

PBPA Podcast Transcript

Episode 15: Legal Considerations for Your Nonprofit's Summer Camp
(14:20 minutes)



Sireesha ([00:02](#)):

The summer camp experience can be an amazing time for campers that carry with it a lifetime of memories. We want to make sure those memories are happy and safe ones, for your campers and your organization. Monica Howard Douglas and Jasmine Howard will talk to us about summer camp licenses, background checks, health records, and so much more in this episode of the PBPA Podcast.

Sireesha ([00:33](#)):

Hello and welcome to the PBPA Podcast. In each episode of the PBPA Podcast, we explore legal questions relevant to Georgia nonprofits. I'm your host Sireesha Ghanta, Counsel and Education Director at the Pro Bono Partnership of Atlanta. PBPA strengthens our community by engaging volunteer attorneys, to provide nonprofits with free business legal services. We provide numerous free resources via our website, including articles and webcasts specific to Georgia nonprofits and their business legal concerns. We also provide direct legal services to our clients. For more information on client eligibility requirements to apply to be a client or to access our vast learning center visit our website pbpatl.org. Before we jump into this episode's topic, keep in mind that this podcast is general information, not legal counsel. Contact your attorney for guidance on your nonprofits' specific situation.

Sireesha ([01:44](#)):

Monica Howard Douglas is general counsel at the Coca-Cola Company. Jasmine Howard is an associate at the law firm of Eversheds Sutherland. I'm looking forward to hearing your insight on the legal considerations for nonprofits hosting summer camps. Thanks so much for being here, Monica and Jasmine.

Monica ([02:03](#)):

Thank you for having us.

Sireesha ([02:05](#)):

Jasmine let's start off by talking about licenses. Are nonprofits required to have a license to run a day camp?

Jasmine ([02:14](#)):

In Georgia licenses are usually not required for day camps, but it's important that you don't forget to apply for an exemption from the childcare licensing department. Day camps must be licensed through Bright from the Start Georgia Department of Early Care and Learning or DECAL for short. Unless the camp falls within an exemption generally day camp programs for children five years and older that are operated between school terms whose primary purpose is to serve- is to provide -organized recreational religious or instructional activities are exempt. The day camp programs may operate during summer and other school breaks and shall operate for no more than 12 hours per day. As of April 1st, 2020, all new exemption applications submitted to DECAL will be required to submit state and local municipality

approval documents along with the application. These approval documents include zoning approval, fire inspection from a fire marshal building fire certificate of occupancy, proof of water and sewer services. And if applicable environmental health approval for a septic tank or well water.

Sireesha ([03:25](#)):

And what about for overnight camps? Is there a license required for that?

Jasmine ([03:30](#)):

Yes, licenses are generally required for overnight outdoor child-caring programs. An outdoor child program is an, is any child caring institution that provides room, board and watchful oversight along with a variety of outdoor activities taking place in a wilderness or camp environment that are designed to improve the emotional and behavioral adjustment of the children through the age of 18, participating in the activities. There are a few exemptions to this licensing requirement. The first is that child-caring institutions licensed by the department that do not provide therapeutic camping activities exceeding a period of more than 14 days. Another exemption, are facilities licensed by the Department pursuant to rules and regulations for hospitals, drug abuse, treatment programs, or intermediate care homes. Another exemption is facilities owned and operated by the federal government. And lastly, summer camps established solely for recreational and educational programs.

Sireesha ([04:34](#)):

And we also have an article about licensing requirements for nonprofits on the PBPA websites. So I can include a link to that on the page for this episode. Monica, my next question is related to camper agreements or permission slips as they may be more commonly known. Why does a nonprofit need a camper agreement for each child attending camp.

Monica ([04:59](#)):

As a general matter everything should be put in writing, but especially where there are promises being made or undertakings being made. And this specific example a camper agreement informs all parties of the risks and responsibilities in connection with the camp attendance. It sets the terms and expect expectations between the camp, the camper and the guardians or parents. The agreement should include a provision stating that the campers and their parents or legal guardians accept the camp conditions. Um, if the camp is a general camp and not one program for kids with medical conditions, the camper agreement may also serve as a tool to affirm that the camper can participate in the program. The camper agreement should be signed by all parents and legal guardians for each camper under the age of 18. Remember that if you share your policies and procedures with camper families, you must follow them failure to follow what you advertise, can create extra liability.

Sireesha ([06:04](#)):

And Jasmine part of that camper agreement is often a waiver. Um, what should be included in the waiver?

Jasmine ([06:12](#)):

The waiver can include a variety of provisions. For instance, you may want to include an indemnification provision, a limitation of liability, assumption of the risk. Um, a media release is also very important if you'll be taking photos or videos and posting them online anywhere, or just taking them in general, um,

and coverage of healthcare costs. The assumption of the risk provision should clearly include the risk associated with the COVID-19 virus

Sireesha ([06:42](#)):

And Monica most nonprofits will collect some basic health information about their campers so that they're aware common concerns like allergies or asthma does a nonprofit need to keep health records for each camper. And if so, how should those records be stored?

Monica ([07:00](#)):

Yes, health records should be kept and they should be kept private and confidential. Although you're, the non-profits', probably not subject to HIPAA. There are privacy concerns. So I would suggest creating a management system to file the medical health records. So they remain safe and private, but readily accessible in case of emergency.

Sireesha ([07:25](#)):

And now my next question is regarding background checks, um, who all associated with the summer camp needs to have a background check run on them?

Jasmine ([07:36](#)):

Criminal background checks are required for employees and volunteers day camps licensed through DECAL. Under the DECAL rules, all family daycare, home providers, directors, and employees hired on or after January 1st, 2014 are required to undergo a national fingerprint background check and obtain a satisfactory determination from DECAL. If the employee was hired prior to January 1st, 2014, they will have to undergo a national fingerprint background check and obtain a satisfactory determination from DECAL by January 1st, 2017. So that is a very, um, backwards looking policy beginning January 1st, 2019, every family daycare home provider, director and employee must have a satisfactory records check determination on file that has been issued within the past five years. A new fingerprint background check will be required every five years

Sireesha ([08:31](#)):

Given the vulnerable populations attending summer camps, children, and especially in a sleep-away camp environment, the requirements for background checks are understandably strict. If a nonprofit hosting a summer camp does not already have a background check process or policy in place, they can reach out to PBPA for assistance with that. And now Monica, my next question has to do with insurance policies. Um, should a nonprofit gets insurance specifically to cover summer camps.

Monica ([09:04](#)):

The answer again is yes, summer camp insurance is a great way to protect you from any liability issues that may arise from accidental injuries to campers and staff. Camp owners have a responsibility to review their activities, inspect the grounds and facilities to reduce the risk of injuries to the camper. Staff and visitors. Also camp owners may be responsible for camper injuries from higher risk activities, even if a waiver has been signed.

Sireesha ([09:36](#)):

And, um, nonprofits can also reach out to their insurance broker to get more information about insurance policies that could cover their summer camp activities. And Jasmine, what are some special considerations for children with disabilities? And what should a nonprofit know about accepting children with disabilities into a general camp?

Jasmine ([10:00](#)):

Well, summer camps are subject to the Americans with Disabilities Act requirements. The ADA obligates summer camps to provide reasonable accommodations to cover individuals. That means a summer camp must provide reasonable modifications of their policies, practices, and procedures when necessary to enable campers with disabilities to participate fully in camp programs. However, the camp does not have to make such an accommodation if it would unduly burden the program. An undue burden may arise when the necessary modifications would fundamentally alter the nature of the services and activities offered by the camp. Therefore it is critical that camps engage in a thoughtful and individualized decision-making process to determine whether a particular child's needs may be accommodated. Also camps can not require parents to pay the costs necessary to provide a reasonable modification. And, uh, to make sure that everyone is safe and cared for during their time at summer camp, camps should train staff on ADA requirements and ensure that they are able to monitor and supervise campers with disabilities. Staff should also be trained on administering daily medicines required by such campers.

Sireesha ([11:17](#)):

And Monica. What should a nonprofit be thinking about if it is using a third-party site to host its camp?

Monica ([11:28](#)):

Sure. If you're using a third-party site to host your camp, you'll want to read carefully through your license or use agreement to understand what you might be liable for and what the third-party might be liable for. You also want to, would want to look for what, who's responsible for maintenance and repairs. And, um, also whether there are any other details in the agreement, um, that might affect your daily operations. We also recommend doing an in-person tour of the host site prior to camp to get a better feel for the lay of the land and determine whether any alterations need to be made.

Sireesha ([12:09](#)):

And I'm hoping this is the last summer that nonprofits have to take this last question into mind. Um, Jasmine, what COVID considerations should a nonprofit be aware of going into summer of 2021?

Jasmine ([12:24](#)):

The CDC has issued new guidelines for summer camps recently while the CDC recommends vaccines for everyone who can get them, especially the camp staff, there's still no vaccine approved for children of all ages. Therefore preventative measures, including mask wearing and social distancing are encouraged. The agency also said campers should be separated into small groups that don't interact. The group should keep six feet apart from each other. At all times, camp activities should occur outside as much as possible and indoor activities in close contact and outdoor sports are being discouraged. The CDC also advise a sleep-away camp to encourage a two week pre-arrival quarantine and require proof of a negative COVID-19 test for campers and staff who aren't fully vaccinated.

Sireesha ([13:11](#)):

Monica and Jasmine, thank you so much for sharing this insight with us. We want campers to enjoy every minute of their summer camp experience and items you have highlighted can help ensure that nonprofits are minimizing risks to themselves and their campers. We appreciate you taking the time to answer our questions today.

Monica ([13:33](#)):

Thank you.

Jasmine ([13:35](#)):

Thank you for having us.

Sireesha ([13:38](#)):

We hope that you found this episode of the PBPA Podcast to be informative and helpful. We add new episodes every month with short conversations about general, yet important legal information for Georgia nonprofits. Remember that this is not legal counsel. Talk to your attorney about your organization's specific concerns. Thanks for tuning into the PBPA Podcast. And to all nonprofits listening out there, thank you for all the good work you continue to do in our community.