



*This article presents general guidelines for Georgia nonprofit organizations as of the date written, and should be not be construed as legal advice. Always consult an attorney to address your particular situation.*

### **Licensing Requirements for Summer and Other Childcare Programs**

By Deborah Ausburn, Esq.<sup>1</sup>

If your organization is gearing up for a summer program in Georgia, don't forget to apply for an exemption from the childcare licensing department. Most summer programs will be exempt from licensing requirements, but Georgia law requires that those programs register with the state and display notices about the exemption. Forgetting about this requirement can lead to fines or even prosecution for operating an unlicensed facility.

The Department of Early Care and Learning (DECAL) requires that "all programs providing group care for children" obtain either a license or an exemption. You cannot simply assume that your program is exempt. You must obtain an official determination that the program is exempt from licensing rules.

DECAL has a specific list of programs that are eligible for exempt status. That list is available at <http://www.dec.ga.gov/CCS/Exemptions.aspx>. Eligible programs include private schools, Parents' Morning Out or Parent's Night Out, day camps, classes in music, dance and sports classes, short-term care on the premises for customers, such as a health club or religious organization, short-term educational or tutoring programs, and programs that charge no fee. The rules for each category can be detailed. Day camps, for example, are limited to summer and school breaks, and no more than 12 hours per day.

If your program is on the DECAL list, start by filling out an application, available on the DECAL website listed above. You will need to include copies of

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handouts, agreements, and other documents from your program. You must include (1) a notice that you give to parents stating that your program is not required to be licensed and does not have a license, and (2) an agreement that the parents will sign stating that they have received the notice. Your signature on the application must be notarized.

If you have had an exemption previously, but your program has changed locations, you must fill out a new application. You also must submit a new application if your program changes substantially, such as operating hours or ages of the children in the program. If you close the program earlier than the application stated, then you need to notify DECAL in writing within five days.

DECAL will review the application and attached documents, and either approve the exemption, ask for more information, or deny the exemption. If DECAL denies the exemption, you can ask for an internal review of the denial. Once DECAL approves the exemption, it will send you an exemption approval letter and a public notice. Your program must post both the letter and the notice “in a prominent place near the front entrance.” If your program does not have liability insurance, then you must also notify the parents of that fact, and post a notice with the other documents.

During the program, you must maintain attendance records on each child and a copy of the parent’s acknowledgement of receiving the notice that the program is not licensed. DECAL requires that the program keep these records for one year after the child leaves.

Note that this exemption applies only to DECAL licensing rules. You still must have all of permission necessary from zoning boards, fire marshals, health departments, and any other agency. You also need to follow industry standards such as conducting criminal background and abuse registry checks on all staff, following appropriate staff-student ratios, having safe and well-maintained equipment, including written policies about food allergies and communicable diseases, and requiring training on mandatory reporting responsibilities and CPR.

If you need help with the application or have any questions about operations, DECAL has a team of people who are trained to assist with technical questions. Call Child Care Services at 404-657-5562, and ask for the Exemptions Unit, or email [CCSExemptions@decalfga.gov](mailto:CCSExemptions@decalfga.gov).

If your program is not exempt, then you need to obtain a license. Your program may be a Family Child Care Learning Home (limited to 3-6 children) or a Child Care Learning Center. The list of licensing requirements for Child Care Learning Centers is quite extensive, governing everything from requirements for staff to the number of children allowed in each room of the facility. Family homes

have fewer regulations, but must have criminal background checks and follow rigorous safety and fire regulations.

If you wish to start a program, begin with the DECAL website at <http://dec.al.ga.gov/CCS/StartingACenter.aspx>. There you can learn the basic requirements and obtain a licensing packet. If you have questions not covered in the licensing packet or on the website, you can call Child Care Services at 404-657-5562.