

**ORDINANCE NO. OR-2166-20**

**AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, SETTING FORTH THE STANDARDS OF CARE FOR THE RECREATION DEPARTMENT'S KIDS ZONE PROGRAM FOR THE CITY OF MANSFIELD; PROVIDING FOR THE OPERATIONAL STANDARDS OF THE ADMINISTRATION FOR THE PROGRAM; PROVIDING FOR THE INSPECTING, MONITORING, AND ENFORCEMENT OF THE STANDARDS OF CARE; PROVIDING FOR THE STAFFING LEVELS, TRAINING AND RESPONSIBILITIES FOR THOSE WORKING IN THE PROGRAM; PROVIDING FOR FACILITY STANDARDS; PROVIDING FOR A CUMULATIVE CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the City of Mansfield, Texas, (the "City") is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and,

**WHEREAS**, a home rule municipality may exercise its police power authority to safeguard the health, comfort and general welfare of its citizens, and may regulate the standards of care for the City's Kids Zone program; and,

**WHEREAS**, Section 42.041 (b)(14) of the Texas Human Resources Code provides an exception for a municipality from the requirements of obtaining a license to operate an elementary-age recreation program provided the municipality annually adopts standards of care by ordinance after a public hearing for such programs; and,

**WHEREAS**, the City Council desires to adopt "Standards of Care" for the City's Recreation Department's Summer Youth Program.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS:**

**SECTION 1.**

These Standards of Care as referenced herein as "Exhibit A" are intended to be minimum standards by which the City of Mansfield Parks and Recreation Department will operate the City's Kids Zone Program. The program operated by the City is recreational in nature and is not a daycare program. The following Standards of Care are hereby adopted by the City Council of the City of Mansfield, Texas in order to comply with Section 42.041 (b)(14) of the Texas Human Resources Code.

**SECTION 2.**

**CUMULATIVE CLAUSE**

This Ordinance shall be cumulative of all provisions of ordinances of the City of Mansfield, Texas, except where the provisions of the Ordinance are in direct conflict with the provisions such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

**SECTION 3.**

**SEVERABILITY CLAUSE**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 4.**

**EFFECTIVE DATE**

This ordinance shall be in full force and effect from and after its passage as required by law, and it is so ordained.

**FIRST READING APPROVED ON THE 27<sup>TH</sup> DAY OF JANUARY, 2020.**

**SECOND READING APPROVED ON THE 10<sup>TH</sup> DAY OF FEBRUARY, 2020.**

**DULY PASSED ON THE THIRD AND FINAL READING BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THIS 24<sup>TH</sup> DAY OF FEBRUARY, 2020.**



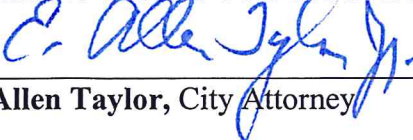
\_\_\_\_\_  
David L. Cook, Mayor

ATTEST:



\_\_\_\_\_  
Susana Marin, City Secretary

APPROVED AS TO FORM AND LEGALITY:



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Allen Taylor, City Attorney

**CITY OF MANSFIELD  
KIDS ZONE PROGRAM  
2020 STANDARDS OF CARE**

The following Standards of Care have been adopted by the City Council of the City of Mansfield, Texas in order to comply with Senate Bill 212 as approved by the Texas Legislature during the 74th legislative session (1995). The Standards of Care are intended to be minimum standards by which the City of Mansfield Parks and Recreation Department will operate the City's Kids Zone Program. **The programs operated by the City are recreational in nature and are not day care programs.**

**GENERAL ADMINISTRATION**

1. Organization

- A. The governing body of the City of Mansfield's Kids Zone Program is the Mansfield City Council.
- B. Implementation of the Kids Zone Standards of Care is the responsibility of the Recreation Superintendent and Departmental employees.
- C. The Standards of Care for Kids Zone will apply to any Kids Zone program including Day Camp, Kids Day Off, After Dark and After School.
- D. Each Kids Zone site will have available for public and staff review a current copy of the Standards of Care.
- E. Parents of participants will have access to a current copy of the Standards of Care during the registration process.
- F. Criminal background checks will be conducted on prospective Kids Zone employees. If results of that criminal check indicate that an applicant has been convicted of any of the following offenses, he or she 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 misdemeanor classified as public indecency;
  - (3) a felony or misdemeanor violation of any law intended to control the possession or distribution of any controlled substance;
  - (4) any offense involving moral turpitude;
  - (5) any offense that would potentially put youth participants or the City of Mansfield at risk.

2. Definitions

- A. City: City of Mansfield
- B. City Council: City Council of the City of Mansfield
- C. Department: Parks and Recreation Department of the City of Mansfield

- D. Kids Zone: City of Mansfield’s youth programs consisting of Day Camp, Kids Day Off, After School and After Dark
- E. Parent Handbook: Booklet of policies, procedures, required forms, and organizational and programming information relevant to the Kids Zone Program
- F. Manager: City of Mansfield’s Activities Center Manager who will handle administrative responsibility for the City of Mansfield’s Kids Zone Program in the Program Coordinator’s absence
- G. Program Coordinator: City of Mansfield Parks and Recreation Department full-time Coordinator who has been assigned administrative responsibility for the Kids Zone Program
- H. Program Site: The facilities and surrounding property where the Kids Zone Program is held, consisting of, but not limited to, the Mansfield Activities Center and/or MISD schools
- I. Participant: A youth whose parent(s) have completed all required registration procedures and determined to be eligible for the appropriate Kids Zone Program
- J. Parent(s)/Guardian(s): This term will be used to represent one or both parent or adults who have legal custody and authority to enroll their child(ren) in the Kids Zone Program
- K. Program Employee(s): Term used to describe people who have been hired to work for the City of Mansfield and have been assigned responsibility for managing, administering, or implementing some portions of the Kids Zone Program

### 3. Inspections/Monitoring/Enforcement

- A. The Manager will make visual inspections of the Kids Zone Programs based on the following schedule:
  - (1) The Day Camp Program will be inspected twice during its summer schedule and once during its winter break and once during its spring break.
  - (2) The After School Program will be inspected once during the fall semester and once during the spring semester.
- B. Complaints regarding enforcement of the Standards of Care will be directed to the Program Coordinator. The Program Coordinator will be responsible to take the necessary steps to resolve the problems. The Program Coordinator will record complaints regarding enforcement of the Standards of Care and their resolution. The Manager will address serious complaints regarding enforcement of the Standards of Care, and the complaint and its resolution will be noted.

### 4. Enrollment

- A. Before a child can attend and be signed into a Kids Zone Program, a parent(s)/guardian(s) must complete registration forms that contain the child's:
  - (1) name, address, home telephone number;

- (2) name and address of parent(s)/guardian(s), email address, and telephone number during Program hours;
- (3) the names of people to whom the child may be released;
- (4) a statement of the child's special physical, emotional or medical needs (may be required depending on Kids Zone program registered for);
- (5) emergency medical authorization (may be required depending on Kids Zone program registered for);
- (6) proof of residency when appropriate; and
- (7) a liability waiver.

## 5. Suspected Abuse

Program employees will report suspected child abuse or neglect in accordance with the Texas Family Code. In the case where a City employee is involved in an incident with a child that could be construed as child abuse, the incident must be reported immediately to the Manager. The Manager will immediately notify the Police Department and any other agency as may be appropriate.

Texas state law requires the staff of these youth programs to report any suspected abuse or neglect of a child to the Texas Department of Family and Protective Services or a law enforcement agency. Failure to report suspected abuse is punishable by fines up to \$1,000 and/or confinement up to 180 days. Confidential reports may be made by calling 1-800-252-5400.

## STAFFING - RESPONSIBILITIES AND TRAINING

### 6. Program Coordinator Qualifications

- A. The Program Coordinator will be a full-time, professional employee of the Mansfield Parks and Recreation Department and will be required to have all Program Employee qualifications as outlined in Section 8 of this document.
- B. The Program Coordinator must be at least 21 years old.
- C. The Program Coordinator must have a bachelor's degree from an accredited college or university.
- D. The Program Coordinator must have previous experience planning and implementing recreational activities.
- E. The Program Coordinator must pass a background investigation including testing for illegal substances.
- F. The Program Coordinator must have successfully completed a course in first aid, Cardio Pulmonary Resuscitation (CPR) and Automated External Defibrillator (AED) based on either American Heart Association or American Red Cross standards.

## 7. Program Coordinator's Responsibilities

- A. The Program Coordinator is responsible for administering the Kids Zone Programs daily operations in compliance with the adopted Standards of Care.
- B. The Program Coordinator is responsible for recommending for hiring, supervising, and evaluating Program Employees.
- C. The Program Coordinator is responsible for planning, implementing, and evaluating programs.

## 8. Program Employee Qualifications

- A. Program employees will be part-time or temporary employees of the Parks and Recreation Department.
- B. Program employees working with children must be 18 years or older.
- C. Program employees should be able to consistently exhibit competency, good judgment, and self-control when working with children.
- D. Program employees must relate to children with courtesy, respect, tolerance, and patience.
- E. Program employees must have successfully completed a course in first aid and CPR/AED based on either American Heart Association or American Red Cross standards. An exception can be made for no more than one staff person at each site, and that person shall successfully complete a first aid and CPR/AED course within four weeks of starting work.
- F. Program employees must pass a background check including testing for illegal substances.

## 9. Program Employees' Responsibilities

- A. Program Employees will be responsible for providing participants with an environment in which they feel safe, enjoy wholesome recreation activities, and can participate in appropriate social opportunities with their peers.
- B. Program Employees will be responsible for knowing and following all City, Departmental, and Program standards, policies and procedures that apply to the appropriate Kids Zone Program.
- C. Program Employees must ensure that participants are released only to a parent or an adult designated by the parent(s)/guardian(s). All Program sites will have a copy of the Department approved plan to verify the identity of a person authorized to pick up a participant if that person is not known to the Program Employee.

## 10. Training/Orientation

- A. The Department is responsible for providing training and orientation to Program employees in working with children and for specific job responsibilities.

- B. Program employees must be familiar with the Standards of Care for the Kids Zone Program operation as adopted by the City Council.
- C. Program employees must be familiar with the Program's policies including discipline, guidance, and release of participants as outlined in the Parent Handbook.
- D. Program employees will be trained in appropriate procedures to handle emergencies.
- E. Program employees will be trained in areas including City, Departmental, and Program policies and procedures, provision of recreation activities, safety issues, and organization.
- F. Program employees will be required to sign an acknowledgement that they received the required training.

## **OPERATIONS**

### **11. Staff-Participant Ratio**

- A. The standard ratio of participants to staff will be 12 to 1. In the event a staff member is unable to report to the Program site, a qualified replacement will be assigned.
- B. Program employees are responsible for being aware of the participants' habits, interests, and special needs as identified by the participants' parent/guardian during the registration process.

### **12. Discipline**

- A. Program employees will implement discipline and guidance in a consistent manner based on the best interests of Program participants.
- B. There will be no cruel, harsh or corporal punishment or treatment.
- C. Program employees may use brief, supervised separation from the group, if necessary.
- D. As necessary, Program employees will initiate discipline reports to the parent(s)/guardian(s) of participants. Parent(s)/guardian(s) will be asked to sign discipline reports to indicate they have been advised about specific problems or incidents.
- E. A sufficient number and/or severe nature of discipline reports as detailed in the Parent Handbook may result in a participant being suspended from the Kids Zone Program.
- F. In instances where there is a danger to participants or staff, offending participants will be removed from the Kids Zone Program immediately.
- G. Any person(s) creating a nuisance, causing a disturbance, or creating an unsafe environment at any Program Site will be subject to expulsion from the site and possible arrest and legal action.

### **13. Programming**

- A. Program employees will attempt to provide activities for each group according to the participants' ages, interests, and abilities. The activities must be appropriate to participants'

health, safety, and well-being. The activities also must be flexible and promote the participants' emotional, social, and mental growth.

- B. Program employees will attempt to provide indoor and outdoor time periods that include:
  - (1) alternating active and passive activities;
  - (2) opportunity for individual and group activities, and
  - (3) outdoor time each day, weather permitting.
  
- C. Program employees will be attentive and considerate of the participants' safety on field trips and during any transportation provided by the Program.
  - (1) During trips, Program employees supervising participants must have immediate access to emergency medical forms and emergency contact information for each participant.
  - (2) Program employees must have a written list of the participants in the group and must check the roll frequently.
  - (3) Program employees must have first aid supplies and a guide to first aid and emergency care available on field trips.

#### 14. Communication

- A. Each Program site will have access to a cell phone or telephone for use in contacting the Mansfield Activities Center or making emergency calls.
  
- B. The Program Coordinator will make accessible the following telephone numbers to all Program employees:
  - (1) Mansfield ambulance or emergency medical services;
  - (2) Mansfield Police Department;
  - (3) Mansfield Fire Department;
  - (4) Mansfield Activities Center;
  - (5) Numbers at which parent(s)/guardian(s) may be reached.

#### 15. Transportation

- A. Before a participant may be transported to and from city-sponsored activities, a medical form and waiver, completed by the parent of the participant, must be filed with the Program Coordinator.
  
- B. Before a program employee can drive a 15-passenger van that is transporting children, they must:



- (1) be at least 18 years of age with a valid Texas driver's license;
  - (2) successfully pass a background check and drug test;
  - (3) complete an online 15- passenger van safety training and keep the certificate of completion with employee's file;
  - (4) complete one (1) hour of supervised driving time with a supervisor;
  - (5) read the Mansfield Parks & Recreation Transportation Guide;
  - (6) complete department required training.
- C. First aid supplies, a first aid and emergency care guide, and a working cell phone will be available in all Program vehicles that transport children.
  - D. All Program vehicles used for transporting participants must have available a 6-BC portable fire extinguisher which will be installed in the passenger compartment of the vehicle and must be accessible to the adult occupants.
  - E. All children must be securely seated in the appropriate safety seat/booster based on state child safety law.

## **FACILITY STANDARDS**

### **16. Safety**

- A. Program employees will inspect Program sites daily to detect sanitation and safety concerns that might affect the health and safety of the participants.
- B. Buildings, grounds, and equipment on the Program site will be inspected, cleaned, repaired, and maintained to protect the health of the participants.
- C. Program equipment and supplies must be safe for the participants' use.
- D. Program employees must have first aid supplies readily available at each site, during transportation to an off-site activity, and for the duration of any off-site activity. Program employees must have an immediately accessible guide to first aid and emergency care.
- E. Program air conditioners, electric fans, and heaters must be mounted out of participants' reach or have safeguards that keep participants from being injured.
- F. Program porches and platforms more than 30 inches above the ground must be equipped with railings participants can reach.
- G. All swing seats at Program sites must be constructed of durable, lightweight, relatively pliable material.

## 17. Fire

- A. In case of fire, danger of fire, explosion, or other emergency, Program employees' first priority is to evacuate the participants to a designated safe area.
- B. The Program site will have an annual fire inspection by the local Fire Department personnel, and the resulting report will detail any safety concerns observed. The report will be forwarded to the Activities Center Manager who will review and establish deadlines and criteria for compliance.
- C. Each Program site must have at least one fire extinguisher approved by the Fire Marshal readily available to all Program employees. All Program employees will be trained in the proper use of fire extinguishers and their location.
- D. Fire drills will be initiated at Program sites based on the following schedule:
  - (1) Day Camp Program: A fire drill twice during the summer.
  - (2) After School Program: A fire drill once during the fall semester and once during the spring semester.

## 18. Health

- A. Illness or Injury
  - (1) A participant who is considered to be a health or safety concern to other participants or employees will not be admitted to any Kids Zone Program.
  - (2) Illnesses and injuries will be handled in a manner to protect the health of all participants and employees.
  - (3) Program employees will follow plans to provide emergency care for injured participants with symptoms of an acute illness as specified in the Parent Handbook.
  - (4) Program employees will follow the recommendation of the Texas Department of Health concerning the admission or readmission of any participant after a communicable disease.
- B. Program employees will administer medication only if:
  - (1) Parent(s) complete and sign a medication form that provides authorization for staff to dispense medication with details as to time and dosages for prescription and non-prescription medication. The form will include a hold harmless clause to protect the City.
  - (2) Prescription medications are in the original containers labeled with the child's name, a date, directions, and the physician's name. Program employees will administer the medication only as stated on the label. Program employees will not administer medication after the expiration date.

- (3) Nonprescription medications are labeled with the child's name and the date the medication was brought to the appropriate Kids Zone Program. Nonprescription medication must be in the original container. Program employees will administer it only according to label directions.
- (4) Medication dispensed will be limited to routine oral ingestion not requiring special knowledge or skills on the part of Program employees. No injections will be administered by the Program employees.
- (5) Program employees must ensure medications are inaccessible to participants or, if it is necessary to keep medications in the refrigerator (when available), medications will be kept separate from food.

#### C. Toilet Facilities

- (1) The Program site will have inside toilets located and equipped so children can use them independently and Program staff can supervise as needed.
- (2) There must be one flush toilet for every 30 children. Urinals may be counted in the ratio of toilets to children, but they must not exceed 50% of the total number of toilets.

#### D. Sanitation

- (1) The Program facilities must have adequate light, ventilation, and heat.
- (2) The Program must have an adequate supply of water meeting the standards of the Texas Department of Health for drinking water and ensure that it will be supplied to the participants in a safe and sanitary manner.
- (3) Program employees must see that garbage is removed from buildings daily.

Reviewed 1/7/20