecting this section.

**TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES**

COMMISSIONER
John J. Specia, Jr.

November 25, 2015

Camp Mania
1400 MAIN ST
STE 210
SOUTHLAKE, TX 76092-7640

Operation #1610436
Camp Mania

Dear Amy Bennett:

Child Care Licensing has received your exemption request for Camp Mania located at 801 Shady Oaks Dr., Southlake, TX 76092. This program will operate Monday- Friday from 7:30am-6:30pm for children ages 5-12 during the summer and school holidays. You provided documentation that the standards of care had been adopted by ordinance on 11/03/2015.

This program is exempt from licensure under Texas Administrative Code 745.115(3) a recreation program for elementary age (5-13 years) children with the following criteria:

- (A) A municipality operates the program;
- (B) The governing body of the municipality annually adopts standards of care by ordinance after a public hearing for such programs;
- (C) The program provides these standards to the parents of each program participant;
- (D) The ordinances include child/caregiver ratios, minimum employee qualifications, minimum building, health, and safety standards, and mechanisms for monitoring and enforcing the adopted local standards;
- (E) The program informs the parents that the state does not license the program; and
- (F) The program does not advertise itself as a child-care operation.

Should you decide to change your program, you must contact me to determine if the changes will effect your exempt status. Though this exemption requires you to annually adopt the standards of care; if your program and location does not change there is no need to resubmit an exemption request every year.

We appreciate your cooperation. Please feel free to contact me if you have any questions.

Camp Mania
November 25, 2015
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Sincerely,

A handwritten signature in black ink, appearing to read 'Debra Goza', is written over the typed name and contact information.

DEBRA GOZA
Child Care Licensing
(817) 543-8350

cc:file