

# New York State Department of Health Requirements for Campers with Disabilities at Children's Camps

## Frequently Asked Questions

[Section 7-2.25 of Subpart 7-2](#) of the State Sanitary Code contains requirements for camps enrolling campers with physical and developmental disabilities. Subdivision 7-2.25(a) contains requirements for all camps enrolling one or more campers with a physical or developmental disability and subdivision 7-2.25(b) contains additional requirements for "Camps for Children with Developmental Disabilities," which are camps with an enrollment of 20% or more campers with a developmental disability. The following are frequently asked questions related to the regulation that applies to all camps enrolling a child with a disability. (See the fact sheet titled "Requirements for Camps for Children with Developmental Disabilities" for additional information and guidance pertaining to camps enrolling 20% or more campers with a developmental disability.)

### 1. What is the definition of a developmental disability as it pertains to the requirements in Subpart 7-2 of the State Sanitary Code?

A developmental disability is defined in section 7-2.2(d) *"as a **severe**, chronic disability of a person which is attributable to mental retardation, cerebral palsy, epilepsy, autism or neurological impairment, or is attributable to any other condition of a person similar to mental retardation, cerebral palsy, epilepsy, autism or neurological impairment because such condition results in similar impairment of general intellectual functioning and/or adaptive behavior and requires treatment and services similar to those required for such persons; originates before 18; is likely to continue indefinitely."* (Emphasis Added)

This definition specifies that a developmental disability must be a severe chronic disability. A camper with such a developmental disability will likely require enhanced supervision, assistance, and/or support to complete daily activities or to protect against behavior that potentially puts the camper, other children, or caregivers at risk.

### 2. Who determines if a camper has a developmental disability?

The diagnosis of a child's developmental disability is made by a qualified practitioner. Camp operators should not independently evaluate or classify campers as having or not having a developmental disability. When there is a question about whether or not a camper's developmental disability meets the definition in the regulation, the camper's parent or guardian will need to provide documentation from the qualified practitioner about the diagnosis.

A qualified practitioner is a person with a directly relevant master's degree or doctoral degree in psychology, who has training and supervised experience in the administration and interpretation of such measures and with the requirements and applicable standards set forth by the American Psychological Association (APA) and the American Educational Research Association (AERA) or National Council on Measurement in Education (NCME). A qualified practitioner may determine the severity of a child's developmental disability or condition by administering and interpreting the findings from current standardized, nationally normed and validated, measures of intelligence and adaptive behavior.

**3. Are Attention Deficit Hyperactivity Disorder (ADHD) or other learning disabilities considered a developmental disability?**

As defined in the children's camp regulations, the term developmental disability does not typically apply to a camper with attention deficit hyperactivity disorder (ADHD), learning disabilities, or similar conditions. Although these conditions do not typically qualify a child for the additional protections required in the regulation for campers with a developmental disability, children's camps are required to protect all campers, including those without qualifying disabilities, from any unreasonable risk to their health or safety based on the camper's individual needs.

**4. What are individual treatment, care, or behavioral plans for campers with developmental disabilities?**

Individual treatment, care, or behavioral plans are plans that address a camper's unique physical, medical, behavioral, and/or social needs. When a camper with a disability has such plans, camps are required to obtain the plans and implement adequate procedures, based on the plans, to protect the camper's health and safety. Camp operators should consult with the camper's parents, guardian, and/or clinical team to determine what portions of the plan are relevant to the camp setting. Campers with developmental disabilities are not required to have a treatment, care, or behavioral plan to attend a children's camp.

**5. When and how should information be collected regarding a camper's developmental or physical disability?**

Information regarding a camper's disability should be obtained as soon as possible. The State Camp Safety Advisory Council recommends identifying camper disability information (developmental and/or physical disabilities) during the camp's enrollment process or during other initial contact with parents by including questions as to any special needs of the camper. It is not advisable to wait for a health form to be submitted. Follow-up with parents or guardians should occur as soon as possible to obtain details about a camper's needs and disabilities.

**6. What training is required for camp staff that provide direct care of a camper with a disability?**

Camp operators must ensure camp staff who are directly responsible for the care of campers with developmental and/or physical disabilities receive adequate training on the specific needs of campers in their charge. The camp regulations do not specify the content of the training or how it is delivered and no specific certifications are required. Accordingly, camps may use discretion regarding how the staff training for an individual camper's needs is administered. Camp operators must document training or instruction that staff receive, which should include the date, trainer or instructor's name, and topics discussed.

**7. Are there additional requirements for a camper with a developmental disability to participate in swimming activities?**

Yes. Campers with developmental disabilities may be at an increased risk of an emergency during swimming activities. Accordingly, section 7-2.25(a)(3) of the State Sanitary Code requires the following:

- Camps must obtain written permission signed by the child's parent or guardian to allow a camper with a developmental disability to swim.
- Campers with developmental disabilities are required to have a minimum of one counselor for every five campers (1:5 supervision) during swimming activities. (Note: Staff supervising campers with a developmental disability at a 1:5 ratio may also supervise campers without a disability during a swimming activity, provided that the total number of campers does not exceed one counselor for five campers and the assigned campers are swimming in the same general area. For example, a counselor may supervise two campers with developmental disabilities and up to three other campers without a developmental disability.)
- Campers who are non-ambulatory or have a disability such as uncontrolled epilepsy, which may result in an increased risk of an emergency in the water, must have one staff member for each camper (1:1 supervision) during swimming activities. Camps may request parents or guardians to indicate any disability requiring a 1:1 supervision ratio on the written permission slip for swimming.
- The camp safety plan must contain procedures and training of pool and beach staff in the handling of seizures and aspiration of water by campers with developmental disabilities.

**8. Are there sample procedures for handling seizures and aspiration of water during swimming activities by campers with developmental disabilities?**

Sample procedures for seizures and aspiration of water are contained in the New York State Department of Health Safety Plan Template and include the following:

- Recognizing the camper is in distress;
- Supporting the camper's head and face out of the water to minimize ingestion of water;
- Tilting camper's head back to keep the camper's airway open;
- If having a seizure, keep the camper away from pool sides or docks in the water to avoid injury if uncontrolled body movements occur;
- Removing the camper from the water as soon as possible to further respond to the camper's needs; and
- Seeking medical assistance.

Procedures must be reviewed with aquatic staff during in-service training before the first swimming activity and during the season as approved in the camp's safety plan.

**9. What defines a non-ambulatory camper?**

A non-ambulatory camper is unable to move from place to place on his or her own. For the purposes of this regulation, this includes but is not limited to, campers who rely on wheelchairs or walkers or other adaptive equipment that they cannot affix or independently manipulate on their own or cannot independently navigate pathways to exit a building in case of an emergency.

**10. Do the regulations include a temporary physical disability due to an injury?**

Section 7-2.25 was not intended to address campers with temporary disabilities due to any injury. However, children's camps are required to protect all campers from any unreasonable risk to their health or safety. This includes providing appropriate safeguards and accommodations for campers who are temporarily unable to move from place to place on their own due to an injury or surgery.

**11. Do the camp regulations require specialized fixtures in all bathrooms and ramps for all sleeping quarters?**

No. The children's camp regulation requires camp operators to provide these accommodations for bathrooms and sleeping quarters used by campers with disabilities.

In addition to the camp regulation, operators must comply with the NYS Uniform Building and Construction Code accessibility standards, which may require additional modification for individuals with physical disabilities. Contact your local code enforcement official for questions regarding these standards.

**12. Do children's camps need to comply with Americans with Disabilities ACT (ADA) in addition to Subpart 7-2.25?**

Yes. The requirements in Subpart 7-2 do not supersede or replace the Americans with Disabilities ACT (ADA). Contact the U.S. Department of Justice for questions regarding the ADA.