

**AGENCY RULE**

**24.01.06.F1 Programs for Minors**

Supplements System Regulation 24.01.06

Approved July 30, 2015

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**RULE STATEMENT**

Texas A&M Forest Service (agency) operates certain programs involving minors. The agency may also authorize third party organizations to conduct programs involving minors using agency property/facilities. This rule establishes the process for agency personnel to approve, process, and execute programs for minors.

**REASON FOR RULE**

This rule implements the requirements of The Texas A&M University System (A&M System) Regulation *24.01.06*, *Programs for Minors*.

1. GENERAL

1.1 The applicable division director or department head will designate a dedicated program director for each program for minors.

1.2 All programs for minors, including those operated by third–parties using agency property or facilities, must be reviewed by the Chief Administrative Officer to determine if they meet the “Programs for Minors” definition contained in System Regulation [*24.01.06*](https://policies.tamus.edu/24-01-06.pdf)*, Programs for Minors*. To initiate this review, the program director will complete and submit the [Program for Minors Survey](https://tfsfinance.tamu.edu/modules/finance/admin/procedures/Programs%20for%20Minors%20Survey.docx) form to the Environmental Health & Safety Officer (EHSO).

1.3 All programs for minors must submit a Programs for Minors Survey form at least two weeks before the start of the program. If the program for minors occurs multiple times during the year, only one Programs for Minors Survey form is required for the year.

1.4 The EHSO will notify the dedicated program director of the determination and, for those programs meeting the Programs for Minors definition, discuss the requirements contained in Section 2 below.

1.5 The EHSO will conduct reviews of all programs for minors each fiscal year and ensure that all requirements in agency rule *24.01.06.F1* have been met. Documentation files of all reviews will be maintained by the EHSO in accordance with the A&M System records retention schedule and this rule.

* 1. Program files will be maintained by the program director in accordance with the A&M System records retention schedule and this rule.

2. REQUIREMENTS FOR PROGRAMS FOR MINORS

Programs meeting the Programs for Minors definition must meet the following requirements:

2.1 During the planning phase, a risk assessment will be conducted by the dedicated program director and the EHSO to identify and mitigate risks associated with the activities of the event. This risk assessment will be conducted using the System [Risk Assessment Matrix](http://assets.system.tamus.edu/files/safety/pdf/SystemRiskAssessmentMatrix.pdf) and may include, but is not limited to, the following:

2.1.1 A review of any and all activities associated with the event;

2.1.2 An inspection of any agency owned facility to ensure it meets health and safety standards;

2.1.3 Identification of potential travel safety issues, including but not limited to drivers, vehicle types, driver certifications, and travel distance; and

2.1.4 Identification of personal protective equipment, which may be required.

2.2 Job duties of employees and volunteers will be documented and maintained in program files. A copy will be provided by the program director to the EHSO to verify compliance.

2.3 For programs operated by the agency, a [Waiver, Indemnification, and Medical Treatment Authorization](http://www.tamus.edu/legal/wp-content/uploads/sites/26/2015/05/Waiver-Indemnification-and-Medical-Treatment-Authorization-Form.pdf) form for each program participant and volunteer must be completed prior to participating in the program. The completed forms will be maintained in the program files. Third party programs are contractually required to obtain waiver of liability forms for all program participants, staff and volunteers. If the third party does not have a waiver form, the above referenced form will be provided.

2.4 For programs operated by the agency, general liability and accident medical insurance must be purchased through the System Risk Management insurance program. The EHSO will obtain the insurance and provide a copy of the proof of insurance to the dedicated program director. Third party programs are contractually required to obtain general liability and accident medical insurance.

2.4.1 For programs operated by a third party, the purchasing department head will work with the dedicated program director and third party to execute a contract using the standard contract form provided by the A&M System. At the time the contract is executed, the purchasing department head will obtain the required proof of insurance from the third party. Once the contract and proof of insurance are validated, the purchasing department head will provide copies to the dedicated program director and the EHSO.

2.5 Third party programs are contractually required to provide to the dedicated program director a roster of attendees within three days following the end of the program.

2.6 Except for parent/child relationships, communication, including by social media, between minors and employees or volunteers is prohibited outside of official communications of the program.

2.7 When notified that a minor with special needs will attend a program, the special needs will be accommodated whenever possible and in accordance with the Americans with Disabilities Act. Program staff will coordinate with the Human Resources (HR) Manager on appropriate accommodations to be made.

2.8 Employees and volunteers are prohibited from accepting responsibility for the distribution and/or security of medicine for program participants.

2.9 Employees and volunteers are prohibited from requesting, obtaining and/or retaining medical information related to program participants.

2.10 Each program must have at least two adult supervisors with a minor/counselor ratio of 8:1 or less. For any hazardous activity, the supervisor(s) must be in the immediate vicinity (within sight and/or hearing) of the minors. The dedicated program director will not be included in the supervisor to minor ratio in programs serving over 50 participants at one time.

3. BACKGROUND CHECKS

3.1 Both a national criminal conviction and a sex offender background check will be conducted annually on all employees and volunteers involved with programs for minors. These checks must be performed on the individual’s permanent address and will be reviewed by the HR Manager. Decisions to disallow an employee or volunteer from participating in a program will be made by the Chief Administrative Officer, in compliance with System Regulation *24.01.06* and after consultation with the System Office of General Counsel. Documentation that a background check was conducted must be maintained for a period of two years.

3.2 Third-parties that bring minors to agency property for programs for minors are responsible for conducting the appropriate national criminal conviction and sex offender background checks of their employees and volunteers.

3.3 A copy of the participant roster and employee/volunteer roster, including name and contact information must be maintained in the program files for two years.

4. TRAINING

4.1 All employees and volunteers assigned to programs for minors will be required to successfully complete the system approved Child Protection Training Course every two years with a score of 100%. Training must be completed prior to the employee or volunteer interacting with minors. Certificates will be retained in TrainTraq for employees and in program files for volunteers for two years.

4.2 Third party organizations are responsible for ensuring that their employees and volunteers have successfully completed a child protection training course approved by the Texas Department of State Health Services (DSHS).

4.3 When the program for minors is conducted for all or part of at least four days and has 20 or more participants, the dedicated program director must complete the training roster on the approved DSHS form and provide it to the EHSO for review and submission to DSHS. A copy of the form will be maintained in program files.

4.4 Training will not be required for agency employees or third-party personnel whose employment does not involve interaction with minors.

5. REPORTING

5.1 The department sponsoring a program for minors will be required to complete the DSHS [Campus Program for Minors Information](https://www.dshs.texas.gov/sites/default/files/cpm/pdf/CPMForm2011.pdf) form five days prior to the start of the program, if it meets the following criteria:

5.1.1 Has more than 20 participants who are not enrolled at the institution;

5.1.2 Not a licensed day or youth camp; and

5.1.3 Participants attend or temporarily reside on agency property for all or part of at least four days.

The form will be submitted to the EHSO for review and submission to DSHS.

5.2 Third-party organizations will be required to sign the Program for Minor Agreement form annually. The dedicated program director is responsible for obtaining the completed form and providing a copy to the purchasing department head.

5.3 Anyone suspecting or having a cause to believe that a minor has been subjected to abuse, molestation, or neglect must immediately make a report to local law enforcement. The HR Manager should also be notified. All participating employees, volunteers, and third–party personnel must be informed of this requirement.

5.4. All incidents will be reported by the program director to the EHSO. A log of all incidents must be reported to System Risk Management annually, if not reported through Origami.

6. EMERGENCY RESPONSE TRAINING PROGRAMS

This rule does not apply to emergency response training because participants must be at least 18 years of age to attend any emergency response training program sponsored or operated by the agency.

**RELATED STATUTES, POLICIES AND REQUIREMENTS**

System Regulation [*24.01.06*](https://policies.tamus.edu/24-01-06.pdf)*, Programs for Minors*

**CONTACT OFFICE**

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