

**Department of State Health Services**  
**Agenda Item for State Health Services Council**  
**January 12/13, 2006**

**Agenda Item Title:** Repeal and new 25 TAC, §265.12, Directors, Supervisors, and Staff, Texas Youth Camps Safety and Health rules.

**Agenda Number:** 3d

**Recommended Council Action:**

For Discussion Only

For Discussion and Action by the Council

**Background:** The proposed repeal of the current rule and new rule are necessitated by substantive changes made to the existing youth camp rule, §265.12 to comply with changes necessitated by Health and Safety Code (HSC) §141.0095; changes necessitated by HSC §141.009(15); and Government Code §2001.039.

**Summary:** Changes from the previous rule include required completion of a sexual abuse and child molestation training and examination program for all staff and volunteers in a position involving contact with campers at a youth camp and requirements to document criminal convictions and sex offender registration record requirements. Additionally, the ratio of supervisors is changed for an all camp, sedentary activity. Also, hazardous camp activities shall be conducted by and under the direct supervision of a qualified adult.

**Summary of Stakeholder Input to Date (including advisory committees):** Meetings of the Youth Camp Advisory Committee and the Youth Camp Training Advisory Committee were held on October 31, 2005. Both committees recommend publication and adoption of the proposed rules.

**Proposed Motion:** Motion to recommend HHSC approval for publication in the *Texas Register* for a 30-day comment period of rule contained in agenda item #3d.

**Agenda Item Approved by:** Rick Bays

**Presented by:** Michael J. Minoia     **Title:** Sanitarian III

**Program/Division:** Environmental Health     **Contact Name/Phone:** Michael J. Minoia  
Group     (512) 834-6770 Ext. 2305

**Date  
Submitted**

**11/30/05**

Legend: (Proposed New Rule)  
Regular Print = Proposed new language

§265.12. Directors, Supervisors, and Staff.

(a) On-site director required. Each youth camp shall be under the on-site direction of a qualified adult with at least two years of experience working with children. The director shall be knowledgeable in camp administrative practices and shall have at least one year of leadership experience with an organized youth camp, school or other youth-serving organization, such as the Boy Scouts of America or Young Men's Christian Association (YMCA).

(b) Adult supervisors. Each youth camp shall have at least one adult supervisor who is responsible for the supervision of no more than ten children in the camp. For any hazardous activity the supervisor(s) must be in the immediate vicinity (within sight and/or hearing) of the campers. An "all camp" sedentary activity, not requiring physical activity, may require less supervision, and each camp shall establish its own guidelines, but not less than one adult supervisor to every 25 campers. The camp director shall not be included in the supervisor to camper ratio in camps serving over 50 campers at one time.

(c) Supervision of hazardous activity. Hazardous camp activities shall be conducted by and under the direct supervision of a qualified adult capable of implementing safety standards established by the department or the camp. The specialist shall also have documented training or at least two years documented experience in conducting the activity.

(d) Written personnel policies and practices. A camp shall have written personnel policies and practices for both campers and staff. Supervisors shall be informed of these policies and practices prior to assuming responsibility for campers.

(e) Staff member character and integrity records. The camp management shall ascertain and have on record information, such as a letter of reference, attesting to the character and integrity of each staff member, and information, such as training certificates, attesting to the ability of each staff member to perform the tasks required in his or her position.

(f) Criminal conviction and sex offender registration record requirements. The camp management shall have on file a record of any criminal conviction for all adult staff members and all adult volunteers working at the camp. Camp management shall also have on file a written evaluation for an adult staff member or volunteer, showing that management has determined the person is suitable for a position at the youth camp despite a criminal conviction. If the records are located off-site, a letter from the national or regional headquarters of the organization stating the names of individuals at the camp site for whom these checks have been conducted, must be available at the camp site. All records of criminal convictions and written evaluations for a camp or camping organization must be located at a specific site within Texas, and must be made available to department personnel within two business days upon request. Youth camps are responsible for ensuring that criminal and sex offender background checks have been conducted for international staff obtained through the J-1 visa process, and that

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documentation of these checks are located with other staff background checks at the specific site within Texas. Records of criminal convictions and sex offender status may be obtained by:

(1) an annual criminal background check consisting of either:

(A) performing a criminal background check, such as the Texas Department of Public Safety Public Criminal Records check, which may be accessed at [https://records.txdps.state.tx.us/dps\\_web/APP\\_PORTAL/index.aspx](https://records.txdps.state.tx.us/dps_web/APP_PORTAL/index.aspx). A hard copy printout of the search results, whether or not the results are positive, must be maintained with the sex offender background documentation; or

(B) including a question on an employment or volunteer application asking for a history of criminal convictions, such as “Have you ever been convicted of a felony or a misdemeanor?” If this question is answered with “Yes,” then the camp must obtain documentation of the criminal conviction; and

(2) performing an annual background check using a Sex Offender Registration database for each staff member’s permanent residence and educational residence if applicable. In Texas, the Sex Offender Registration database may be found at <https://records.txdps.state.tx.us/soSearch/default.cfm>. A hard copy printout of the search results, whether or not the results are positive, must be maintained with the criminal background documentation.

(g) Sexual abuse and child molestation training and examination program.

(1) Effective June 1, 2006, a youth camp licensee may not employ or accept the volunteer service of an individual for a position involving contact with campers at a youth camp unless:

(A) the individual submits to the licensee or the youth camp has on file documentation that verifies the individual within the preceding two years has successfully completed the training and examination program required by this subsection; or

(B) the individual successfully completes the youth camp's training and examination program approved by the department during the individual's first workweek, and prior to any contact with campers unless supervised during the first workweek by an adult who has successfully completed the program. The youth camp must have documentation on file and available for inspection within two business days of request by the department verifying that the individual successfully completed the youth camp's training and examination program.

(2) For purposes of this subsection, the term “contact with campers” does not include visitors such as a guest speaker, an entertainer, or a parent who visits for a limited purpose or a limited time if the visitor has no direct and unsupervised interaction with campers.

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A visitor may have direct and unsupervised contact with a camper to whom the visitor is related. A camp may require training and an examination for visitors if it chooses.

(3) A youth camp licensee must retain in the person's personnel record a copy of the documentation required or issued under paragraph (1)(A) of this subsection for each employee or volunteer until the second anniversary of the examination date.

(4) Prior to their use, the department may approve training and examination programs offered by trainers under contract with youth camps, by online training organizations, or programs offered in another format, such as a videotape, authorized by the department.

(5) A training and examination program on sexual abuse and child molestation approved by the department must at a minimum include training and an examination on:

(A) the definitions and effects of sexual abuse and child molestation;

(B) the typical patterns of behavior and methods of operation of child molesters and sex offenders that put children at risk;

(C) the warning signs and symptoms associated with sexual abuse or child molestation, recognition of the signs and symptoms, and the recommended methods of reporting suspected abuse; and

(D) the recommended rules and procedures for youth camps to implement to address, reduce, prevent, and report suspected sexual abuse or child molestation. Training shall include the need to minimize one-on-one isolated encounters between an adult and a minor or between two minors.

(6) The training program must last for a minimum of one hour and discuss each of the topics described in paragraph (5) of this subsection.

(7) The examination must consist of a minimum of 25 questions which shall cover each of the topics described in paragraph (5) of this subsection.

(8) To successfully complete the training program, each employee or volunteer must achieve a score of 70% or more correct on an individual examination. If the examination is taken on-line, the employee or volunteer must retain a certificate of completion indicating they successfully completed the course.

(9) The department may assess a fee of \$125 to each applicant to cover the costs of the department's initial review and each follow-up review of a training and examination program.

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(10) All applications and fees shall be mailed to the Professional Licensing and

Certification Unit, Department of State Health Services, 1100 West 49th Street, Austin, Texas 78756. A blank application may be obtained by calling the Professional Licensing and Certification Unit at (512) 834-6770 or may be downloaded from [www.dshs.state.tx.us/beh/g/youth.htm](http://www.dshs.state.tx.us/beh/g/youth.htm).

(11) The department, at least every five years from the date of initial approval, shall review each training and examination program approved by the department to ensure the program continues to meet the criteria and guidelines established under this subsection.

(h) Records retention. All applications, background check reports, training documentation, and other required personnel documentation required by these rules shall be maintained in hard copy or electronic format for a minimum of two years following a person's last day of service.

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