

24.01.06 Programs for Minors

Revised [May 4, 2015](#)

Next Scheduled Review: May 4, 2020

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Regulation Statement

Programs for minors sponsored and operated by members of The Texas A&M University System (system) **and** third-party programs using member facilities shall follow this regulation.

Reason for Regulation

This regulation requires child abuse training for employees/volunteers of programs for minors and establishes system-wide standards for such programs.

Definitions

Click to view [Definitions](#).

Procedures and Responsibilities

1. GENERAL

The purpose of system programs for minors is to provide minors recreational, athletic or enrichment/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 **shall 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 will 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** criminal conviction **and** 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 counselors outside of official communications of the program for minors;
- (d) Procedures on reporting suspected abuse/molestation of minors;
- (e) Procedures on the distribution and security of medicine;
- (f) Procedures on the retention of private personal health information;
- (g) A risk assessment procedure to review and mitigate risks associated with the operation of programs for minors;
- (h) Job duty descriptions for each position involved in the operation of programs for minors;
- (i) A published minor/counselor ratio for day and overnight programs for minors;
- (j) 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;
- (k) A set of standards for handling minors with special needs;
- (l) Completion of a Waiver, Indemnification and Medical Release Form for each program participant (see **Appendix**); and
- (m) 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

An individual hired or assigned to an employee or volunteer position involving contact with minors at a program for minors is required to complete training and examination on sexual abuse and child molestation meeting the following criteria.

- (a) Successful completion of the system-approved Child Protection Training course every two years with a passing score of 100%.

- (b) Training must be completed prior to the employees' or volunteers' interacting with minors; new employees hired specifically for a position involving contact with minors at programs for minors must complete the training within the employees' first five days of employment.
- (c) A certificate of completion shall be kept on file for two years.
- (d) Employees or volunteers of third-party programs using member facilities may substitute the system-approved training course with an approved course as listed with the Texas Department of State Health Services (DSHS) (See **Related Statutes** section).
- (e) Training will **not** be required for system employees or third-party personnel whose positions of employment do not involve contact with minors at a program for minors.
- (f) When the program for minors is conducted for all or part of at least four days and has 20 or more participants, the program for minors must submit the training roster to the DSHS on the approved DSHS form. (see **Appendix**).

5. CRIMINAL CONVICTION AND SEX OFFENDER BACKGROUND CHECKS

- 5.1 Annually, **both** a criminal conviction **and** sex offender background check will be conducted on all individuals hired or assigned to employee or volunteer positions involving contact with minors at a program for minors. The check must utilize a criminal history database and sex offender registration database (such as the TXDPS-Sex Offender Registry or other valid sex offender database) for each adult employee and volunteer's permanent address. Documentation that a search was conducted shall be maintained for a period of two years.
- 5.2 Members shall designate a person and/or department who shall be given the authority to review and approve/disapprove the employment or assignment of an employee or volunteer to a program for minors based on the results of the required criminal conviction and sex offender background check for the potential employee or volunteer.
- 5.3 A criminal conviction/deferred adjudication for any of the following offenses **automatically disqualifies** a person from being a program for minors' employee or volunteer:
 - 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.
- 5.4 A criminal conviction/deferred adjudication for any of the following offenses **may disqualify** a person from being a program for minors' employee or volunteer:
 - 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.

- 5.5 If a criminal conviction and/or sex offender background check returns an offense potentially disqualifying a person from being employed or assigned as a program employee or volunteer under this section, the member will refer the matter, along with its recommendation, to the Office of General Counsel (OGC) for legal review.

OGC shall provide a written legal sufficiency review of the member's recommended approval or rejection of the employment or assignment of the person as a program for minors' employee or volunteer.

- 5.6 A copy of the participant roster and employee/volunteer roster, including name and contact information, must be maintained for two years.

Related Statutes, Policies, or Requirements

[Tex. Edu. Code § 51.976](#)

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

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

Appendix

[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](#)

Member Rule Requirements

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

Contact Office

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