



**Public Hearing  
CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: 37  
AGENDA DATE: Thu 02/26/2004  
PAGE: 1 of 1**

**SUBJECT:** Conduct a public hearing and approve an ordinance setting Standards of Child Care for the Parks and Recreation Department facilities and programs.

**AMOUNT & SOURCE OF FUNDING:** N/A

**FISCAL NOTE:** There is no unanticipated fiscal impact. A fiscal note is not required.

**REQUESTING** Parks and Recreation  
**DEPARTMENT:**

**DIRECTOR'S**  
**AUTHORIZATION:** Warren Struss

**FOR MORE INFORMATION CONTACT:** Robert Armistead, Division Manager, 974-6720

**PRIOR COUNCIL ACTION:** The setting of standards of care was passed by Council on January 31, 2002 and February 27, 2003. Standards are subject to yearly review to comply with state regulations.

**BOARD AND COMMISSION ACTION:** Recommended by the Parks Board.

**PURCHASING:** N/A

**MBE / WBE:** N/A

---

This ordinance re-establishes local standards of Care for Parks and Recreation Department Programs for Children.

The State of Texas Department of Protective and Regulatory Services administers state regulations and general licensing procedures for all child-care facilities. An exemption from licensing is available to the City in operating elementary age recreation programs if the City Council annually adopts standards of care by ordinance after a public hearing. The ordinance must 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.

This ordinance complies with this regulation. Adoption of the ordinance will result in more appropriate standards of care being applied to the City's recreation programs.

## **ORDINANCE NO.**

### **AN ORDINANCE ADOPTING LOCAL STANDARDS OF CARE FOR THE CITY PARKS AND RECREATION DEPARTMENT'S CHILDREN'S RECREATION PROGRAMS.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

#### **PART 1. AUTHORITY.**

The Council adopts these local standards of care for the Parks and Recreation Department children's recreational programs under Texas Human Resources Code Section 42.041(b)(14) (*Required License and Accreditation*) and its home rule authority.

#### **PART 2. DEFINITIONS.**

In this ordinance:

- (1) **ACTIVITY ASSISTANT** means a department employee who assists an activity leader with the care or supervision of participants.
- (2) **ACTIVITY LEADER** means a department employee responsible for the direct care or supervision of participants, excluding a person whose primary duties include administration, clerical support, food preparation, or facility maintenance. The department may count the following as an adult supervisor:
  - (a) a volunteer 18 years old or older; or
  - (b) an activity assistant between the ages of 15 and 18 years old, if the assistant is supervised by an activity leader.
- (3) **DEPARTMENT** means the Parks and Recreation Department.
- (4) **DIRECTOR** means the director of the Parks and Recreation Department.
- (5) **FACILITY** means a building or improvement operated or used by the department in conducting a recreational program.
- (6) **PARTICIPANT** means a child under the age of 18 who is enrolled in a recreational program.

(7) RECREATIONAL PROGRAM means a children's program or activity offered and supervised by the department that requires a child to enroll or register to participate.

(8) STAFF means a person who is employed by the department to work in a recreational program.

(9) VOLUNTEER means a person assisting without remuneration in the care or supervision of participants.

### **PART 3. PROGRAM ADMINISTRATION.**

(A) The department shall operate recreational programs in compliance with this ordinance and the department's rules adopted under this ordinance.

(B) The director shall administer the programs.

### **PART 4. ENFORCEMENT OF STANDARDS, RULES, AND GUIDELINES.**

(A) The director shall adopt rules and guidelines relating to the operation of the programs. A rule adopted under this ordinance may be more restrictive than the minimum standards adopted by this ordinance.

(B) The director shall monitor the programs to ensure compliance with the standards adopted in this ordinance and the rules.

### **PART 5. REQUIRED ADULT SUPERVISION FOR NON-AQUATIC RECREATIONAL PROGRAMS.**

(A) Except as provided in Subsection (B) and Part 6 (*Required Adult Supervision for Aquatic Recreational Programs*), the department shall provide adult supervision during a recreational program at a minimum as follows:

- (1) one adult for each eight children five years old or younger;
- (2) one adult for each 10 children between the ages of six and nine years old; and
- (3) one adult for each 12 children between the ages of 10 and 15 years old.

(B) The department shall provide adult supervision during a recreational program for children with a disability at a minimum as follows:

- (1) one adult for each four children 12 years old or younger; and

- (2) one adult for each eight children between the ages of 13 and 18 years old.

## **PART 6. STAFFING RATIOS FOR AQUATIC RECREATIONAL PROGRAMS.**

(A) Except as provided in Subsections (B) and (C), the department shall provide adult supervision during a recreational program that includes swimming in a swimming pool at a minimum as follows:

- (1) one adult for each two children four years old or younger;
- (2) one adult for each eight children between the ages of five and seven years old; and
- (3) one adult for each 12 children between the ages of eight and 12 years old.

(B) The department shall provide adult supervision during a recreational program that includes swimming in a wading pool at a minimum as follows:

- (1) one adult for each two children two years old or younger;
- (2) one adult for each five children three years old; and
- (3) one adult for each 12 children four years old or older.

(C) The department shall provide adult supervision during a recreational program for children with a disability that includes recreational swimming in a swimming pool or a wading pool at a minimum as follows:

- (1) one adult for each child four years old or younger; and
- (2) one adult for each eight children five years old or older.

(D) The department may not conduct a recreational program at a swimming pool or wading pool outside a City park unless the pool is supervised by one certified lifeguard for each 30 swimmers.

## **PART 7. CERTIFICATION AND AGE REQUIREMENTS FOR ADULT SUPERVISOR.**

(A) The department shall provide a minimum of one activity leader for each class or group enrolled in a recreational program.

(B) A person who supervises children as an activity leader must be at least 18 years old.

(C) A person who supervises children as an activity leader must obtain the following certification from a nationally recognized organization:

- (1) community water safety, if applicable;
- (2) community cardiac pulmonary resuscitation or equivalent; and
- (3) community first aid.

(D) A person who supervises children as an activity assistant:

- (1) must be at least 15 years old; and
- (2) may not supervise a group of children if an adult supervisor is not present.

## **PART 8. STAFF AND VOLUNTEER TRAINING REQUIREMENTS.**

(A) The director shall establish training requirements for all staff and volunteers who provide direct care or supervision to participants.

(B) An activity leader must have current training in first aid with rescue breathing and choking. At least one staff member at each facility must have current training in cardio pulmonary resuscitation for children.

(C) Each staff member who supervises children in swimming or other water activities in more than two feet of water must be able to swim and shall be trained in water safety. A person who is not counted in the minimum staff-to-participant ratio is not required to meet these requirements.

## **PART 9. PERSONNEL RESTRICTION.**

(A) A person may not be employed or serve as a volunteer in a recreational program if:

- (1) the person would be permanently barred from being present at a child care operation while children are in care under the rules adopted by the Texas Department of Protective and Regulatory Services; or
- (2) the director determines that, based on the criminal history and other relevant and credible information, the person poses a risk to the safety and health of participants.

(B) The director may obtain a criminal history record of any employee or volunteer working or applying to work in a recreational program.

## **PART 10. FACILITY OPERATION; PHYSICAL ENVIRONMENT.**

(A) The department may not operate a recreational program at a facility unless the facility meets the following requirements:

- (1) The facility and equipment used in the program do not present fire, health or safety hazards and are kept free of refuse and debris.
- (2) The facility is inspected annually for safety by the department.
- (3) The facility is kept free of insects, rodents and stray animals.
- (4) The facility has clearly marked emergency exits.
- (5) The facility has a disaster and evacuation procedure posted in a visible location.
- (6) The facility is used and maintained in accordance with fire prevention requirements adopted by ordinance and the fire chief's directives, including not fewer than four annual fire drills.
- (7) First aid and infection control kit are kept at the facility, including sufficient additional kits to be taken to other locations at which participants engage in a program activity.
- (8) First aid guidelines are on file and visibly posted at the facility, including:
  - (a) cardio pulmonary resuscitation/rescue breathing sequence guidelines;
  - (b) first aid review; and
  - (c) medical emergency procedures.
- (9) The facility has a sufficient number of restrooms equipped for independent use by children, and designed to permit staff supervision if necessary.

(B) The department shall maintain a campground or primitive facility used for a recreation program in compliance with the requirements of Subsection (A) to the extent possible.

(C) The department shall maintain equipment used in the programs in good condition. Department staff shall remove a defective tool, machinery, appliance, or other equipment and report the defective item to a supervisor.

Unauthorized staff may not repair defective equipment.

#### **PART 11. PHYSICAL HEALTH STANDARDS.**

- (A) A staff member shall supervise a child who is ill or injured until the parent or other authorized adult removes the child from the facility.
- (B) Staff shall keep child whose illness or medical condition requires a degree of supervision by staff that would compromise the health or safety of the other participants separate from the other participants until the child is removed from the facility.
- (C) Staff may not admit or readmit a child whose illness or medical condition prevents the child from comfortably participating in program activities or places other participants at risk to the facility for the duration of the illness or condition.
- (D) In the case of an acute illness or injury to a child, staff shall call for an emergency vehicle to transport the child to an authorized medical facility.

#### **PART 12. MEDICATION STANDARDS.**

- (A) A staff member may not administer medication to a participant without a parental medication authorization. Staff may not administer medication that is not in its original container or past the expiration date on the container.
- (B) A staff member may not administer an injection, or administer an amount of medication that is inconsistent with the prescribed dosage.
- (C) A staff member may not accept more than a one-week supply of medication for a participant and the member shall return the unused medication to the parent on the last program day of the week.
- (D) Staff must keep medication in a secured location that is not accessible by participants.
- (E) A staff member shall maintain a medication log that includes the name of the child to whom the medication is administered, the time the medication is dispensed, and the name of the person dispensing the medication.

#### **PART 13. DISTRIBUTION OF STANDARDS.**

- (A) The department shall post and make available copies of the standards adopted in this ordinance or by rules adopted under this ordinance.
- (B) The department shall inform the parents of each participant that the

recreational programs are not licensed by the state. The programs may not be advertised as child-care facilities.

**PART 14. RECOMMENDATION FOR AMENDMENT OR RE-ADOPTION.**

Not later than February 1 of each year the director shall recommend to the Council the amendment or re-adoption of the local standards adopted under this ordinance.

**PART 15. APPLICABILITY.**

This ordinance supercedes Chapter 8-2 (*Swimming Pool Use*) of the Code to the extent of any conflict.

**PART 16. EXPIRATION.**

**PART 17.** This ordinance expires one year after its effective date.

**PART 18.** This ordinance takes effect on \_\_\_\_\_, 2004.

**PASSED AND APPROVED**

\_\_\_\_\_, 2004

§  
§  
§

\_\_\_\_\_  
Will Wynn  
Mayor

**APPROVED:** \_\_\_\_\_  
David Allan Smith  
City Attorney

**ATTEST:** \_\_\_\_\_  
Shirley A. Brown  
City Clerk