CITY AND COUNTY OF HONOLULU
DEPARTMENT OF PARKS AND RECREATION

Repeal of Rules and Regulations Governing Recreation Child Care Programs and Adoption of Title 19, Chapter 14, City and County of Honolulu Administrative Rules

September 18, 2016

SUMMARY

1. Rules and Regulations Governing Recreation Child Care Programs is repealed.

2. Title 19, Chapter 14, City and County of Honolulu Administrative Rules, entitled ''Recreation Child Care Programs,'' is adopted.

CITY AND COUNTY OF HONOLULU
DEPARTMENT OF PARKS AND RECREATION

Rules and Regulations Governing Recreation Child Care Programs, REPEALED [SEP 18 2016]

CITY AND COUNTY OF HONOLULU ADMINISTRATIVE RULES

TITLE 19

DEPARTMENT OF PARKS AND RECREATION

CHAPTER 14

RECREATION CHILD CARE PROGRAMS

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Historical note: This chapter is based substantially upon Rules and Regulations Governing Recreation Child Care Programs. [Eff 7/12/98;
R SEP 18 2016]

SUBCHAPTER 1

GENERAL PROVISIONS

§19-14-1 Purpose. The purpose of this chapter is to establish guidelines and procedures for recreation child care programs conducted by or on behalf of the department to ensure that recreation child care programs are designed and conducted to promote the physical, emotional, and social well-being and development of children. [Eff: SEP 18 2016] (Auth: RCH §4-105.4, ROH §1-9.1) (Imp: HRS §346-152, RCH §6-1403)

§19-14-2 Application. These rules and regulations shall apply to recreation child care programs conducted by or on behalf of the department for children between the ages of five and thirteen years old who have not entered the seventh grade. [Eff: SEP 18 2016] (Auth: RCH §4-105.4, ROH §1-9.1) (Imp: HRS §346-152, RCH §6-1403)

§19-14-3 Definitions. As used in this chapter, the following words and terms shall have the following meaning unless the context clearly indicates otherwise:

''Child'' or ''Children'' means any person between the age of five and thirteen years old who has not entered the seventh grade and is registered in a recreation child care program.

"City" means the city and county of Honolulu.

''Department'' means the department of parks and recreation, city and county of Honolulu.

''Director'' means the director of the department of parks and recreation, city and county of Honolulu.

''HRS" means the Hawaii Revised Statutes.

''Intersession program'' means a recreation child care program held during the year when school is not in session.

''Program director'' means the program site director in charge of the recreation child care program.

''Program site'' means the location at which the recreation child care program is conducted.

''Recreation child care program'' means a program of courses and activities such as the summer fun program, summer plus program, intersession program, or after school program that involves multi-activity content for more than six hours per week, offered by or on behalf of the department.

''Summer fun'' or ''summer fun program'' means a recreation child care program comprised of a program of recreational activities for children that may include arts and crafts, music and dance, excursions, games or other activities offered by the department during the summer months when school is not in session.

''Summer plus'' or ''summer plus program'' means a recreation child care program held as a supplement to the summer fun program to provide additional hours of child care before and/or after the summer fun program day. [Eff: SEP 18 2016] (Auth: RCH §4-105.4, ROH §1-9.1) (Imp: HRS §346-152, RCH §6-1403)

§19-14-4 Severability. If any chapter, section, subsection, sentence, clause, phrase, or portion of these rules is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof. [Eff: SEP 18 2016] (Auth: RCH §4-105.4, ROH §1-9.1)(Imp: RCH §6-1403)

SUBCHAPTER 2

ADMINISTRATION REQUIREMENTS

§19-14-5 Ages of children in care. (a) Summer fun and summer plus programs: for childrenwho have completed kindergarten to thirteen years old who have not yet entered the seventh grade.

(b) Intersession, before, and after school programs: for children currently enrolled in kindergarten through sixth grade.[Eff:SEP 18 2016](Auth: RCH §4-105.4, ROH §1-9.1) (Imp: HRS §346-152, RCH §6-1403)

§19-14-6 Records on each child.Program registration forms for each child shall be kept on file at each program site where the child is registered. In the event a child registers for recreation child care programs at more than one program site, each program site shall maintain a separate file on the child. [Eff:SEP 18 2016] (Auth: RCH §4-105.4, ROH §1-9.1)(Imp: HRS §346-152, RCH §6-1403)

§19-14-7 Disclosure of information on the child. Information pertaining to an individual child or parent or guardians of the child is confidential and shall not be disclosed to persons other than to other agencies pursuant to HRS Section 92F-19 or as required by HRS Sections 92F-12 and 92F-13 unless the parents or guardians of the child grant written permission for the disclosure or an emergency arises. Individuals or organizations requesting information about a child or parents or guardians of a child shall provide written approval to release such information signed by the parents or guardians of the child before release of any of the records. [Eff:SEP 18 2016] (Auth: RCH §4-105.4, ROH §1-9.1)(Imp: HRS §346-152, RCH §6-1403)

SUBCHAPTER 3

PROGRAM REQUIREMENTS

§19-14-8 Program goals. Recreation child care programs are to be designed and conducted to promote the physical, emotional, and social well-being and development of the child. Recreation child care programs are to provide children in the community opportunities to participate in physical, cultural, civic, and educational activities so that they may learn skills and knowledge that will enable them to achieve the lifelong benefits of constructive leisure. [Eff:SEP 18 2016] (Auth: RCH §4-105.4, ROH §1-9.1) (Imp: HRS §346-152, RCH §6-1403)

§19-14-9 Reasonable modifications. The department shall make reasonable program modifications for the inclusion of any child with disabilities in recreation activities and programs. The parents or guardians of the child and the program director shall discuss the child's individual needs and what, if any, modifications are needed and can be reasonably met. The department shall not be responsible for providing personal care or personal care attendants for any child. Parents or guardians shall provide the department with five working days advance notice when requesting provisions for accommodation of program modifications. [Eff:SEP 18 2016](Auth: RCH §4-105.4, ROH §1-9.1)(Imp: HRS §346-152, RCH §6-1403)

§19-14-10 Programs conducted on behalf of the department. Recreation child care programs conducted on behalf of the department shall comply with the department's administrative rules and program policies and guidelines for recreational child care programs. [Eff:SEP 18 2016] (Auth: RCH §4-105.4, ROH §1-9.1)(Imp: HRS §346-152, RCH §6-1403)

§19-14-11 Program notices. (a) Parents or guardians shall be notified in writing, by telephone, or in person of changes in original recreation child

care program dates, times or program sites. Parents or guardians shall be responsible for making appropriate care arrangements for drop-off and pick-up of their child.

(b) Notices regarding discipline and health shall be prepared by the department staff and delivered in a timely matter. The program director shall be available to answer questions or to meet with parents or guardians if requested. [Eff:SEP 18 2016] (Auth: RCH §4-105.4, ROH §1-9.1) (Imp: HRS §346-152, RCH §6-1403)

§19-14-12 Program registration form. (a) Prior to admission of a child to a recreation child care program, parents or guardians of the child shall be required to provide the following information at registration:

(1) Participant information
  (A) The child's name, address, telephone number, sex, age and birth date;
  (B) The names, addresses and telephone numbers of the parents or guardians who are legally responsible for the child;
(2) Health and emergency information.
  (A) The child's allergies, special conditions or needs which may have an impact upon the child's over-all behavior;
  (B) The name and telephone number of the child's family physician;
  (C) The name and telephone number, including business telephone number, of the person who shall be responsible for the child if the parents or guardians cannot be reached immediately in an emergency;
  (D) The names and telephone numbers of persons authorized to take the child from the program site during program hours.

(3) Authorization and consent for emergency and medical treatment.

(4) Release of all claims and indemnification.

(A) Parents or guardians are required to sign the release of claims and indemnification form that gives permission for their child to participate in recreation child care program activities and releases the City from liability for any personal injuries sustained by their child and personal property damage.

(B) Alterations to the release of claims and indemnification provisions are not permitted. Registration forms which fail to contain the signatures of the appropriate parent or guardian or contain any revisions or alterations shall not be accepted.

(5) Authorization for field trips off site.

(6) Media releases. The department will allow the media to film and photograph program activities at parks provided:

(A) Filming is required for news and noncommercial purposes;

(B) The program director determines that the filming or picture taking will not unduly interfere with or disturb the program; and

(C) Individual children are not singled out for demonstration, photography or interview purposes against their wishes. [Eff: SEP 18 2016]
(Auth: RCH §4-105.4,ROH §1-9.1)
(Imp: HRS §346-152, RCH §6-1403)

§19-14-13 Registration priority. Program registration is limited and shall be on a first-come, first-served basis. Eligibility for waived or discounted fees shall not provide an advantage or disadvantage to participation in any recreation child

care program. Applicants who desire to enroll full-time in a recreation child care program shall be given priority over applicants who desire to enroll part-time in the same recreation child care program. [Eff:SEP 18 2016] (Auth: RCH §4-105.4,ROH §1-9.1)(Imp: HRS §346-152, RCH §6-1403)

§19-14-14 Registration wait lists. Registration wait lists for recreation child care programs may be established on a first-come, first served basis, but do not guarantee enrollment in the recreation child care program. Separate waiting lists may be established for applicants who wish to enroll full-time and those who wish to enroll part-time. The department shall notify parents by telephone or in writing of openings in the recreation child care program. [Eff: SEP 18 2016] (Auth: RCH §4-105.4, ROH §1-9.1) (Imp: HRS §346-152, RCH §6-1403)

§19-14-15 Field trips. (a) Supervision of children participating in field trips shall require all of the program staff in the recreation child care program to accompany the field trip group. There shall be no supervision provided at the program site for those children not participating in the field trip. Parents or guardians shall be responsible to make alternative provisions for child care on field trip days for the child or children not participating in the field trip.

(b) Parents or guardians who send their children to the program site on a field trip day are responsible for all field trip costs. Failure to pay all field trip costs within five working days after the field trip may result in suspension or dismissal of the child from the recreation child care program.[Eff:SEP 18 2016] Auth: RCH §4-105.4, ROH §1-9.1) (Imp: HRS §346-152, RCH §6-1403)

SUBCHAPTER 4

ATTENDANCE, WITHDRAWAL AND DISMISSAL

§19-14-16 Program attendance. Attendance in a recreation child care program is voluntary. Any child who does not report at the start of the program day or the scheduled activity is considered absent with the consent of the parents or guardians of the child. [Eff:SEP 18 2016] (Auth: RCH §4-105.4, ROH §1-9.1) (Imp: HRS §346-152, RCH §6-1403)

§19-14-17 General release. Any child enrolled in a recreation child care program, including summer fun, shall be released at the end of the program day. Parents or guardians are responsible for arranging for child pick-up at the end of the program day. A child may not leave the program while the program is in progress unless the department receives written or verbal authorization from the parents or guardians authorizing release of the child before the end of the program day. [Eff:SEP 18 2016] (Auth: RCH §4-105.4, ROH §1-9.1) (Imp: HRS §346-152, RCH §6-1403)

§19-14-18 Restricted pick-up. Any child enrolled in a recreation child care program that specifically requires that the child be released only to parents or authorized person designated on the program registration form, shall be released only to the parents or authorized persons designated on the program registration form, unless, the parents or guardians request in writing, that the child be given a general release whereby the parent or guardian need not pick-up and sign-out the child at the end of the program day. A pick-up and sign-out procedure shall be required before release of any child. [Eff:SEP 18 2016] (Auth: RCH §4-105.4, ROH §1-9.1) (Imp: ROH §10-8.4, HRS §346-152)

§19-14-19 Child pick-up and sign-out authorization and procedure. For recreation child care programs that require a child to be picked up only by the parent, guardian, or authorized person designated on the program registration form, the authorized person must complete the name of the child, name of the person picking up the child and the time of pick-up in the sign-out log before the child may be released from the program site. [Eff:SEP 18 2016] (Auth: RCH §4-105.4, ROH §1-9.1) (Imp: HRS §346-152,RCH §6-1403)

§19-14-20 Late pick-up. If a child is not picked up or the program director is not contacted by the parent or guardian within one hour of the end of the program day, then the program director shall call the Honolulu Police Department to arrange for proper custody of the child. [Eff:SEP 18 2016] (Auth: RCH §4-105.4, ROH §1-9.1) (Imp: HRS §346-152, RCH §6-1403)

§19-14-21 Withdrawal from program. Parents or guardians may withdraw their child from a recreation child care program at any time, upon giving the program director written or verbal notice of the date of the withdrawal and reasons for the withdrawal. [Eff:SEP 18 2016] (Auth: RCH §4-105.4, ROH §1-9.1) (Imp: HRS §346-152,RCH §6-1403)

§19-14-22 Dismissal from program. The program director, at his or her discretion, is authorized to dismiss any child from a recreation child care program based on, but not limited to, the child's behavior that is unsafe and harmful to him or herself or others, repetitive disciplinary problems, unexcused tardiness or absences, repeated late pick-ups, or health problems or conditions. Reasons for dismissal shall be documented in writing and a copy shall be

provided to the parent or guardian. The program director shall contact the parent or guardian to discuss the reasons for dismissal. Before any child is dismissed from a recreation child care program, the program director may request a conference with the parent or guardian to discuss resolution of the problem. [Eff:SEP 18 2016] (Auth: RCH §4-105.4, ROH §1-9.1) (Imp: HRS §346-152, RCH §6-1403)

§19-14-23 Suspension from program. The program director is authorized to suspend any child for a period of time as a disciplinary measure. The program director shall notify the parents or guardians in writing of the suspension of the child. [Eff:SEP 18 2016] (Auth: RCH §6-1403) (Imp: HRS §346-152, RCH §6-1403)

SUBCHAPTER 5

STAFFING REQUIREMENTS

§19-14-24 Staff to child ratio. The staff to child ratio in a recreation child care program shall not exceed 1:20. [Eff:SEP 18 2016] (Auth: RCH §4-105.4, ROH §1-9.1) (Imp: HRS §346-152, RCH §6-1403)

§19-14-25 Staff training, experience, and personal qualifications. (a) Staff (full-time employees, part-time employees, independent contractors and adult volunteers) responsible for recreation child care programs shall be qualified through training, experience, and responsible character.

(b) Applicants and staff shall be of reputable and responsible character and shall not have a criminal history record, employment history, or background which poses a risk to children in their care.

(1) Conviction of a crime involving violence, alcohol or drug abuse, sex offense, offense involving children and any other conviction, the circumstances of which indicate that the applicant, employee, independent contractor or adult volunteer may pose a danger to children may be a basis for denial or termination of employment or placement.

(2) Type of criminal offense, when it occurred, and evidence or rehabilitation may be considered in determining whether the criminal history record poses a risk to the health, safety, or well-being of children in care.

(3) An employment history indicating violence, alcohol, or drug abuse, any other violation of employer rule or policy, the circumstances of which indicate that the applicant, employee, independent contractor, or adult volunteer may pose a danger to children may be a basis for denial or termination of employment or placement.

(4) Background information which shows that the individual has been identified as and substantiated to be the perpetrator of child abuse or neglect may be a basis for denial or termination of employment or placement.

(c) In addition to meeting minimum qualifications for respective job classifications, requirements for staff and applicants assigned to recreation child care programs shall include, but not limited to:

(1) Current standard first aid certification; and

(2) Criminal history record check as authorized by state law.

[Eff:SEP 18 2016] (Auth: RCH §4-105.4, ROH §1-9.1) (Imp: HRS §346-152, RCH §6-1403)

SUBCHAPTER 6

FEES, WAIVERS AND REFUNDS

§19-14-26 Fees. (a) The department shall charge fees for recreation child care programs as authorized by ordinance.

(b) The department shall charge a fee not to exceed $8.00 per child per day for summer plus program services provided during the hours from 6:00 a.m. to 8:30 a.m., and a fee not to exceed $10.00 per day for summer plus program services provided during the hours from 2:00 p.m. to 5:30 p.m. to participate in the summer plus program.

(c) The director may grant a $1.00 fee increase each year to cover operational costs for the summer plus program fee.

(d) The department may charge an activity fee for the recreational child care program due at registration to cover any costs associated with the recreational child care program including supplies, transportation, entry fees, and excursion costs.
[Eff:SEP 18 2016] (Auth: RCH §4-105.4, ROH §1-9.1) (Imp: RCH §6-1403, ROH §10-8.4)

§19-14-27 Waivers. The registration fee for the summer fun program and recreational child care programs offered by the department in the summer months or when school is not in session may be waived if, at the time of registration, the parent or guardian of the child submits a letter or written verification from the department of human services, or department of education, State of Hawaii, verifying that at the time of registration, the child is in foster care or from a family or household receiving state or federal assistance to families with dependent children.
Eff:SEP 18 2016] Auth: RCH §4-105.4, ROH §1-9.1) (Imp: RCH §6-1403, ROH §10-8.4)

§19-14-28 Refunds. All fees, including activity fees, are non-refundable after the start of the recreation child care program or collection deadline (for special activities) as designated at the time of registration. No refunds for unused days or activities are permitted after the start of the recreation child care program or collection deadline has passed. Refund requests shall be submitted to the department in writing and accompanied by a receipt, cancelled check, or appropriate registration form indicating payment. If the department cancels any activity, refunds shall be made on a pro-rata basis. [Eff: SEP 18 2016] (Auth: RCH §4-105.4, ROH §1-9.1) (Imp: RCH §6-1403, ROH §10-8.4)

§19-14-29 Transfers of summer fun registration fee. The summer fun registration fee may be transferred when a child transfers from one program site to another program site. Transfer of activity fees is not permitted. A transfer form verifying payment or waiver of the summer fun registration fee shall be provided to the parents or guardians. Parents or guardians shall submit the transfer form to the program director when registering at the new program site. [Eff:SEP 18 2016] (Auth: RCH §4-105.4, ROH §1-9.1) (Imp: RCH §6-1403, ROH §10-8.4)

§19-14-30 Payment. Fees are due and payable upon registration. Checks and money orders shall be made payable to the City and County of Honolulu. Cash is accepted, but checks or money orders are preferred. There is a $25.00 service charge for all returned checks. Failure to pay fees or charges shall result in dismissal of the child from a recreation child care program.[Eff:SEP 18 2016] (Auth: RCH §4-105.4, ROH §1-9.1) (Imp: RCH §6-1403, ROH §10-8.4)

SUBCHAPTER 7

SAFETY, HEALTH

§19-14-31 Sick or ill children. (a) Program sites do not have facilities for or adequately trained staff to provide special care for sick or ill children. If a child becomes sick or ill while in the recreation child care program, or has a communicable health problem, parents or guardians of the child shall be contacted immediately to pick-up the child.

(b) Sick or ill children with communicable health problems such as chicken pox, influenza, and measles or with head lice shall be excluded from participating in the recreation child care program or activity in accordance with department of health guidelines. [Eff:SEP 18 2016] (Auth: RCH §4-105.4, ROH §1-9.1) (Imp: HRS §346-152, RCH §6-1403)

§19-14-32 Medication requests.(a) The department shall make reasonable program modifications for the inclusion of any child with a disability in recreation activities and programs. The parents or guardians of the child and the program director shall discuss the child's individual medication needs and what, if any, modifications are needed and can be reasonably met. Parents or guardians shall provide the department with five working days advance notice when requesting provisions for accommodation of program modifications.

(b) Medication may be dispensed provided the parents or guardians of the child signs a request to dispense medication and release of claims and indemnification agreement, if applicable. Dispense means to make the prescribed dosage available for the child to self-administer. Only prescription medicine shall be dispensed by staff; no over-the-counter medicines, creams, cough drops, pain relievers or other non-prescriptive medications shall be dispensed. [Eff: SEP 18 2016] (Auth: RCH §4-105.4, ROH §1-9.1) (Imp: HRS §346-152, RCH §6-1403)

§19-14-33 Allergies. It is the responsibility of the parents or guardians of the child to notify the department that the child has allergies to food and other substances. Upon receiving notice from the parents or guardians of the child's allergies, the department shall record the child's allergies on the child's program registration form. It is the responsibility of the parents or guardians of the child to include the child's allergies and any other medical related information in the child's program registration form at the time of registration. [Eff:SEP 18 2016] (Auth: RCH §4-105.4, ROH §1-9.1) (Imp: HRS §346-152, RCH §6-1403)

§19-14-34 Accidents or medical emergency procedures. In case of an accident resulting in minor injury, first aid may be rendered by a certified staff member. In case of a major accident, a medical emergency unit shall be called to transport the child to the nearest medical treatment center. When possible, department staff shall accompany the child until parents or guardians or someone designated by the parents or guardians arrives to take responsibility. Parents, designated adults, the child's own physician, or emergency contact shall be notified. Parents or guardians of the child shall assume all costs for medical service rendered on behalf of the child.[Eff:SEP 18 2016] (Auth: RCH §4-105.4, ROH §1-9.1) (Imp: HRS §346-152, RCH §6-1403)

§19-14-35 Emergency closing. Due to unforeseen circumstances, including unavailable toilet facilities, electrical power failure or broken water main, the program director may suspend or relocate temporarily the recreation child care program at another program site. In the event of an evacuation, program staff shall evacuate the children to the nearest shelter. Signs shall be posted at the program site informing parents or guardians where evacuees have been taken. Children shall remain under the

supervision and care of department staff until reunited with their parents or guardians or, if not possible, within twenty-four hours of the civil defense all-clear notice, the Honolulu Police Department or appropriate government entity shall be contacted to arrange for custody of the child. [Eff:SEP 18 2016] (Auth: RCH §4-105.4, ROH §1-9.1) (Imp: HRS §346-152, RCH §6-1403)

§19-14-36 Unregistered or uninvited individuals. Uninvited or unregistered individuals whose presence at the program site may interfere with or disturb the conduct of the recreation child care program shall be requested to leave or shall be removed. [Eff:SEP 18 2016](Auth: RCH §4-105.4, ROH §1-9.1) (Imp: HRS §346-152, RCH §6-1403)

SUBCHAPTER 8

INSURANCE

§19-14-37 No medical insurance provided. The city does not provide any primary or secondary medical insurance. Parents or guardians of a child registered in any recreational child care program are required to obtain their own personal medical and health insurance to cover all of their child's medical costs and expenses. [Eff:SEP 18 2016] (Auth: RCH §4-105.4, ROH §1-9.1) (Imp: HRS §346-152, RCH §6-1403)

DEPARTMENT OF PARKS AND RECREATION

The repeal of the Department of Parks and Recreation Rules and Regulations Governing Recreation Child Care Programs and the adoption of Title 19, Chapter 14, City and County of Honolulu Administrative Rules, Department of Parks and Recreation, Recreation Child Care Programs, which were adopted on July 7, 2016, following a public hearing held on June 21,2016, after public notice was given on May 20,2016, in the Star Advertiser.

This chapter shall take effect ten (10) days after filing with the Office of the City Clerk.

DEPARTMENT OF PARKS AND RECREATION
CITY AND COUNTY OF HONOLULU

Michele K. Nekota
Director

APPROVED AS TO FORM
AND LEGALITY:

Deputy Corporation Counsel
DAWN D. M. SPURLIN

APPROVED this 26th day of August, 2016.

KIRK CALDWELL, Mayor
City and County of Honolulu

CERTIFICATION

I, Michele K. Nekota, in my capacity as Director of the Department of Parks and Recreation, City and County of Honolulu, do hereby certify that the foregoing is a full, true and correct copy of Title 19, Chapter 14, City and County of Honolulu Administrative Rules, entitled ''Recreation Child Care Programs'', which were adopted on July 7, 2016, following a public hearing held on June 21, 2016, after public notice was given on May 20, 2016, in the Star Advertiser.

Michele K. Nekota
Director

Received this 8th day of September, 2016.

City Clerk
Glen I. Takahashi