

MEMORANDUM

TO: Claire Powell, City Manager

FROM: Stacie Anaya, Director

DATE: March 5, 2024

SUBJECT: **Public Hearing: Consideration of an Ordinance Adopting Youth Recreational Program Standards of Care in Compliance with Texas Administrative Code (TAC) 745.115(3).**

BACKGROUND

The Texas Department of Family and Protective Services (DFPS) regulates various child day-care operations including listed family homes, registered child-care homes, licensed child-care homes, child-care centers, employer-based childcare, shelter care, before or after-school programs, and school-age programs. A review of each of these categories of daycare facilities shows that these facilities are either ongoing through the school year or designed to provide daily on-going child-care or exist for more than a three-week period. Camps and after-school programs operated by a municipality and other designated entities are exempt from these standards and regulations that are directed towards facilities that operate on a daily on-going basis. The proposed standards of care provide all the necessary controls and rule that the state deems necessary for a program of very limited duration such as a camp or after-school program.

Under the Texas Human Resources Code 42.041 (b)(14) and DFPS Rules, 40 TAC 745.115(3), the exemption is provided for certain municipal recreation programs for youth ages 5 to 13 when the following criteria are met:

- Governing body of the municipality annually adopts standards of care by ordinance after a public hearing
- Ordinance includes at a minimum: staffing ratios; staff qualifications; facility, health and safety standards; and mechanisms for monitoring and enforcing the adopted local standards
- Standards of care are provided to the parents of each program participant
- The program cannot be advertised as a child-care facility
- Parents must be informed that the program is not licensed with the State of Texas as a child-care operation.

The Parks & Recreation Department conducts up to twelve one-week summer camps, several one-week and one-day holiday camps during LISD school breaks for ages 6 to 12 at Thrive; a Spring Break Camp for ages 7 to 12 at LLELA; three one-week summer camps for ages 7 to 12 at LLELA; and plans to offer after school programs for youth ages

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5 to 12 at Thrive and LLELA and teen camps at Thrive for ages 12 to 15 in the future. These offerings require the department to adopt Youth Recreational Program Standards of Care.

ANALYSIS

The Texas Administrative Code requires the Council's adoption of the standards of care ordinance each year. Chapter 10, Article VI of the City of Lewisville Code of Ordinances is the home of the Standards of Care for Youth Recreational Programs. This year, the proposed standards have been updated to ensure accuracy and consistency across the code including the following changes:

- Updated job titles and responsibilities
- General cleanup of language and definitions for continuity.

Once adopted the Department will update training programs and materials distributed to parents of participants in the affected programs.

CITY STAFF'S RECOMMENDATION

That the City Council approve the ordinance as set forth in the caption above.