

24.01.06 Programs for Minors

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Regulation Statement

Programs for minors sponsored and operated by members of The Texas A&M University System (system) **and** third-party programs using member facilities shall follow this regulation.

Reason for Regulation

This regulation requires child abuse training for employees/volunteers of programs for minors and establishes system-wide standards for such programs.

Procedures and Responsibilities

1. GENERAL

The purpose of system programs for minors is to provide minors recreational, athletic or enrichment/educational activities in a safe, nurturing environment.

2. REPORTING NEGLECT OR ABUSE

A person having cause to believe that a minor's physical or mental health or welfare has been adversely affected by abuse or neglect by any person **shall immediately make a report to local law enforcement**. This legal requirement will be communicated by members to all individuals participating in the management/supervision of programs for minors and to all employees and volunteers of third-party programs utilizing member facilities.

3. MEMBER RULE FOR PROGRAMS FOR MINORS

Members will adopt a rule for programs for minors. The rule will address the requirements of this regulation to include:

- (a) A designee(s) who is authorized to review and approve programs for minors on behalf of the member;
- (b) Procedures on the processing of **both** criminal conviction **and** sex offender background checks and a designee who will review and approve/disapprove the employment or

assignment of employees or volunteers to programs for minors based on findings (Original hire background checks for current member employees do not meet this requirement.);

- (c) Prohibition of communication, including by social media, between minors and counselors outside of official communications of the program for minors;
- (d) Procedures on reporting suspected abuse/molestation of minors;
- (e) Procedures on the distribution and security of medicine;
- (f) Procedures on the retention of private personal health information;
- (g) A risk assessment procedure to review and mitigate risks associated with the operation of programs for minors;
- (h) Job duty descriptions for each position involved in the operation of programs for minors;
- (i) A published minor/counselor ratio for day and overnight programs for minors;
- (j) Appointment of a dedicated program director for each program for minors, whether the program is sponsored by a member or third-party using member facilities;
- (k) A set of standards for handling minors with special needs;
- (l) Completion of a Waiver, Indemnification and Medical Release Form for each program participant (see **Appendix**); and
- (m) A requirement to purchase general liability and accident medical coverage through the System Risk Management insurance program or validation that insurance provided by third-party programs is equivalent in limits and coverage to the program provided through System Risk Management.

4. TRAINING AND EXAMINATION PROGRAM ON WARNING SIGNS OF SEXUAL ABUSE AND CHILD MOLESTATION

An individual hired or assigned to an employee or volunteer position involving contact with minors at a program for minors is required to complete training and examination on sexual abuse and child molestation meeting the following criteria.

- (a) Successful completion of the system-approved Child Protection Training course every two years with a passing score of 100%.
- (b) Training must be completed prior to the employees' or volunteers' interacting with minors; new employees hired specifically for a position involving contact with minors at programs for minors must complete the training within the employees' first five days of employment.

- (c) A certificate of completion shall be kept on file for two years.
- (d) Employees or volunteers of third-party programs using member facilities may substitute the system-approved training course with an approved course as listed with the Texas Department of State Health Services (DSHS) (See **Related Statutes** section).
- (e) Training will **not** be required for system employees or third-party personnel whose positions of employment do not involve contact with minors at a program for minors.
- (f) When the program for minors is conducted for all or part of at least four days and has 20 or more participants, the program for minors must submit the training roster to the DSHS on the approved DSHS form. (see **Appendix**).

5. CRIMINAL CONVICTION AND SEX OFFENDER BACKGROUND CHECKS

- 5.1 Annually, **both** a criminal conviction **and** sex offender background check will be conducted on all individuals hired or assigned to employee or volunteer positions involving contact with minors at a program for minors. The check must utilize a criminal history database and sex offender registration database (such as the TXDPS-Sex Offender Registry or other valid sex offender database) for each adult employee and volunteer's permanent address. Documentation that a search was conducted shall be maintained for a period of two years.
- 5.2 Members shall designate a person and/or department who shall be given the authority to review and approve/disapprove the employment or assignment of an employee or volunteer to a program for minors based on the results of the required criminal conviction and sex offender background check for the potential employee or volunteer.
- 5.3 A criminal conviction/deferred adjudication for any of the following offenses **automatically disqualifies** a person from being a program for minors' employee or volunteer:
 - Felony or misdemeanor under Texas Penal Code § 15.031 (Criminal Solicitation of a Minor); Title 5, Ch. 22 (Assaultive Offenses); Title 6, Ch. 25 (Offenses Against the Family); Title 7, Ch. 29 (Robbery); Title 8, § 38.17 (Failure to Stop or Report Aggravated Sexual Assault of a Child); Title 9, § 42.072 (Stalking) or Ch. 43 (Public Indecency); or any like offense under the law of another state or under federal law.
- 5.4 A criminal conviction/deferred adjudication for any of the following offenses **may disqualify** a person from being a program for minors' employee or volunteer:
 - Misdemeanor or felony committed within the past 10 years under Texas Penal Code Title 10, § 46.13 (Making a Firearm Accessible to a Child) or Ch. 49 (Intoxication and Alcoholic Beverage Offenses); Texas Health and Safety Code, Ch. 481 (Texas Controlled Substances Act); or any like offense under the law of another state or under federal law.

- 5.5 If a criminal conviction and/or sex offender background check returns an offense potentially disqualifying a person from being employed or assigned as a program employee or volunteer under this section, the member will refer the matter, along with its recommendation, to the Office of General Counsel (OGC) for legal review.

OGC shall provide a written legal sufficiency review of the member's recommended approval or rejection of the employment or assignment of the person as a program for minors' employee or volunteer.

- 5.6 A copy of the participant roster and employee/volunteer roster, including name and contact information, must be maintained for two years.

Related Statutes, Policies, or Requirements

[Tex. Edu. Code § 51.976](#)

[Tex. Fam. Code Ch. 261, Subchs. A and B](#)

[Texas Department of State Health Services Approved Training Programs](#)

Definitions

Abuse – includes the following acts or omissions by a person:

- (a) mental or emotional injury to a child that results in an observable and material impairment in the child's growth, development or psychological functioning;
- (b) causing or permitting the child to be in a situation in which the child sustains a mental or emotional injury that results in an observable and material impairment in the child's growth, development or psychological functioning;
- (c) physical injury that results in substantial harm to the child or the genuine threat of substantial harm from physical injury to the child, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline by a parent, guardian or managing or possessory conservator that does not expose the child to a substantial risk of harm;
- (d) failure to make a reasonable effort to prevent an action by another person that results in physical injury that results in substantial harm to the child;
- (e) sexual conduct harmful to a child's mental, emotional or physical welfare, including conduct that constitutes the offense of continuous sexual abuse of a young child or children under Section 21.02, Penal Code, indecency with a child under Section 21.11, Penal Code,

sexual assault under Section 22.011, Penal Code, or aggravated sexual assault under Section 22.021, Penal Code;

- (f) failure to make a reasonable effort to prevent sexual conduct harmful to a child;
- (g) compelling or encouraging the child to engage in sexual conduct as defined by Section 43.01, Penal Code, including conduct that constitutes an offense of trafficking of persons under Section 20A.02(a)(7) or (8), Penal Code, prostitution under Section 43.02(a)(2), Penal Code, or compelling prostitution under Section 43.05(a)(2), Penal Code;
- (h) causing, permitting, encouraging, engaging in or allowing the photographing, filming or depicting of the child if the person knew or should have known that the resulting photograph, film or depiction of the child is obscene as defined by Section 43.21, Penal Code, or pornographic;
- (i) the current use by a person of a controlled substance as defined by Chapter 481, Health and Safety Code, in a manner or to the extent that the use results in physical, mental or emotional injury to a child;
- (j) causing, expressly permitting or encouraging a child to use a controlled substance as defined by Chapter 481, Health and Safety Code;
- (k) causing, permitting, encouraging, engaging in or allowing a sexual performance by a child as defined by Section 43.25, Penal Code; or
- (l) knowingly causing, permitting, encouraging, engaging in or allowing a child to be trafficked in a manner punishable as an offense under Section 20A.02(a)(5), (6), (7) or (8), Penal Code, or the failure to make a reasonable effort to prevent a child from being trafficked in a manner punishable as an offense under any of those sections.

Contact With Minor(s) – in the context of an employment or volunteer position described in this regulation, interaction with minors that is direct and reasonably anticipated. The term does not include interaction that is merely incidental.

Counselor – an employee or volunteer of a program for minors who is 18 years of age or older and is responsible for the immediate supervision of minors.

Dedicated Program Director – a person who is responsible for the development and management of a program for minors to include human resource, financial, marketing and strategic operations.

Full Supervisory Duties – when counselors of a system-sponsored or third-party program using member facilities are given direct and full care, custody and control of a minor for the purposes of attending and participating in a program for minors.

Minor – a child, under 18, who is attending a program for minors on a day-care or boarding basis.

Neglect includes:

- (a) the leaving of a child in a situation where the child would be exposed to a substantial risk of physical or mental harm, without arranging for necessary care for the child and the demonstration of an intent not to return by a parent, guardian or managing or possessory conservator of the child;
- (b) the following acts or omissions by a person:
 - (1) placing a child in or failing to remove a child from a situation that a reasonable person would realize requires judgment or actions beyond the child's level of maturity, physical condition or mental abilities and that results in bodily injury or a substantial risk of immediate harm to the child;
 - (2) failing to seek, obtain or follow through with medical care for a child, with the failure resulting in or presenting a substantial risk of death, disfigurement or bodily injury or with the failure resulting in an observable and material impairment to the growth, development or functioning of the child;
 - (3) the failure to provide a child with food, clothing or shelter necessary to sustain the life or health of the child, excluding failure caused primarily by financial inability unless relief services had been offered and refused;
 - (4) placing a child in or failing to remove the child from a situation in which the child would be exposed to a substantial risk of sexual conduct harmful to the child; or
 - (5) placing a child in or failing to remove the child from a situation in which the child would be exposed to acts or omissions that constitute abuse under “Abuse” definitions (e), (f), (g), (h) or (k) committed against another child; or
- (c) the failure by the person responsible for a child's care, custody or welfare to permit the child to return to the child's home without arranging for the necessary care for the child after the child has been absent from the home for any reason, including having been in residential placement or having run away.

Programs for Minors – programs for minors that are sponsored and operated by members or third parties using member property/facilities where full supervisory duties of the minor(s) are the member or third party’s responsibility and that are held for more than two consecutive days with the same group of minors without an overnight stay or that involve overnight stays. A program that may have minor(s) involvement ancillary to the intended purpose of the activity and is not specifically for minors does not fall under this regulation.

Appendix

[Risk Assessment Matrix For Use With Programs For Minors](#)

[Waiver, Indemnification and Medical Treatment Authorization Form](#)

[Third-Party Minor Camp or Program Contract Template](#)

[DSHS Training Roster Form](#)

Member Rule Requirements

A rule is required to supplement this regulation. See Section 3.

Contact Office

System Risk Management
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