

Mayor and Council Communication

DATE: 11/28/23

M&C FILE NUMBER: M&C 23-1028

LOG NAME: 80STANDARDSOFCARE-2024

SUBJECT

(ALL) Conduct Public Hearing and Adopt Ordinance Establishing Standards of Care for Youth Programs in the City of Fort Worth for 2024

(PUBLIC HEARING - a. Report of City Staff: Kelli Pickard; b. Public Comment; c. Council Action: Close Public Hearing and Act on M&C)

RECOMMENDATION:

It is recommended that the City Council conduct a public hearing and adopt the attached ordinance establishing the Standards of Care for Youth Programs in the City of Fort Worth for 2024.

DISCUSSION:

This Mayor and Council Communication (M&C) is requesting that the City Council adopt the attached ordinance establishing Standards of Care (Standards) for Youth Programs in the City of Fort Worth for 2024. The Standards set requirements for supervision of programs for youth ages 5 through 13.

In 1995, the Texas Legislature amended Section 42.041 of the Human Resources Code to exempt elementary aged (5 through 13 years) municipal youth recreation programs from the state's licensing requirement under certain conditions. This law requires that a city annually adopt Standards by ordinance after a public hearing. Adopted Standards must be provided to the parents of each program participant and 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. State law also requires that parents be informed that the program is not licensed by the State of Texas and that the program may not be advertised as a child-care facility.

The Standards are intended to be minimum standards by which the City of Fort Worth Park & Recreation, Neighborhood Services, and other potentially affected departments will operate the City of Fort Worth's youth programs. In accordance with the current Standards, the director is required to make an annual report on the overall status of the youth programs and their operation relative to compliance with the adopted Standards.

The items listed below provide information regarding the prior year's activities:

1. Youth programs were offered at 18 community centers and four mobile sites providing services to 1,964 youth.
2. Average ratio of participants to staff during these programs was 15:1.
3. All Staff working directly with youth received a tuberculin test.
4. All Staff working directly with youth at each facility were certified in First Aid and CPR/AED.
5. All Staff received training on the Standards.
6. Safety inspections were completed at each facility on a weekly basis during youth programming.

The Standards are in place year-round. In accordance with the legislation, the Standards and Ordinance must be submitted for adoption to the City Council on an annual basis. The 2024 Standards have modifications highlighted in the attached policy. Changes include:

Staffing

I. Program Coordinator (Coordinator) Qualifications (page 3)

Section E.

Current: Coordinators must furnish proof of a clear tuberculosis test taken within 12 months prior to their employment date.

Section F.

Current: Coordinators must take a tuberculosis test every year and provide proof of a clear tuberculosis test.

Proposed: Delete

Deletion reason: Benchmarking similar municipal park and recreation agencies found that this is not a common hiring requirement. In addition, when comparing similar environments, such as schools, the Texas Department of State Health Services (DSHS) states "There is no statewide requirement for teachers or other school employees to have a tuberculin skin test or TB blood test. The Centers for Disease Control and Prevention (CDC) and DSHS discourage the use of the tuberculin skin testing or IGRA blood test for persons who have no risk factors for TB exposure." If a leader or participant exhibited signs of illness, existing protocol would be followed.

III. Program Leader (Leader) Qualifications (page 4)

Section E.

Current: Leader applicants must furnish proof of a clear tuberculosis test that was completed within the 12 months prior to their employment date.

Section F.

Current: Leaders must take a tuberculosis test every year and provide proof of a clear tuberculosis test.

Proposed: Delete

Deletion reason: See deletion reasons Section I.E. and I.F.

Program Operations

I. Enrollment (page 5)

Section A.

Current: Before a child can become a Youth Program Participant, a parent or guardian must register their child and provide the required information: name, address, phone number, emergency contact and child release information, statement of child's special problems or needs, emergency medical authorization, signed liability waiver, release to participate in water activities, designation of need for reasonable accommodations, signed acknowledgement of code of conduct, and proof of birth date.

Proposed: Before a child can become a Youth Program Participant, a parent or guardian must register their child electronically and provide all required information electronically as well: name, address, phone number, emergency contact and child release information, statement of child's special problems or needs, emergency medical authorization, signed liability waiver, release to participate in water activities, designation of need for reasonable accommodations, signed acknowledgement of code of conduct, and proof of birth date. Attendance at orientation and/or parent meetings is recommended and strongly encouraged.

Revision reason: All information is completed and stored electronically. Clearly states under the enrollment section that parent attendance at the beginning and throughout the program, if requested, is recommended.

Activities

III. Field Trips and Transportation (page 8)

Section I.

Current: According to the Texas Occupant Restraint Law, every child younger than 8 years of age, unless the child is taller than four feet, nine inches, must be properly secured in a federally approved safety seat, in accordance with the instructions of the manufacturer of the safety seat system, when riding in vehicles that carry 15 or fewer passengers. Safety seats will be provided.

Proposed: According to the Texas Occupant Restraint Law, every child younger than 8 years of age, unless the child is taller than four feet, nine inches, must be properly secured in a federally approved safety seat, in accordance with the instructions of the manufacturer of the safety seat system, when riding in vehicles that carry 15 or fewer passengers (buses are excluded). Safety seats will be provided.

Revision reason: Clarification that buses are excluded from this law.

Health and Safety

III. Emergencies (page 14)

Current: N/A

Proposed:

Section D. Active Shooter

1. All staff will be trained in how to respond in an active shooter scenario by local law enforcement.
2. Staff will review with participants where "safe zones" are located within the facility or immediate program area.
3. Staff will identify designated areas to move participants, if necessary, during lock down.
4. All facilities are assessed for the best methods to maintain participant safety in the event of an emergency.

Addition reason: Active Shooter training is essential preparation for staff entrusted with the safety of youth. Codifies existing practice.

At its November 15, 2023 meeting, the Park & Recreation Advisory Board reviewed and endorsed staff's recommendations to the City Council to adopt these standards.

The Standards affect programs in ALL COUNCIL DISTRICTS.

A Form 1295 is not required because: This M&C does not request approval of a contract with a business entity.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that approval of this recommendation will have no material effect on City funds.

Submitted for City Manager's Office by: Jessica L. McEachern 5804

Originating Business Unit Head: Richard Zavala 5711

Additional Information Contact: Kelli Pickard 5461