

Mandatory Child Protection Training and Required Documentation for
Campus Programs for Minors

FREQUENTLY ASKED QUESTIONS

Summer 2023

The following information is provided to assist you in complying with legal requirements imposed by [Texas Education Code § 51.976](#), which requires individuals who will have contact with minors at certain limited campus programs to receive specific training on preventing sexual abuse and child molestation in order for the campus program to be operated by or on the campus of an institution of higher education. The purpose of this policy is to comply not only with the minimum legal requirements of the [Texas Education Code § 51.976](#), but to also ensure all campus programs for minors are conducted in a manner that is as safe as possible.

NOTE: The University of Houston or its component campuses may require child protection training for individuals beyond what is required by law. More information about the requirements imposed by the University of Houston will be discussed below and can be found in their entirety in [SAM 05.C.01](#).

1. What programs are subject to the requirements of the statute?

Answer: Section 51.976 applies to programs that meet the following criteria. The program must:

- 1) be operated by an institution of higher education or be on the campus of the institution;
- 2) offer recreational, athletic, religious, or educational activities; and
- 3) be offered to at least twenty (20) minors who:
 - a) are not enrolled at the institution, and
 - b) attend or temporarily reside at the camp for all or part of at least four (4) days.

***Note:** The University of Houston has determined that all UH employees/volunteers who fall within the parameters below are required to complete a state-approved child protection training. Child Protection Training is required for anyone (faculty, staff, volunteer, or student worker) having contact with a minor (under 18 years of age) as part of a camp or program under the following scenarios:

- Camp or Program with minors that lasts 6 hours or more on any given day,
- Camp or Program with minors that continues for multiple days no matter what the duration is per day, or
- Camp or program that involves an overnight stay.

***Note:** Any volunteer acting as a guest speaker, entertainer, or a person who visits for a limited purpose or limited time, if the person has no direct and unsupervised interaction with minors, does not have to take this training.

Programs that meet these criteria are called “campus programs for minors” under the statute. However, a program is not considered a “campus program for minors” if it is a day camp or youth camp or a facility/program that is licensed by the Department of Family and Protective services. These licensed camps, as defined by Sec. 141.002 of the Health and Safety Code, are subject to other state laws regarding training and examination on sexual abuse and child molestation. See Sec. 51.976(a)(2).

2. Who is a minor?

Answer: Generally, under Texas law a minor is anyone under the age of 18. (However, state law does provide that anyone under the age of 18 who is or has been married, or has a court order declaring the minor may legally act as an adult, is not considered a minor.)

3. Do the statute's requirements also apply to campus programs for minors that are conducted off campus?

Answer: Yes. The statute's definitions encompass not only camps occurring on campus, but also programs for minors that are "operated by" institutions of higher education, which may be off campus. See Sec. 51.976(a)(2).

4. Under the definition of a "campus program for minors," the statute only includes programs that last "at least four (4) days." *Are those four (4) consecutive days?

Answer: No. The statute does not use the term "consecutive." Therefore, the "four days" must be applied literally. For example, if a program for minors meets once a week on campus over the course of six (6) weeks, camp employees who are in contact with campers must complete the training and examination program if all other criteria for a "campus program for minors" are met since the minors attended the camp for at least four days. See Sec. 51.976(a)(2)(b)(ii).

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5. What does the statute require if the program is a "campus program for minors"?

Answer: If a program is classified as a "campus program for minors," the program operator of the campus program for minors:

- 1) May ONLY employ an individual in a campus program position involving contact with minors in the campus program IF:
 - a. It can be verified that the individual successfully completed a sexual abuse/child molestation training and examination program (typically verified through the submission of a training completion certificate) that has been approved by the Department of State Health Services pursuant to Section 51.976 of the Texas Education Code within the last two (2) years, OR
 - b. The individual successfully completes an approved program during the first five (5) days of employment and documents its completion. Individuals who received sexual abuse and child molestation training in other contexts, (i.e. state teachers, state

social workers and other individuals who have received in-service training provided by their place of employment) are not exempt from this training and examination requirement. Also, note, not only are program operators obligated to ensure employees are properly trained, the employee is directly obligated to ensure he or she receives approved training as set out above. See Sec. 51.976(e).

- 2) Must submit verification forms indicating that each campus program employee received the required training under the statute to the Department of State Health Services.
- 3) Must maintain documentation of each employee's successful completion of the training and examination program for two (2) years from the date of the examination.

****Suppose a campus program for minors only lasts for five days. How is the training to be accomplished if the camp employee has never received the training before and the statute allows five days from employment to complete the training?**

As the purpose of the statute is to provide child abuse/molestation awareness to those who will be involved with minor campers, the employee training should be successfully completed prior to the commencement of the program on campus.

6. Who is the "program operator?"

Answer: The statute defines the "program operator" as the "person who owns, operates, or supervises a campus program for minors, regardless of profit." In accordance with state law and the implementing regulations, a "person" includes a corporation, organization, government or governmental subdivision, or agency, business trust, estate, trust, partnership, association, and any other legal entity. The program operator is generally responsible for:

- 1) Ensuring that only those individuals with appropriate training are employed in campus programs involving minors;
- 2) Submitting training verification forms to the Coordinator of Campus Programs for Minors; and
- 3) Maintaining records of completion of training of individuals.

For campus programs for minors managed by the Institution, the program operator(s) designated by the Institution should be at a level of authority to ensure compliance with these requirements. Who the program operator is may vary from program to program given the varying sizes and complexity of the programs on campus. Ultimately, it is the responsibility of the Institution to ensure there is compliance with the law.

Third-parties who contract with the Institution for use of institutional facilities in order to operate private summer camps and whose programs meet all the requirements of a campus program for minors are the program's operators.

7. Who is an "employee" subject to the statute?

Answer: An "employee" is "a person of any age who receives compensation for work or services at a campus program for minors." This means an individual is subject to the statute's requirements if the person 1) is being compensated by the program operator, 2) provides work or services at a campus program for minors, and 3) has contact with campers. Additionally, "compensation" is more than just a salary; it includes something of value that is in exchange for the services performed. So, if the institution is the program operator and offers a student a scholarship in exchange for working at the camp, the student would be considered an employee.

However, the regulations **exempt** certain employees from the training and examination requirements. Employees of the institution who have “only *limited or incidental contact* with campers” are *not* subject to training and examination requirements. (25 TAC Sec. 265.403(c)).

8. Does the training requirement apply to volunteers or unpaid students who participate in campus programs for minors operating on campus?

Answer: **Yes.** * While the statute does not require volunteers or unpaid students to complete training, the University of Houston does maintain this requirement as outlined in [SAM 05.C.01](#).

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9. The training and examination only applies to employees who are “in a position involving contact with campers at a campus program for minors.” How much contact must there be with campers for the position to be subject to the statute?

Answer: Implementing regulations clarify what does not constitute “contact with campers.” An employee is not considered “in contact with a camper” if the employee is:

- 1) Acting as a guest speaker, an entertainer, or fulfilling any other role whose attendance at the campus program for minors is for a limited purpose or a limited time, and
- 2) Will not have any direct and unsupervised interaction with campers. (25 TAC Sec. 265.403(b)).

10. Our campus often provides tours of the campus to minors attending a campus program. Would the university tour guides be required to take the training?

Answer: If the tour guides are hired by the University to provide campus tours to anyone requesting a tour (i.e. parents, visitors, potential student applicants), then the tour guide would not be required to take the training under the statute. If the guides were hired for the primary purpose of giving tours to minors attending a campus program, they would *not* be subject to the training requirement if their contact with the campers was only limited or incidental. So, if the tour was say only two hours long, it would be reasonable to argue that the contact with the campers was of a limited nature.

11. May a third-party operator use the institution’s approved child protection training and examination program?

Answer: Yes, the institution may permit the third-party vendor the use of the UH System’s training and examination program that has been approved by the Department of State Health Services. However, the institution may NOT assume responsibility for training the third-parties’ employees/volunteers,

intermingle third-party employees in the institution's training of its employees, or use facilities or equipment that is not included in the rental agreement.

12. What is the permitted delivery system for the University's training and examination program?

Answer: The UH System provides only online training for employees and non-employees (volunteers). For additional information, see: <https://uh.edu/dos/resources/cpfm/training-information/>

13. What happens if an employee of a campus program for minors fails to obtain the proper training and examination under the statute?

Answer: A program operator or employee that fails to comply with the training and examination requirements of the statute is subject to investigation by the Department of State Health Services and an assessment of civil penalties of not less than \$50.00 or more than \$1,000.00 for each act of violation.