

ATTENTION! TIME DATED MATERIAL!
NEW DPH REGULATIONS GIVE LEEWAY TO
VACATION BIBLE SCHOOLS

In the summer of 1999, some Vacation Bible Schools were closed prematurely by local Department of Public Health (DPH) officials because they did not conform to restrictive regulations applied to summer camps. For the past several months, the Massachusetts Council of Churches (MCC) has been working to ease these regulations so that Vacation Bible Schools can continue to offer this specialized ministry to children in their communities. What follows is encouraging updated information, based on new, revised regulations approved by the Public Health Council on January 25, 2000 and interpreted by legal counsel retained by the MCC.

A BRIEF DESCRIPTION OF VACATION BIBLE SCHOOLS

“Vacation Bible School,” in a traditional sense, has been a local church-operated or ecumenically sponsored Bible based program of instruction and learning experience in sessions generally less than four hours each day, five days per week, for one or two weeks. Vacation Bible Schools usually are held within church owned and operated facilities that come under local building, fire and sanitation codes. Teachers are recruited from local church members, are well recognized in their communities and known to be responsible citizens. The person in charge is gifted at working with children, and is dedicated to the health, safety, and well being of the children. Special health needs and/or social developmental concerns of each child are generally requested from the parents or guardians in order that a child’s needs may be met.

THE HISTORY

Following publicized concerns of abuse in summer camps for children within Massachusetts, state legislators understandably became concerned. They requested the state Department of Public Health to make a comprehensive review of their regulations and tighten them up in an effort to prevent such cases in the future. Revised regulations issued by the Department of Public Health about two years ago resulted in a definition of ***"Recreational Camps for Children"*** which in some cases included Vacation Bible Schools, depending on the duration of their programs and their titles. These regulations imposed some onerous requirements on Vacation Bible Schools and resulted in the premature closing of some programs.

In response to this problem, the Massachusetts Council of Churches began a process of behind-the-scenes inquiry and public advocacy. The Council has been clear, as MCC Interim Associate Director Stanley Rossier testified, that “The focus of all well-meaning citizens must be upon the safety, health and well being of children,” and that regulators need to balance “effective regulations that help to ensure a safe environment, while still allowing the opportunity to provide creative programs for children...without being subjected to extensive and costly requirements...”

The Council testified at two separate hearings—one before a legislative sub-committee, the other before the Department of Public Health—in an effort to clarify and change the regulations, thus protecting the viability of Vacation Bible Schools.

The regulations now have been revised.

AN INTERPRETATION OF THE NEW REGULATIONS

The Massachusetts Council of Churches retained legal counsel to advise its member-denominations and local congregations about the impact of the new regulations. David W. Rosenberg, Esq. reports that the definitional section in the amended regulations (105 CMR 430.020) will, as a practical matter, mean that most Vacation Bible Schools will not be covered by the revised regulations, which appear in the state sanitary code sections pertaining to recreational camps for children. His reading of the amended regulations is as follows: "*A Vacation Bible School will fall within the category of programs that are specifically deemed not to be recreational camps for children--i.e. "...a classroom based educational program...'* assuming that it meets two conditions: first, such program must not promote or advertise itself as a camp; second, such program must not provide any of the specialized or high risk activities listed in 105 CMR 430.103 as a part of its program. Those activities are clearly set forth in 105 CMR 430.103 and consist of horseback riding, hiking, scuba diving, rock climbing, fire arms, canoeing, and 'aquatic events' which is a term further defined in the regulations to include swimming, boating, canoeing, etc. In sum, assuming that a classroom based Vacation Bible School does not hold itself out as being a camp, and does not offer the specialized or high risk activities listed in 105 CMR 430.103, it will not be subject to the state sanitary code regulations pertaining to recreational camps for children."

The Deputy General Counsel of the Massachusetts Department of Public Health concurs with this interpretation.

FOR FURTHER INFORMATION

Contact: Mr. Stanley Rossier, Interim Associate Director
Rev. Diane C. Kessler, Executive Director

MASSACHUSETTS COUNCIL OF CHURCHES
14 BEACON STREET ROOM 416
BOSTON, MASSACHUSETTS 02108
PHONE: 617-523-2771
FAX: 617:523-1483
E-MAIL: COUNCIL@MASSCOUNCILOFCHURCHES.ORG

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