

Ordinance 485-21 Youth Programs Ordinance

Criminal Records Check and Other Requirements

FACT SHEET

Ordinance 485-21 - Amended

Requires that any organization providing Youth Programs using city parks and facilities or receiving funding from the City certify, among other things that it has conducted a criminal records check for any adults who will have "unsupervised access" to youth on a regular basis. Unsupervised access is having access to a child where no other adult is present in the same room, or if outside, within 30 yards or within visual contact.

1. What is the primary reason for the ordinance?

The TMC is silent on providing for the safety of children when involved in regular youth programming on city-owned property, etc. This fills that void. It also aligns with one of the top concerns community members indicated in a recent survey done by the City - SAFETY. It matters because even though these are public places that the city owns, we anticipate increased use and greater potential for conflict and misunderstanding. The goal is for organized programming to adhere to known parameters and a set of high expectations for the best outcomes.

2. Who does this ordinance apply to?

This ordinance applies to organizations providing Youth Programs that will be using City parks or facilities or receiving funding from the City.

3. Who must have a criminal records check?

Any adults who will have Unsupervised Access to a Child on a regular basis. Unsupervised Access to a Child is where the person has access to a child that is not their own child or ward where no other adult is present in the same room or, if outside, no other adult is within a thirty-yard radius or within visual contact. **If the organization has a policy of having two adults present at all times, criminal records checks will not be required.**

4. What would disqualify someone from coaching under the ordinance?

There are **no** disqualifiers under the ordinance. If someone is found to have a record containing evidence of being convicted or having pleaded guilty to any of the offenses listed in Ohio Revised Code Section 109.572(A)(1) (see attachment A), that person may continue to coach under one of two conditions. Either 1) that person may not have unsupervised access to youth, or 2) if that person will continue to have unsupervised

access to youth, the organization must notify the parent or guardian of each child that the person has been convicted of one or more of those offenses but that, nonetheless, the person will be retained by the organization or entity in that position. The notice shall identify by name the person and shall state the fact that the person has been convicted of or pleaded guilty to one or more of the offenses described in division (A)(1) of section [109.572](#) of the Revised Code, but shall not identify the offense or offenses in question.

5. What if an organization decides to allow unsupervised access to youth?

If the organization decides to allow unsupervised access to youth on a regular basis as described in #3 (no policy of having two adults present at all times), then a criminal records check would need to be done. If something comes up in the criminal records check containing evidence of any of the things enumerated in #4, that person would not be permitted to have unsupervised access to youth unless the parents had been notified. But, again, if the organization has a policy of having two (2) two adults present at all times, no background checks are necessary. The concept is to never be alone with a child that is not your own unless you have successfully passed a background check.

6. Who will conduct the criminal records checks under the ordinance?

The criminal records check would be performed by the organization. The organization would certify to the city that the checks were completed for all adults having Unsupervised Access to a Child or that no adult will have Unsupervised Access to a Child when submitting an application for a permit to use a City park or facility or receive funding from the City.

7. What is the cost for a criminal records check and who would pay?

The cost of a criminal records check varies depending on where it is completed. Many leagues already complete criminal records checks on their volunteers. In those cases, nothing additional would be required.

National Alliance for Youth Sports offers its members criminal records checks for \$15. A coach's membership to NAYS is \$20 and includes the Fundamentals of Coaching training and a \$1,000,000 excess liability insurance coverage at no additional cost.

8. Who would pay for the criminal records checks?

The legislation provides that the city will reimburse the cost of criminal records checks completed within the first year of the effective date of the ordinance. After that time, the organization or the individual would be responsible. Criminal records checks would need to be updated every five years.

9. Why is it important for youth sports organizations to adhere to a code of conduct; attend coach training; and CPR, concussion response, first aid and sudden cardiac arrest training?

Although the City will not be offering these, ongoing professional development and skill development of those in charge of these organizations is imperative. The concept is to emphasize striving for excellence and offering youth program experiences led by people who care about being as highly qualified as possible coupled with their experiences; and most importantly, people extremely concerned for the safety, security and well-being of the young people entrusted to their organization as much as humanly possible. Again, they only need to certify that they have done these things.