



# Legal & Compliance Issues

**Chris McGraw**

**Assistant Vice Chancellor for Legal Affairs**

**Board of Regents**

**University System of Georgia**

# CAMP LICENSING & EXEMPTIONS

“All programs providing group care for children shall obtain either a license . . . or an exemption from the [Georgia Department of Early Care and Learning], as applicable.”

GA. RULES & REGS. 591-1-1-.46(1)



# Bright from the Start

Georgia Department of Early Care and Learning = DECAL

“Bright from the Start administers the nationally recognized Georgia’s Pre-K program, licenses child care centers and home-based child care, administers federal nutrition programs, and manages voluntary quality enhancement programs.”

*“Creating A More Educated Georgia”*

“The following types of programs shall be exempt from licensure:

(1) Programs which are owned and operated by any department or agency of state, county or municipal government ...

(7) Day camp programs for children five (5) years of older that are operated between school terms, whose primary purpose is to provide organized recreational, religious, or instructional activities . . . .”

GA. RULES & REGS. 591-1-1-.46(1)(b)

“Any person or entity operating or planning to operate such a service believed to meet the criteria for exemption from licensure . . . shall apply to the department for exemption by submitting the department’s application for exemption.”

GA. RULES & REGS. 591-1-1-.46(1)



Home

About Us

Pre-K

Child Care

Nutrition

Head Start

Child Care Main

About Child Care  
Services

Bulletins/Webinars

Change of Ownership

Child Care Location  
Search

Child Care Programs

Child Care Resource &  
Referral System

Child Development

Choosing and Searching  
for a Program

Contact Child Care

Criminal Records Check

Curriculum

Dual Language Learners

## Exemptions

If you are operating or planning to operate a child care program and you believe that the program may not be subject to licensure, you must apply to the Department for exemption from licensure by submitting an Exemption Request Form.

We will review the request and make a determination based on the applicable rules and guidelines. In addition to the listed exemption categories (see below), you may submit an Exemption Request Form for review if you do not charge a fee of any kind for your child care services. If your program was granted a previous exemption that has expired, or there have been any changes since then, you are required to submit a new request. Exemptions are valid only at the program address to which they were granted. If your program relocates, you must submit a new exemption application.

[Click here](#) to search for exempt day camp summer programs.





“A program granted an exemption shall post in a prominent place near the front entrance of the facility both a copy of the exemption approval letter issued by the department and a notice provided by the department that will notify a parent or guardian that the program is not licensed and is not required to be licensed by the state. The notice shall be at least ½ inch letters and shall contain [DECAL’s] telephone number and website address.”

GA. RULES & REGS. 591-1-1-.46(1)(a)(3)



# Contact Information

**Rita Lang**

Exemption Unit Director

Child Care Services

Bright from the Start:

Georgia Department of Early Care and  
Learning

(404) 463-0914

[Rita.Lang@dec.al.ga.gov](mailto:Rita.Lang@dec.al.ga.gov)



# MANDATORY REPORTING

“The following persons having reasonable cause to believe that suspected child abuse has occurred shall report or cause reports of such abuse to be made as provided in this Code section: ...

(H) School teachers

(I) School administrators

(J) School counselors and social workers . . . .

(M) Child service organization personnel”

O.C.G.A. § 19-7-5(c)(1)



# “School” defined

“School” = “... college, university, or institution of postsecondary education”

O.C.G.A. § 19-7-5(b)(9)

# Child Service Organization Personnel

“persons employed by or volunteering at a business or an organization, whether public, private, for profit, not for profit, or voluntary, that provides care, treatment, education, training, supervision, coaching, counseling, recreational programs, or shelter to children.”

O.C.G.A. § 19-7-5(b)(5)

Any such person who has “reasonable cause to believe that suspected child abuse has occurred shall report or cause reports of such abuse to be made ... ” O.C.G.A. § 19-7-5(c)(1)

That person must report the information to “the person in charge of . . . [the] school . . .” or his or her designated delegate.

The school must make a report to the Division of Family and Children Services (or “DFACS”) within 24 hours. O.C.G.A. § 19-7-5(c)(3), (e)



# Failure to Report

**Anyone “who knowingly and willfully fails to do so shall be guilty of a misdemeanor.”**

**O.C.G.A. § 19-7-5(h)**

“Child” = “any person under 18 years of age”

“Child abuse” =

“(A) Any physical injury or death inflicted upon a child by a parent or caretaker thereof by other than accidental means; provided, however, that physical forms of discipline may be used as long as there is no physical injury to the child;

(B) Neglect or exploitation of a child by a parent or caretaker thereof;

(C) Sexual abuse of a child; or

(D) Sexual exploitation of a child.”

O.C.G.A. § 19-7-5(b)(4)

# NEW AND FORTHCOMING POLICIES

## Newly Revised BOR Policy 9.10.6.3

~~When a~~<sup>An</sup> outside party ~~may~~ requests permission to use an institution facility for an event that is not contrary to the mission of the institution but which holds a potential for harm to the participants as a result of which a liability could be incurred; however, in such instances the president of the institution shall require the completion of a USG-approved license agreement, including a properly executed indemnification and liability insurance agreement unless said outside party is constitutionally prohibited from doing so. ~~An approved form of License Agreement may be obtained from the Chancellor's Office.~~



# Expected New Policy Requirements For 2016

## Program Registry

A registry of authorized programs on campus, to include such information as administrators, number of participants, whether participants are there overnight, whether transportation is provided, etc.

## Child Abuse Reporting

Reporting procedures to include designation of institutional police department as primary contact.



# Expected Policies (Cont.)

## Mandatory Training

Training for all who interact with minors at camp, to include training re child abuse, first aid/CPR, conduct and discipline of minors, code of conduct for adults, harassment, safety/security, etc.

## Background checks / screening

To include requirement for 3<sup>rd</sup> party organizations.

## Proper Camper to Counselor Ratios



# Camp Forms

## General Purposes

1. Gather important information
2. Set the terms of the agreement with the camper or 3<sup>rd</sup> party provider

# Examples: Forms to Gather Information

- Emergency contact information
- Pick-up authorization
- Medical / insurance information
- Medical care authorization

# **Examples: Forms that Establish Terms of Agreement**

- **Parental consent / release of liability**
- **Photo and recording release**
- **Participant code of conduct**
- **License agreement / facility use agreement**



# ?? Questions ??