

## 24.01.06 Programs for Minors

Revised [October 15, 2024](#)

Next Scheduled Review: October 15, 2029

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### Regulation Summary

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Programs for minors sponsored and operated by members of The Texas A&M University System (system) **and** third-party programs using member facilities must follow this regulation. This regulation requires child abuse training for employees/volunteers of programs for minors and establishes systemwide standards for such programs.

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### Definitions

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### Regulation

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#### 1. GENERAL

The purpose of system programs for minors is to provide minors recreational, athletic, enrichment, and/or 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 **must 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 must 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 national criminal conviction and national 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 program staff outside of official communications of the program for minors;
- (d) Procedures on incident reporting for all incidents. A log of all incidents must be reported to System Risk Management annually, if not reported through Origami;
- (e) Procedures on reporting suspected abuse/molestation of minors;
- (f) Procedures on the distribution and security of medicine;
- (g) Procedures to ensure the security and confidentiality of medical information;
- (h) Procedures on the retention of medical information;
- (i) An approved compliance software program must be centrally utilized by all members who have 5 or more programs for minors in a single fiscal year. The list of approved compliance software programs and waiver eligibility can be found at [www.tamus.edu/risk/](http://www.tamus.edu/risk/).
- (j) A risk assessment procedure to review and mitigate risks associated with the operation of programs for minors;
- (k) Job descriptions for each position involved in the operation of programs for minors;
- (l) A published minor/program staff ratio for day and overnight programs for minors which meet or exceed the minimum ratios established by the American Camps Association;
- (m) 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;
- (n) A set of standards for handling minors with special needs in accordance with the Americans with Disabilities Act;
- (o) Completion of a Waiver, Indemnification and Medical Release Form for each program participant and volunteer (see Appendix); and
- (p) 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

4.1 All program staff are required to successfully complete the system-approved Child Protection Training Course every two years with a score of 100%.

4.1.1 Training must be completed prior to the program staff's interactions with minors, and any new program staff hired or selected specifically for a position involving contact with minors at programs for minors must complete the training within the employees' first five days of employment.

4.1.2 A record of completion must be kept on file for two years.

- 4.2 Program staff of programs for minors operated by a third party may substitute the system-approved training course with a Texas Department of State Health Services (DSHS) approved course (See Related Statutes).
- 4.3 Training will not be required for system employees or third-party personnel whose employment does not involve interaction with minors.
- 4.4 Programs for minors with over 20 participants and conducted over four days must submit the DSHS-approved training roster to the DSHS (See Appendix).

## 5. CRIMINAL CONVICTION AND SEX OFFENDER BACKGROUND CHECKS

- 5.1 Annually, **both** a national criminal conviction **and** national sex offender background check will be conducted on all program staff involved with a program for minors. The check must be performed on the program staff's permanent address, utilizing a national criminal history database and national sex offender registration database. Documentation that a search was conducted must be maintained for a period of two years.
- 5.2 Members must designate a person and/or department who will be given the authority to review and approve/disapprove program staff involvement with a program for minors based on the results of the required criminal conviction and sex offender background check.
  - 5.2.1 A criminal conviction/deferred adjudication for any of the following offenses **automatically disqualifies** a person: 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.
  - 5.2.2 A criminal conviction/deferred adjudication for any of the following offenses **may disqualify** a person: 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.
- 5.3 If a national criminal conviction and/or national sex offender background check returns an offense potentially disqualifying a person, the member will refer the matter, along with its recommendation, to the Office of General Counsel (OGC) for legal review. OGC will review the recommendation for legal sufficiency and provide a written response.
- 5.4 A copy of the participant roster and program staff roster, including name and contact information, must be maintained for two years.

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## **Related Statutes, Policies, or Requirements**

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[Tex. Edu. Code § 51.976](#)

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

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

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## **Appendix**

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[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](#)

[Minors Medical Information & Release Form](#)

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## **Member Rule Requirements**

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

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## **Contact Office**

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Risk Management  
(979) 458-6330

## **System Regulation 24.01.06, Programs for Minors**

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### **Definitions**

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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 compelling or encouraging the child in a manner that constitutes an offense of trafficking of persons under Section 20A.02(a)(7) or (8), Penal Code, prostitution under Section 43.02(b), 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) – interaction(s) and or engagement with minor(s) that is direct and reasonably anticipated. The term does not include interaction that is merely incidental.

Program Staff – a Texas A&M University System 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 resources, financial, marketing and strategic operations.

Full supervisory duties – when program staff of a member program, using member facilities or not, or a 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 – an individual under the age of 18. Individuals who are currently enrolled or employed at a member institution and who are under the age of 18 are not included in this definition.

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 the above “Abuse” clauses (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 – member or third-party programs whose participants are minors.

Member programs – programs that are sponsored and/or operated by system members where the full supervisory duties of the minor(s) are the system member's responsibility.

Third-party programs – programs of an individual or entity not affiliated with a system member, or under the member's administrative control, that utilize system property/facilities.\_

For the purposes of this regulation, this definition does NOT include programs:

- (a) exclusively for Texas A&M University System enrolled student(s) or employee(s) under the age of 18.
- (b) where fully supervisory duties of the minor(s) are the responsibility of the minor(s) parents, legal guardians, teachers or official chaperones who are not member employees (examples: campus tours, school field trips, UIL competitions).
- (c) where the minor(s) involvement is ancillary to the intended purpose of the activity.