

EXHIBIT A

“ARTICLE V RECREATIONAL PROGRAMS STANDARDS OF CARE

§ 95.50 PURPOSE AND INTENT.

This article and the standards of care established in this article are adopted by the City of Pflugerville (“City”) in compliance with Texas Human Resources Code, Section 42.041(b)(14). These standards of care are intended to be minimum standards by which the City will operate its Parks and Recreation Department recreation programs. The programs are recreational in nature and are not child-care programs. Texas law requires the adoption of health and safety standards to insure the safety of children in the City’s programs.

§ 95.51 DEFINITIONS.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

“*Department*” means the Parks and Recreation Department of the City.

“*Parent*” means a person who:

- (1) Is a natural parent, an adoptive parent, or a stepparent of a youth;
- (2) 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
- (3) Otherwise has legal custody or is the primary caregiver and has the authority to enroll a youth in the recreation program.

“*Participant(s)*” means a youth whose parent has completed all required registration procedures and who is determined by the Program Director to be eligible to participate in the recreation program.

“*Program Director*” means the Director of the Parks and Recreation Department or the Director’s authorized representative.

“*Program manual*” means a notebook of policies, procedures, required forms, and organizational and programing information relevant to the city’s recreation program, as promulgated or otherwise approved by the Program Director.

“*Program site*” means facilities and or administrative sites for the recreation programs.

“Recreation program(s)” or *“program(s)”* means a City-sponsored recreational program for youth that may be offered by the Department after school or at other hours. The term also includes 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.

“Program employee(s)” means a full-time professional employee of the Department who is responsible for managing the recreational facility where the recreation program is conducted and managing the daily or seasonal operations of the recreation program including activity planning, staff training, scheduling and supervision, enforcement of all rules, and is responsible for managing, overseeing, planning, and administration of the Pflugerville Recreation Center and implementation of the recreation program. They are also responsible for scheduling and providing a developmentally appropriate, safe recreational environment for the youth participating in recreation programs. In addition, program employee means any person hired to work for the Department who is assigned responsibility for managing, administering, or implementing some portion of the recreation program. The term includes the Program Director and program employee.

“Standards of care” means all provisions contained in this article.

“Youth” means a person who is no more than 15 years of age.

§ 95.52 ADMINISTRATION.

- (A) The Program Director shall implement, administer, and enforce the recreation program standards of care. The Program Director may, by written order, establish such rules, regulations, and policies, not inconsistent with this article, as the director determines are necessary to discharge any duty to effectuate the policies of this article.
- (B) No recreation program may be advertised as a childcare program or facility.
- (C) When registering for the recreation program, each participant’s parent will be provided an opportunity to read and/or have a copy of these standards of care and will be informed that the recreation program is not licensed by the state. A current copy of the standards of care shall also be available at the program site for inspection and review by the public and by program employees.
- (D) The Program Director, through the City’s People and Culture Department, shall cause a criminal background check to be conducted on each prospective after-school or recreation program employee who is 16 years or older. If results of that criminal background check indicate that an applicant has been

convicted of any of the following offenses, the applicant will not be considered for employment:

- (1) A felony or a misdemeanor classified as an offense against a person or family;
 - (2) A felony or a misdemeanor classified as public indecency;
 - (3) A felony or a misdemeanor violation of any law intended to control the possession or distribution of any controlled substance;
 - (4) Any offense involving moral turpitude; or
 - (5) Any offense that would potentially put participants, program employees, or the City at risk.
- (E) The provisions of this article are administrative in nature and are not subject to criminal penalties.

§ 95.53 INSPECTION, MONITORING, AND ENFORCEMENT.

- (A) The program employee shall complete a written inspection report for the recreation program to confirm that the standards of care are being met. Each inspection report will be sent to the Program Director for review and kept on record for at least three years.
- (B) When programs are in session, a program employee shall make a monthly inspection of the recreation program site for compliance with the standards of care and shall provide a written report to the Program Director. The Program Director shall review the report and establish deadlines and criteria for program compliance with the standards of care, as necessary.
- (C) Any complaint regarding enforcement of the standards of care at the recreation program must be directed to a program employee. The program employee shall take necessary steps to review and resolve each complaint and then provide a written summary to the Program Director. The Program Director shall address any complaint regarding enforcement of the standards of care that cannot be resolved by the program employee.

§ 95.54 ENROLLMENT.

Before a youth is enrolled in the recreation program, a parent must sign forms that contain the following information:

- (1) The youth's name, date of birth (with proof of age), age, address, and home telephone number. Children are to be no more than 15 (fifteen) years of age;

- (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 of the youth's physician (if providing medication for youth);
- (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, and relationship to the youth of each person to whom the child may be released;
- (6) A statement of the youth's special accommodations or limitations if any;
- (7) A statement of the youth's allergic reactions;
- (8) Transportation authorization;
- (9) Photo release;
- (10) An emergency medical authorization;
- (11) A liability waiver; and
- (12) An acknowledgement that the parent has been informed and understands that the program is not licensed by the state as a childcare facility.

§ 95.55 SUSPECTED ABUSE.

Every program employee shall immediately report any alleged or witnessed child abuse or neglect to the Program Director in accordance with the Texas Family Code.

§ 95.56 PROGRAM DIRECTOR.

(A) The Program Director must meet all of the following qualifications:

- (1) Be at least 21 years of age;
- (2) Have a bachelor's degree from an accredited college or university or the equivalent in one of the following areas:

- (a) Recreation administration or general recreation;
 - (b) Elementary education; physical education; or any other comparable degree plan that lends itself to working in a public recreation environment;
- (3) Have 2-3 years of experience in providing recreation or leisure time services;
 - (4) Have a minimum of one year administrative and supervisory experience;
 - (5) Pass a background investigation including testing for illegal substances; and
 - (6) Have a valid Texas driver's license and a driving record which meets current City auto liability insurance requirements.

(B) The Program Director is responsible for:

- (1) The overall operation of the Pflugerville Recreation Center;
- (2) Planning, developing, and implementing programs, while managing daily facility and staff operations;
- (3) Providing assistance to the Director of Parks and Recreation;
- (4) Monitoring program compliance with applicable federal, state, and local laws;
- (5) Monitoring and evaluating recreation programs;
- (6) Maintaining appropriate records and preparing requested reports; and
- (7) Knowing and following all City, departmental, and program standards, policies and procedures that apply to recreation programs.

§ 95.57 PROGRAM EMPLOYEE QUALIFICATIONS AND RESPONSIBILITIES.

Each program employee must meet all of the following qualifications:

- (1) Be 16 years of age or older;
- (2) Have successfully completed a course and obtained certification for the current year in first aid and cardiopulmonary resuscitation (CPR) based on either American Heart Association or American Red Cross standards;

- (3) Pass a background investigation including testing for illegal substances;
- (4) Must have received their High School Diploma or GED or be actively working toward their High School Diploma or GED;
- (5) Conducting activities, while interacting with and supervising youth; and
- (6) Knowing and following all City, departmental, and program standards, policies, and procedures that apply to the recreation program

§ 95.58 TRAINING AND ORIENTATION.

- (A) 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 Program Director and/or program employee shall provide staff with a program manual specific to the recreation program.
- (B) Each program employee will be trained in appropriate procedures for handling emergencies and in other areas including City, departmental, and program policies and procedures, provisions of recreation activities, and safety issues.
- (C) Each program employee will be required to sign an acknowledgement that the employee received the training required under this section.

§ 95.59 STAFF PARTICIPANT RATIO.

- (A) In the seasonal camp recreation program, the maximum ratio of participants to staff will be 12:1.
- (B) At all times at least one employee who is 16 years of age or older must be present at the program site.

§ 95.60 DISCIPLINE.

- (A) A program employee shall implement discipline and guidance in a consistent manner based on the best interests of program participants.
- (B) No corporal or physical punishment or treatment may be used. A program employee may use brief, supervised separation of a participant from the group, if necessary.
- (C) 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.

- (D) An excessive number of discipline reports or discipline reports of a severe nature, as described in the program manual, may result in the Program Director suspending a participant from a program.
- (E) Any participant who poses a danger to other participants or staff will be removed from the program site as soon as possible.

§ 95.61 PROGRAMMING.

- (A) 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 for each participant's health, safety, and well-being.
- (B) A program employee shall encourage all youth to participate in the various activities.
- (C) A program employee shall stress friendliness, fair play, and good sportsmanship to all participants.
- (D) 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.
- (E) 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.

§ 95.62 COMMUNICATION.

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

§ 95.63 TRANSPORTATION.

- (A) Before a participant may be transported to or from a City-sponsored activity, a transportation form, completed by a parent, must be filed with the program employee.
- (B) Every program vehicle used for transporting participants must be equipped with:
 - (1) First aid supplies and a first aid emergency care guide that are easily accessible to program employees in the vehicle; and
 - (2) An operable fire extinguisher that is installed in the passenger compartment of the vehicle and that is easily accessible to program employees in the vehicle.

§ 95.64 RELEASE OF PARTICIPANTS.

- (A) A participant will be released from the recreation program only to a parent or to a person designated by the parent in the registration forms.
- (B) If the parent or other person designated by the parent to pick up the participant is unknown to the program employee, the participant will be released from the recreation program only after photo identification is reviewed against the information provided in the registration forms.

§ 95.65 FACILITY STANDARDS.

- (A) Safety.
 - (1) 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 Program Director, 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 years.
 - (2) 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 Program Director. The Program Director 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 years.

(3) All equipment and supplies used in a program must be safe for use by the participants.

(4) 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.

(5) 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.

(B) Fire.

(1) 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.

(2) The program site must have at least one fire extinguisher that is readily available to all program employees.

(C) Health.

(1) A youth who is considered to be a health or safety concern to other participants or staff will not be admitted to a program.

(2) Illnesses and injuries will be handled in a manner that protects the health of all participants and staff.

(3) 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.

(4) Each program employee shall follow the recommendation of the state department of health concerning the admissions of any participant after a communicable disease.

(D) Water. Recreation programs that engage in water activities will be conducted as follows:

- (1) Parents shall indicate their participant's swimming ability at the time of program registration.
 - (2) Participants who have been identified as at risk during the registration process shall be required to wear a provided personal flotation device during any organized water activities.
 - (3) Participants who have been identified as swimmers at time of registration shall be required to complete a swim test to verify skill level. If the participant does not pass the swim test, they will be required to wear a personal flotation device.
- (E) Medication. Only the Program Director or their authorized program employees will be allowed to administer oral, nasal, topical or EpiPen medications to participants. The Program Director will record each instance when medication is administered. Parents must have signed a Medications Form to include:
- (1) Name of medication;
 - (2) Amount of medication;
 - (3) Time of day medication is to be administered;
 - (4) Duration (not to exceed one week). If duration will be longer than one week, a new medication form will be needed.
- (F) Toilet facilities. The program site must have toilets and be equipped so that participants can use them independently and program employees can supervise as needed.
- (G) Sanitation.
- (1) The program site must have adequate light, ventilation, and heat.
 - (2) The program must be provided with an adequate supply of water meeting the standards of the state department of health for drinking water. A program employee shall ensure that water is supplied to participants in a safe and sanitary manner.
 - (3) 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.

(H) Weather.

- (1) *Severe Weather.*** If the National Weather Service (“NWS”) issues a Severe Thunderstorm Warning or Tornado Warning which includes the program site, all program participants and staff will seek immediate shelter until the warning has been lifted.
- (2) *Lightning.*** All program participants and staff will seek immediate shelter whenever lightning is detected within 10 miles of the program site. All program participants and staff will remain under shelter until all lightning has cleared the 10-mile area for a period of 30 minutes.
- (3) *Extreme heat.*** Programs that are held predominantly outdoors will be modified, cancelled or rescheduled whenever the heat index is 100 degrees or greater. All program participants and employees will take water breaks at least every 30 minutes whenever the heat index is between 100-110 degrees. Whenever the heat index exceeds 110 degrees, all non-aquatic physical activities will be paused or moved to an indoor facility.
- (4) *Cold weather.*** Programs that are held predominately outdoors will be modified, cancelled or rescheduled whenever outside temperatures fall below 32 degrees Fahrenheit (including wind chill). All program participants and staff will limit outdoor exposure to no more than 30 minutes at a time with no less than a 15-minute break inside whenever the outside temperature (including wind chill) is below 32 degrees. All programs may be modified, canceled, or rescheduled in the event of winter weather concerns (such as snow and ice) and will be determined case-by-case based on recommendations of the City’s emergency operations staff and Program Director.
- (5) *Air Quality.*** If the NWS issues an Air Quality Index (“AQI”) reading between 151-200, program participants should limit exertion outdoors. If the NWS issues an AQI reading of above 200, all program participants and staff will move to an indoor facility.
- (6) *Flooding.*** If the NWS issues a Flash Flood Warning or Aerial Flood Warning which includes the program site, all program participants and staff will immediately seek higher ground until the warning has been lifted. No program participant or staffer will be permitted to enter any moving body of water during an active flood warning or while the water is at flood level.”