

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 1, RE-ADOPTING SECTION 1.1700.1, CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, TO ESTABLISH STANDARDS OF CARE FOR THE PARKS AND RECREATION DEPARTMENT'S AFTER-SCHOOL RECREATION PROGRAM IN ORDER TO EXEMPT THE AFTER-SCHOOL RECREATION PROGRAM FROM STATE CHILD-CARE LICENSING REQUIREMENTS; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROUND ROCK, TEXAS:

I.

That Chapter 1, Code of Ordinances (1995 Edition), City of Round Rock, Texas, is hereby amended to re-adopt Section 1.1700.1 in its entirety and shall read as follows:

SECTION 1.1700.1 AFTER-SCHOOL RECREATION PROGRAM STANDARDS OF CARE

1.1701.1 PURPOSE

This Section and the Standards of Care established in this Section are adopted in compliance with Section 42.041(b)(14) of the Texas Human Resources Code, as amended, in order to exempt the After-School Recreation Program from state child-care licensing requirements. These Standards of Care are intended to be minimum standards by which the City will operate its Parks and Recreation Department After-School Recreation Program. The Program operated by the City is recreational in nature and is not a child-care program.

1.1702.1 EFFECTIVE DATE

This Section and the After-School Recreation Program Standards of Care established in this Section expire on July 31, 2008, unless sooner terminated or extended by ordinance of the City Council.

1.1703.1 DEFINITIONS

For the purposes of this Section 1.1700.1, the following words, terms and phrases, shall have the meaning ascribed to them except where the context clearly indicates a different meaning:

- (1) After-School Recreation Program or Program shall mean a City-sponsored recreational program for Youth that may be offered by the Parks and Recreation Department after school. 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.
- (2) After-School Counselor shall mean a part-time Employee of the Department who is responsible

for providing a developmentally appropriate, safe recreational environment for the Youth participating in the Program.

- (3) After-School Assistant Supervisor shall mean a part-time Employee of the Department who is responsible for assisting the After-School Supervisor in scheduling and providing a developmentally appropriate, safe recreational environment for the Youth participating in the Program.
- (4) After-School Supervisor shall mean a part-time Employee of the Department who is responsible for scheduling and providing a developmentally appropriate, safe recreational environment for the Youth participating in the Program.
- (5) Department shall mean the Parks and Recreation Department of the City.
- (6) Director shall mean the Director of the Parks and Recreation Department or the Director's authorized representative.
- (7) Parent shall mean 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 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 or is the primary care giver and has the authority to enroll a Youth in the After-School Recreation Program.
- (8) Participant shall mean a Youth whose Parent has completed all required registration procedures and who is determined by the Director to be eligible to participate in the After-School Recreation Program.
- (9) Program Employee or Employee shall mean any person hired to work for the Department who is assigned responsibility for managing, administering, or implementing some portion of the After-School Recreation Program. The term includes Recreation Manager, Recreation Center Supervisor, Recreation Program Coordinator, After-School Supervisor, After-School Assistant Supervisor and After-School Counselor.
- (10) Program Manual shall mean a notebook of policies, procedures, required forms, and organizational and programming information relevant to the City's After-School Recreation Program, as promulgated or otherwise approved by the Director.
- (11) Program Site shall mean the main facility and administrative site for the After-School Recreation Program.
- (12) Recreation Center Supervisor shall mean a full-time professional Employee of the Department who is responsible for managing the recreational facility where the After-School Recreation Program is conducted and managing the daily operation of the After-School Recreation Program including activity planning, staff training, scheduling and supervision, enforcement of all rules and payroll.
- (13) Recreation Manager shall mean a full-time professional Employee of the Department who is responsible for the overall operation of the Clay Madsen Recreation Center, the Senior Center and city-wide community events, and assisting the Director.

- (14) Recreation Program Coordinator or Coordinator shall mean a full-time professional Employee of the Department who is responsible for managing and overseeing the planning, administration, and implementation of the After-School Recreation Program.
- (15) Standards of Care shall mean all provisions contained in this Section.
- (16) Youth shall mean a person who is not less than five years of age and no more than thirteen years of age.

1.1704.1 ADMINISTRATION

- (1) The Director shall implement, administer, and enforce the After-School Recreation Program Standards of Care. The Director may by written order establish such rules, regulations, and policies, not inconsistent with this Section, as the Director determines are necessary to discharge any duty under or to affect the policy of this Section.
- (2) No After-School Recreation Program may be advertised as a child-care program or facility.
- (3) When registering for the After-School Recreation Program, each Participant's Parent will be provided a current copy of the Standards of Care and will be informed that the After-School Recreation Program is not licensed by the State of Texas. A current copy of the Standards of Care shall be maintained by the City Secretary and will also be available at the Program Site for inspection and review by the public and by Program Employees.
- (4) The Director, through the Human Resources Department of the City, shall cause a criminal background check to be conducted on each prospective After-School Recreation Program Employee who is eighteen years or older. 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:
 - (a) a felony or a misdemeanor classified as an offense against a person or family;
 - (b) a felony or misdemeanor classified as public indecency;
 - (c) a felony or misdemeanor violation of any law intended to control the possession or distribution of any controlled substance;
 - (d) any offense involving moral turpitude; or
 - (e) any offense that would potentially put Youth Participants or the City of Round Rock at risk.
- (5) The provisions of this Section are administrative in nature and are not subject to criminal penalties.

1.1705.1 INSPECTION, MONITORING AND ENFORCEMENT

- (1) The Recreation Center Supervisor, Coordinator, After-School Supervisor or After-School Assistant Supervisor shall initiate an inspection report for the After-School Recreation Program to confirm that the Standards of Care are being met. Each inspection report will

be sent to the Recreation Manager for review and kept on record for at least three (3) years.

- (2) The Recreation Manager shall make a monthly inspection of the After-School Recreation Program Site for compliance with the Standards of Care and shall provide a report to the Director. The Director shall review the report and establish deadlines and criteria for Program compliance with the Standards of Care, as necessary.
- (3) Any complaint regarding enforcement of the Standards of Care at the After-School Recreation Program must be directed to the Recreation Center Supervisor or Coordinator. The Recreation Center Supervisor or Coordinator shall take necessary steps to resolve each problem. The complaint and its resolution must be recorded by the Recreation Center Supervisor or Coordinator. The Director shall address any complaint regarding enforcement of the Standards of Care that cannot be resolved by the Recreation Center Supervisor or Coordinator.

1.1706.1 ENROLLMENT

Before a Youth may be enrolled in the After-School Recreation Program, a Parent must sign registration forms that contain the following information:

- (1) the Youth's name, date of birth, age, address, home telephone number, grade level, and school name;
- (2) the name and address of each Parent, a home telephone number, and a telephone number where each Parent may be reached during Program hours;
- (3) the name and telephone number of the Youth's physician;
- (4) the name and telephone number of the person that can be contacted in case of an emergency if the Parent cannot be reached;
- (5) the name, telephone number, driver's license number and relationship to the Youth of each person to whom the child may be released;
- (6) a statement of the Youth's special problems or needs;
- (7) a statement of the Youth's allergic reactions;
- (8) a list of medications the Youth is taking;
- (9) transportation authorization and school information;
- (10) photo release;
- (11) an emergency medical authorization;
- (12) a liability waiver; and
- (13) an acknowledgment that the Parent has been informed and understands that the Program is not licensed by the State of Texas.

1.1707.1 SUSPECTED ABUSE

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

1.1708.1 RECREATION MANAGER: QUALIFICATIONS AND RESPONSIBILITIES

- (1) The Recreation Manager must meet all of the following qualifications:
 - (a) Be at least 21 years of age;
 - (b) Have a bachelor's degree from an accredited college or university or the equivalent in one of the following areas:
 - (i) recreation administration or general recreation;
 - (ii) elementary education;
 - (iii) physical education; or
 - (iv) any other comparable degree plan that lends itself to working in a public recreation environment;
 - (c) Have four years of experience in providing recreation or leisure time services;
 - (d) Have a minimum of one (1) year administrative and supervisory experience;
 - (e) Pass a background investigation including, but not limited to, testing for illegal substances; and
- (f) Have a valid Texas driver's license and a driving record which meets current City auto liability insurance requirements.
- (2) The Recreation Manager is responsible for:
 - (a) the overall operation of the Clay Madsen Recreation Center, the Senior Center and city-wide community events;
 - (b) providing staff assistance to the Director;
 - (c) monitoring Program compliance with appropriate federal, state and local rules and regulations; and
 - (d) knowing and following all City, departmental, and Program standards, policies, and procedures that apply to the After-School Recreation Program.

1.1709.1 RECREATION CENTER SUPERVISOR: QUALIFICATIONS AND RESPONSIBILITIES

- (1) The Recreation Center Supervisor must meet all of the following qualifications:
 - (a) Be at least 21 years of age;
 - (b) Have one of the following:

- (i) a bachelor's degree from an accredited college or university with major course work 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; or
- (ii) if a Bachelor's degree has not been obtained, then sixty semester hours from an accredited college or university, plus four (4) years experience in two (2) of the specialty areas provided in paragraph (c) below;
- (c) Have two (2) years of experience in two (2) of the specialty areas listed below:
 - (i) recreation classes/programs;
 - (ii) after school programs;
 - (iii) special events;
 - (iv) athletics/aquatics programs; and
 - (v) revenue based programs;
- (d) Pass a background investigation including, but not limited to, testing for illegal substances; and
- (e) Have a valid Texas driver's license and a driving record which meets current City auto liability insurance requirements.
- (2) The Recreation Center Supervisor is responsible for:
 - (a) planning, developing and implementing Programs, while managing daily facility and staff operations;
 - (b) maintaining appropriate records and preparing requested reports;
 - (c) managing the daily operation and usage of the recreation facility;
 - (d) assisting in the hiring of staff and monitoring staff performance; and
 - (e) knowing and following all City, departmental, and Program standards, policies, and procedures that apply to the After-School Recreation Program.

1.1710.1 RECREATION PROGRAM COORDINATOR: QUALIFICATIONS AND RESPONSIBILITIES

- (1) Each Coordinator must meet all of the following qualifications:
 - (a) Be at least 21 years of age;

- (b) Have a bachelor's degree from an accredited college or university in one of the following areas:
 - (i) recreation administration or general recreation;
 - (ii) elementary education;
 - (iii) physical education; or
 - (iv) any other comparable degree plan that lends itself to working in a public recreation environment;
 - (c) Have a minimum of two (2) years experience planning and implementing recreational activities or related experience;
 - (d) Pass a background investigation including, but not limited to, testing for illegal substances;
 - (e) Have successfully completed a course and obtained certification in first aid and cardio pulmonary resuscitation (CPR) based on either American Heart Association or American Red Cross standards; and
 - (f) (f) Have a valid Texas driver's license and a driving record which meets current City auto liability insurance requirements.
- (2) A Coordinator is responsible for:
- (a) planning, implementing, managing, evaluating, supervising and directing the After-School Recreation Program;
 - (b) administering the daily operations of the After-School Recreation Program in compliance with the Standards of Care;
 - (c) enforcing the Standards of Care;
 - (d) supervising, and evaluating After-School Recreation Program Staff; and
 - (e) knowing and following all City, departmental, and Program standards, policies, and procedures that apply to the After-School Recreation Program.

1.1711.1 AFTER-SCHOOL SUPERVISOR: QUALIFICATIONS AND RESPONSIBILITIES

- (1) The After-School Supervisor must meet all of the following qualifications:
 - (a) Be at least 19 years of age;
 - (b) Have experience in one of the following areas:
 - (i) recreation administration or general recreation;
 - (ii) elementary education;

- (iii) physical education; or
 - (iv) any other experience that lends itself to working in a public recreation environment;
 - (c) Have a minimum of one (1) year experience planning and implementing recreational activities or related experience;
 - (d) Pass a background investigation including, but not limited to, testing for illegal substances;
 - (e) Have successfully completed a course and obtained certification for the current year in first aid and cardio pulmonary resuscitation (CPR) based on either American Heart Association or American Red Cross standards; and
 - (f) Have a valid Texas driver's license and a driving record which meets current City auto liability insurance requirements.
 - (2) The After-School Supervisor is responsible for:
 - (a) managing the daily operations of the After-School Recreation Program in compliance with the Standards of Care;
 - (b) enforcing the Standards of Care;
 - (c) scheduling, supervising, training and preparing the payroll of Employees for the After-School Recreation Program;
 - (d) planning, implementing, and evaluating the After-School Recreation Program;
- and
- (e) knowing and following all City, departmental, and Program standards, policies, and procedures that apply to the After-School Recreation Program.

1.1712.1 AFTER-SCHOOL ASSISTANT SUPERVISOR: QUALIFICATIONS AND RESPONSIBILITIES

- (1) The After-School Assistant Supervisor must meet all of the following qualifications:
 - (a) Be at least 19 years of age;
 - (b) Have a high school diploma or equivalent;
 - (c) Have experience working with school age children in a recreational or childcare setting;
 - (d) Pass a background investigation including, but not limited to, testing for illegal substances;
 - (e) Have successfully completed a course and obtained certification for the current year in first aid and cardio pulmonary resuscitation (CPR) based on either American Heart Association or American Red Cross standards; and
 - (f) Have a valid Texas driver's license and a driving record which meets current City auto liability insurance requirements.

- (2) The After-School Assistant Supervisor is responsible for:
 - (a) assisting the After-School Supervisor in scheduling and providing a developmentally appropriate and safe recreational environment for the Youth;
 - (b) assisting the After-School Supervisor in the daily operations of the After-School Recreation Program in compliance with the Standards of Care while keeping in close contact with the Coordinator;
 - (c) assisting the After-School Supervisor in keeping track of supplies and inventory;
 - (d) overseeing an assigned group and ensuring that proper disciplinary procedures are being practiced; and
 - (e) knowing and following all City, departmental, and Program standards, policies, and procedures that apply to the After-School Recreation Program.

1.1713.1 AFTER-SCHOOL COUNSELORS: QUALIFICATIONS AND RESPONSIBILITIES

- (1) Each Counselor must meet all of the following qualifications:
 - (a) Be sixteen years of age or older;
 - (b) Have successfully completed a course and obtained certification for the current year in first aid and cardio pulmonary resuscitation (CPR) based on either American Heart Association or American Red Cross standards; and
 - (c) Pass a background investigation including, but not limited to, testing for illegal substances.
- (2) A Counselor is responsible for:
 - (a) planning and conducting activities, while interacting and supervising Youth; and
 - (b) knowing and following all City, departmental, and Program standards, policies, and procedures that apply to the After-School Recreation Program.

1.1714.1 TRAINING AND ORIENTATION

- (1) The Department shall provide training and orientation to Program Employees relating to working with Youth in general and relating to the specific job responsibilities of each Employee. The Recreation Center Supervisor or a Coordinator shall provide Staff with a Program Manual specific to the After-School Recreation Program.
- (2) 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 and safety issues.
- (3) Each Program Employee shall be familiar with these Standards of Care for the After-School Recreation Program and with all Program policies, including, but not limited to, check-in and check-out, late pick-up, discipline and release of Participants, as outlined in the

Program Manual.

- (4) Each Program Employee will be required to sign an acknowledgment that the Employee received the training required under this Section.

1.1715.1 STAFF PARTICIPANT RATIO

- (1) In the After-School Recreation Program, the maximum ratio of Participants to Staff will be 15 to 1.
- (2) At all times at least one Employee who is sixteen years of age or older must be present at the Program Site.

1.1716.1 DISCIPLINE

- (1) A Program Employee shall implement discipline and guidance in a consistent manner based on the best interests of Program Participants.
- (2) No corporal punishment or treatment may be used. A Program Employee may use brief, supervised separation of a Participant from the group, if necessary.
- (3) 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.
- (4) 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.
- (5) Any Participant who poses a danger to other Participants or staff will be removed from the Program Site as soon as possible.

1.1717.1 PROGRAMMING

- (1) A Program Employee shall plan, organize, instruct, direct and provide activities according to the Participants' ages, interests, and abilities. The activities shall be appropriate, structured and well prepared to each Participant's health, safety, and well-being. The activities shall also be flexible and promote each Participant's emotional, social, and mental growth.
- (2) A Program Employee shall encourage all Youth to participate in the various Program activities.
- (3) A Program Employee shall stress friendliness, fair play and good sportsmanship to all Participants.
- (4) 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.
- (5) 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.

1.1718.1 COMMUNICATION

The Program Site must have a mobile telephone/radio for use in contacting Department personnel and making emergency calls.

1.1719.1 TRANSPORTATION

- (1) 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.
- (2) Every Program vehicle used for transporting Youth Participants must be equipped with:
 - (a) first aid supplies and a first aid and emergency care guide that are easily accessible to Program Employees in the vehicle; and
 - (b) an operable portable fire extinguisher that is installed in the passenger compartment of the vehicle and that is easily accessible to Program Employees in the vehicle.

1.1720.1 RELEASE OF PARTICIPANTS

- (1) A Participant will be released from the After-School Recreation Program only to a Parent or to a person designated by the Parent in the registration forms.
- (2) If the Parent or other person designated by the Parent to pick up the Youth is unknown to Program staff, a Participant will be released from the After-School Recreation Program only after photo identification is reviewed against the information provided in the registration forms.

1.1721.1 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. All sanitation or safety concerns shall be reported by Program Employees to the Coordinator or Recreation Center Supervisor, who will keep a log of the concerns reported and how each concern was handled. The log will be kept for a minimum of three (3) years.
- (b) All buildings, grounds, and equipment at the Program Site must be inspected, cleaned, repaired, and maintained to protect the health of the Participants. Program Employees shall report any needed repairs or damage to the recreation facility to the Coordinator or Recreation Center Supervisor. The Coordinator or Recreation Center Supervisor will cause the repair or damage to be taken care of immediately and will keep a log of the outcome for a minimum of three (3) years.
- (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 the Program 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 the Program Site must be mounted out of the Participants' reach or have safeguards that keep Participants from being injured.

(2) 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) The Program Site must have at least one fire extinguisher that is readily available to all Program Employees.
- (c) Fire drills will be initiated at the Program Site twice a year.

(3) Health

(a) Illness or injury.

- (i) A Youth who is considered to be a health or safety concern to other Participants or Employees will not be admitted to a Program.
- (ii) Illnesses and injuries will be handled in a manner that protects the health of all Participants and Employees.
- (iii) 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.
- (iv) 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.

Program Employees shall not be permitted to administer, dispense or store medication, including injections, for a Participant.

(c) Toilet facilities.

The Program Site must have toilets located and equipped so that Participants can use them independently and Program Employees can supervise as needed.

(d) Sanitation.

(i) The Program Site must have adequate light, ventilation, and heat.

(ii) The 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.

(iii) Program Employees shall ensure that garbage is removed daily from the Program Site and ensure that all food and crumbs have been swept and thrown away.

II.

A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

B. The invalidity of any section or provision of this ordinance shall not invalidate other sections or provisions thereof.

C. The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

READ and APPROVED on first reading this the ____ day of
, 2007.

READ, APPROVED and ADOPTED on second reading this the
day of _____, 2007.

NYLE MAXWELL, Mayor
City of Round Rock, Texas

ATTEST:

CHRISTINE R. MARTINEZ, City Secretary