QUESTIONS AND ANSWERS
School-Age-Only Centers (SAOC)
(391 NAC Chapter 4)

REVISED 11/15/2016

Acronyms Defined

CPR means Cardiopulmonary Resuscitation
IMIL means I Am Moving, I Am Learning
NAP SACC means the Nutrition and Physical Activity Self-Assessment for Child Care
SAOC means School-Age-Only Center
UN-L means the University of Nebraska-Lincoln

Scope and Authority (4-001, pages 1 - 2)

1. ***Can Child Care Centers that only serve children who are age five and older still apply for a School-Age-Only Center license?***

   Child Care Centers that serve only children who attend or have attended Kindergarten and older can submit a brief application to change their license to a School-Age-Only Center. Child Care Centers that serve children younger than those "attending Kindergarten" cannot be licensed as a SAOC.

Change of Ownership (4-003.03, page 9)

1. ***Can a Non-Profit owned child care program amend their license to a For-Profit program through the amendment process? Or, is this a "change" of ownership considered to be a new licensee, and thus must apply for a provisional license?***

   A Non-Profit and For-Profit cannot amend to change from one ownership to the other since they are considered a different type of ownership. A Non-Profit owned child care program will be required to close that license and apply for a Provisional license under the For-Profit ownership.

Temporary and Voluntary Cease of Operation(4-003.04, page 9)

1. ***I have been approved for a Temporary Cease of Operation and know I have to complete an amendment application to reinstate my license to provide care. Can I provide child care to 3 or fewer children, other than my own, until I get reinstated? (NEW)***

   No. A licensee who has been approved for Temporary Cease of Operation agrees to NOT provide care to any children. The process for reinstatement must be completed before child care can be provided to any children other than your own.

Notification of Changes (4-004.06, page 13-14)

1. ***What is the procedure for changing the "name" of the School-Age-Only Center when the ownership of the SAOC remains the same?***

   Changing the name of the School-Age-Only Center was omitted from the regulations. The licensee would need to complete an Amendment Application and Full Disclosure of Ownership Statement to complete this change. No new Fire Safety, Sanitation, or Child Care Licensing inspections would need to be conducted if the only change was in the name of the SAOC.

2. ***What are the requirements of the School-Age-Only Center when there is a Change of Director?***

   The licensee must notify the Department within two working days whenever there is a change in the position of director – this includes the separation of an existing director and the hire of a new director. The licensee or new director will receive a Director

Change Amendment Application Packet which must be completed and returned to the Department within 30 days for a qualified director (see Q & A for Director Qualifications).

School-Age-Only Centers located in Douglas, Sarpy, Cass, and Washington Counties need to contact the Omaha Public Health Office (402-595-3343).

School-Age-Only Centers located in any of the remaining counties need to contact the Lincoln Public Health Office (402-471-9562).

3. ***When a licensee has several licensed SAOC's, and they consolidate for the summer months into one or two summer programs, when do they need to submit a director amendment for the consolidated site that continues to operate in the summer?***

When the director of record at the consolidated site is not the director who is going to be on site and run the program for the summer, these are the options:

- **If an approved/qualified director is named on an application at one of the other licensed SAOC's owned by the same licensee, and they are moved to another SAOC under the same licensee, the licensee can submit a director reassignment sheet, which is one page. (A full amendment application is not required).**
- **The licensee can also make the decision to have more than one qualified director at each licensed site, (i.e., co-directors). To accomplish this, the program must list and submit the co-director(s) name on more than one application for each license where they want to name a co-director. This will allow the co-director to be present and act in the role of a director at any site where they are listed on an application.**

Director Requirements (4-006.02, page 18)

2. ***Do I have to take any family that walks in asking for care...example if they are in a wheel chair, not potty trained and can't feed themselves?***

Your question would be considered an ADA issue. Licensed Child Care programs can't simply say they won't accept children with disabilities. They must show how they actually assess the child and be able to show how the child's needs create a hardship for their program (that would not allow them to accommodate the child.)

Also, if a child care program is accepting federal subsidy, either from a Food Program or Subsidized Child Care, those child care programs could be affected if it was determined they violated the ADA. I would encourage you to contact your own attorney regarding this matter, as he/she can assist you in determining how your actions may expose you to liability under a discrimination claim or for concerns with loss of funding from any Federal program.

The Dept. of Justice has info on line regarding child care and the ADA. That link is below.

http://www.ada.gov/chcaflyr.htm

Background Checks (4-006.03, page 19)

1. ***The regulations do not specify an age at which the State Patrol Sex Offender Registry must be checked. Does this mean that all ages for staff, volunteers, and household members must be checked? (MODIFIED)***

Since the regulation regarding State Patrol Sex Offender Registry does not have a specific age identified AND it is possible for a minor to have been convicted as an adult or from another state that requires him/her to register, we need to ensure everyone involved in the child care program (applicant/licensee, staff, volunteers, and household members) are not listed as a perpetrator on the sex offender registry, therefore those age eleven years or older must checked. The regulation does not require "re-checking" an individual at any point in time. This is a one-time only requirement.

2. ***There are students that want to train at licensed centers. What is the procedure needs to be followed in order to ensure the center stays in compliance and if the person trains at one facility to another that they are prepared to do so? (NEW)***

When Community College/College students, age 19 or older participate in their first practicum assignment in licensed Child Care Centers as a teacher or staff, background checks must include:

- **Criminal History Record Check including criminal records from States and jurisdictions where student lived from age 19 to present. This may be obtained from private companies that conduct background checks or from State/local law enforcement agencies. ***
- **Nebraska Central Registry Checks (see above)****
- **Report of Law Enforcement Contact*****

When Community College/College students, age 19 or older participate in additional practicum assignments in licensed Child Care Centers as a teacher or staff, background checks must include:

- **Criminal History Record Check – copy of CHRC given to first Child Care Center should be given to new Centers**
- **Criminal History Record Check from law enforcement jurisdiction where student lived from the prior Criminal History Record Check – This serves as an update to CHRC ***
- **Nebraska Central Registry Checks (see above)****
- **Report of Law Enforcement Contact – updated annually and any time the student is arrested, issued a citation other than a minor traffic violation, or charged with or convicted of any felony, misdemeanor, or infraction;*****

---This means that students do not have to obtain a new initial Criminal History Record Check for each new practicum assignment as long as the student keeps a copy of the initial CHRC and obtains an updated Criminal History Record Check from the local law enforcement agency in the city/county where the student resides.---

When Community College/College students, age 19 or older participate in their first practicum assignment in licensed Child Care Centers as a volunteer, background checks must include:

- **Nebraska Central Registry Checks (see above)****
- **Report of Law Enforcement Contact*****

When Community College/College students, age 19 or older participate in additional practicum assignments in licensed Child Care Centers as a volunteer, background checks must include:

- **Nebraska Central Registry Checks (see above)****
- **Report of Law Enforcement Contact - updated annually and any time the student is arrested, issued a citation other than a minor traffic violation, or charged with or convicted of any felony, misdemeanor, or infraction;*****

When Community College/College students, under age 19 participate in their first practicum assignment in a licensed Child Care Centers as a teacher, staff, or volunteer, background checks must include:

- **Documentation of Nebraska registry checks with no adverse findings; (Child Abuse/Neglect Central Registry: age 13 and older; Adult Abuse/Neglect Central Register: age 18 and older;)**

When Community College/College students turn 19 while in a practicum assignment in a licensed Child Care Centers as a teacher, staff, or volunteer, the student must give the Child Care Center complete and accurate Report of Law Enforcement Contact. If the report contains any criminal history that could lead to a disqualification criminal history that includes conviction or substantial evidence of committing or permitting, or aiding or abetting another to commit, any unlawful act endangering the health or safety of another individual or a history of convictions or behavior that shows an inability or unwillingness to comply with laws or regulations, a Criminal History Record Check must be obtained. The Center should contact the assigned Child Care Inspection Specialist for a review of the student's criminal history based on 391 NAC 3-006.03A Department Determination.

- **The Center is also required to conduct a Nebraska State Patrol Sex Offender and keep the documentation in the student's personnel file.**
- **No additional Child Abuse/Neglect or Adult Abuse/Neglect Central Registry checks are required.**

3. ***Do you need a criminal background check completed on high school students who come for a child development class? (NEW)***

High School students who are not providing care, are supervised at all times, and are not left alone with any children are not required to have any background checks. Criminal History Record Checks and Record of Law Enforcement Contacts are required when an individual 19 years of age or older is working or volunteering in a school age only center.

4. ***If a child care program has outside individuals or organizations come to the program to do special classes such as dancing, gymnastics, etc., what background checks are required on these individual?***

If the individual(s) are going to be fully supervised by staff and never left alone with children, then no background checks are required.

If the individual(s) are going to be left alone with children, then background checks are required as they are for staff.

5. ***A criminal history records check and registry checks were completed on a potential staff. The checks were all fine, but the employee was not hired at that time. These checks are now six months old, do the checks need to be re-done before the individual can now be hired?***

   Additional checks are not required unless the newly hired person provides additional information on his/her Report of Law Enforcement Contact which was not previously disclosed.

6. ***What crimes are considered "theft"?***

   Theft includes larceny, embezzlement, false pretense, extortion, blackmail, fraudulent conversion, receiving stolen property, shoplifting and similar crimes. (Neb. Rev. Stat. §28-510. Consolidation of theft offenses.) The court has three options:
   - **If the court decides it is an infraction, then it does not fall under "misdemeanor or felony theft".**
   - **If the court determines the theft is a misdemeanor, then it is a "misdemeanor theft."**

   If the court determines it is a felony, it is "felony theft".

Health Information Report (4-006.03F, page 23)

1. ***If a licensee or staff is required by the Office of Children's Services Licensing (OCSL) to sign an Authorization for Release of Information due to information s/he provided on the Health Information Form is s/he still eligible to provide care/work during the time period the information is being sought from the health care provider by the OCSL?***

   Yes, the licensee or staff may remain employed during this time. Based upon the information provided by the health care provider OSCL will make a determination regarding compliance with regulations at that time.

Director Qualifications (4-006.04, pages 23-24)

1. ***Our program was licensed before 5/20/2013 and a Director was already in place, so the Director did not have to meet requirements. We have now hired a new Director, does s/he have to meet the requirements in the regulations which went into effect 5/20/2013?***

   Yes, if a new director is hired after the effective date of the regulations, 5/20/2013, s/he must meet the qualifications for the position.

2. ***Can foster parent/care experience count toward the 3000 clock hours of verifiable experience?***

   No, the requirement is for "organized group activities for children," not parenting experience.

Teacher Qualifications (4-006.05, page 24)

1. ***Does a Certificated Teacher automatically meet the training requirements specified in the regulations?***

   A Certificated Teacher who is employed at a licensed center or preschool that is on the premises of an accredited or approved school automatically meets Teacher Qualifications and is not required to have any annual in-service training. In addition, the Certificated Teacher is not required to have a Health Information Report or any background checks.

   Certificated teachers are not required to have CPR/First Aid Training, Safety Training, Nebraska Early Learning Guidelines Training, Nutrition and Food Safety Training, or Transportation Training but do not count toward the required percentage of Teachers that must complete these training curriculums unless the Certificated Teacher completes the specific curriculum.

2. ***If a new staff has no experience/education, and they want them to be a teacher that individual must complete 45 clock hours (or three (3) credit hours) in the first 6 months, who approves the "written plan"?***

   Effective August 1, 2014, when a School-Age-Only Center wants to hire an individual who does not meet "teacher" requirements, the "written plan" must now be sent to the Early Childhood Training Center. Here is the link to the Training Approval Form: http://www.education.ne.gov/oec/trainingapproval/trainingplan.pdf

For questions, please call the Early Childhood Training Center at 1-800-89-Child.

3. ***Does the School-Age-Only Center have to wait until the "Teacher Qualifications Plan" is approved before a newly hired individual can be left alone with children?***

   Yes. An individual who is newly hired and has completed all the background checks (Central Registry Checks, Criminal History Record Check, Report of Law Enforcement – based on age) can work as a "staff", but cannot be considered a "teacher" until the "Teacher Qualifications Plan" is approved.

4. ***What happens if an individual does not meet Teacher Qualifications within six months?***

   A qualified teacher must be present in every room. The individual may be a staff, but cannot be a teacher, and not be left alone with children, until the teacher qualifications are met per the Teacher Qualifications Plan.

5. ***Does a Certificated Teacher automatically meet the training requirements specified in the regulations?***

   A Certificated Teacher who is employed at a licensed center or preschool that is on the premises of an accredited or approved school automatically meets Teacher Qualifications and is not required to have any annual in-service training. In addition, the Certificated Teacher is not required to have a Health Information Report or any background checks.

   Certificated teachers are not required to have CPR/First Aid Training, Safety Training, Nebraska Early Learning Guidelines Training, Nutrition and Food Safety Training, or Transportation Training but do not count toward the required percentage of Teachers that must complete these training curriculums unless the Certificated Teacher completes the specific curriculum.

Non Certified Teachers (4-006.5B, page 24)

1. ***What needs to be provided as proof of meeting one of these criterions if the applicant for the job has a diploma or credential from another country?***

   Some type of written documentation from the applicant's education institution is needed, whether that is a diploma or a transcript it must be equivalent to a Child Development Associates Credential, High School Diploma, or GED.

Substitute, Support Staff, Volunteer, and Parent Helper Qualifications (4-006.06, pages 24 – 25)

1. ***Several after school programs have people come in and do "presentations" or "educational" programs with the children while the School-Age-Only Center staff are present and supervising the children. Do the people that come in to do these programs have to have any background checks? These people may come in once a year, they do not come on a regular basis.***

   Individuals who conduct "presentations" or "education programs" to children, who are not left alone with children and are not supervising children do not need background checks. Individuals who are certificated teachers and work in the school district where the SAOC is located qualify as a "teacher" without meeting any SAOC requirements including background checks.

2. ***The definition of "Support Staff" states: "an individual employed by the School-Age-Only Center as a food service, clerical, custodial, or transportation staff". In the regulations (SAOC 4-006.06 #2) it states: The director may hire "support staff" to assist in the care of children… Which is correct?***

   There are two applicable definitions:

   > **<u>Staff</u> means an individual who provides direct care to the children attending the school-age-only center, including the licensee, director, teacher, aide, and any other individual who counts in the staff-to-child ratio.**
   >
   > **<u>Support staff</u> means an individual employed by the center as a food service, clerical, custodial, or transportation staff.**

   It was intended that the term "support staff" be inclusive of all positions in a school-age-only center except for Licensee, Director or Teacher, to include direct care staff AND food service, clerical, custodial and transportation staff.

One of the Director Requirements in 4-006.02 is #4:

4. Provide written personnel policies and policies and procedures specific to:
a. Job descriptions and responsibilities; and
b. Position qualifications, skills, knowledge, abilities and physical demands of the job;

It is up to the School-Age-Only Center to determine job titles and job descriptions and for each job title, identify the responsibilities, qualifications, skills, knowledge, abilities, and physical demands of the job.

Once hired, the documents that need to be kept in the employee's file are listed in Employee Records Requirements (4-006.10).

3. ***Can a volunteer be younger than 13 years of age?***

No. A Volunteer must be at least 13 years of age. Children under the age of 13 are in the age range the Department authorizes for child care for both the Child Care Subsidy Program and Child Care Licensing.

4. ***Can a person be a staff/volunteer/substitute at a child care if he or she does not have proof of legal status?***

Child Care Licensing statutes and regulations do not directly address the legal status of staff who work in a licensed child care program. However, the Child Care Licensing statutes and regulations are not the only one that apply to hiring staff.

The Department cannot provide legal advice to any individual/program. The individual/program should be advised that there are many laws that impact hiring and it is best if the individual/program contact their own attorney about this issue.

Safety Training (4-006.07A, page 25)

1. ***Can you please clarify the regulations below related to SAFETY TRAINING?***
4-006.07A Safety Training: ***The director must complete training developed by the Early Childhood Training Center on child abuse/neglect and reporting. Any proposed equivalent training must be approved by the Department.***
    1. ***In centers licensed on or after the operative date of these regulations, the director must complete the training within three years of the date of provisional licensure and every five years thereafter.***
    2. ***In centers licensed before the operative date of these regulations, the director must complete the training within three years of that operative date and every five years thereafter.***
    3. ***This training counts toward the annual training requirement.***

School Age Only Centers licensed before May 20, 2013, Director must complete child abuse/neglect and reporting by May 20, 2016, or 3 years from hire date, and every 5 years.

School Age Only Centers licensed on or after May 20, 2013, Director must complete child abuse/neglect and reporting within 3 years of provisional license date/hire date and every five years

2. ***Programs licensed prior to May 20, 2013 must complete Safety Training by May 20, 2016. When does the "count" start for the every 5 years thereafter?***

If training was completed prior to 2013, then an individual has 5 years from the effective date of the regulations (May 20, 2013) to obtain the training. If an individual completed the training after May 20, 2013, they need to complete it again 5 years from that date. For example: If a person completed the training prior to May 20, 2013, they would have 5 years from May 20, 2013 (date training became a requirement) until they have to complete the training again. If a person completed the training in 2014 they have 5 years from the 2014 date until they have to complete it again. SEE CHART BELOW.

DATE OF INITIAL TRAINING	WHEN MUST TRAINING BE COMPLETED AGAIN?
Prior to May 20, 2013	By May 20, 2018
May 20, 2013 and beyond	5 years from the date of initial training completed

Teacher and Staff Training Requirements (4-006.08 and 4-006.09, pages 25-26)

1. ***Can the Orientation that a School-Age-Only Director does for new staff count toward in-service hours?***

   LB 967 was passed in the 2014 legislative session changing the approval of training effective August 1, 2014. LB 967 states:

   > **"….The (Early Childhood Training) Center, in consultation with the Department of Health and Human Services, shall approve training that is used to satisfy child care licensing criteria for required training, annual in-service training, and training needed for participation or advancement in the quality rating and improvement system established pursuant to the Step Up to Quality Child Care Act." (Neb. Rev. Stat. §79-1102)**

   Orientation will <u>not</u> count toward in-service hours. This decision is based upon the following:
   - **Orientation of new staff must be provided prior to staff having direct responsibility for the care of children.**
   - **Orientation varies from center to center and may be provided in a few hours or a few days depending upon the specific School-Age-Only Center.**
   - **Orientation is not required to be approved by the Early Childhood Training Center and thus cannot be used to satisfy child care licensing criteria for required training or annual in-service training.**

Nutrition and Food Safety Training (4-006.09B, page 26)

1. ***When School-Age-Only Centers only serve snacks, are any staff required to complete the four hours of food/nutrition training?***

   If the School-Age-Only Center does not serve MEALS they are not required to obtain "Nutrition and Food Safety Training". Here is the regulation for SAOC:

   <u>4-006.09B Nutrition and Food Safety Training</u>: When meals are served, all staff responsible for menu planning, food preparation, and food safety must be provided at least four clock hours of training in nutrition and food safety within 30 days of employment and annually thereafter.

2. ***School-Age-Only Center has one person trained with hours. Does this person need to be here during food serving times?***

   Here are the applicable regulations:

   > **<u>391 NAC 4-006.09B Nutrition and Food Safety Training:</u> When meals are served, all staff responsible for menu planning, food preparation, and food safety must be provided at least four clock hours of training in nutrition and food safety within 30 days of employment and annually thereafter.**

   The regulations require all staff responsible for menu planning, food preparation etc. receive four clock hours of training each year. There is not a requirement that individuals who have complete training be present during serving times. However, the staff who are responsible for putting food away safely need to have the training.

3. ***School-Age-Only Center is serving family style does this mean anyone "handling food" needs to be trained?***

   No. Only staff responsible for menu planning, food preparation, and food safety are required to have four clock hours of training each year.

4. ***If a School-Age-Only Center caters meals for the children, do the SAOC staff need to have Nutrition and Food Safety Training?***

   No. If all meals are catered, staff at the School-Age-Only Center are not required to have the Nutrition and Food Safety Training each year. It is important that School-Age-Only Center staff know the proper temperatures for keeping food safe if meals that are catered are delivered to the center hours before the meals are served.

5. ***How do School-Age-Only Centers get these trainings? What classifies as a "Nutrition and Food Safety" training? IMIL, NAP SACC etc.***

Child Care Licensing will accept Nutrition and Food Safety Training offered by UN-L Extension, the Nebraska Department of Education's Nutrition Services Division, NAP SACC, Food Handlers Training and any other training specific to Nutrition and Food Safety. Here is the link to automatically approved training entities that may offer nutrition and food safety training: http://www.education.ne.gov/OEC/trainingapproval/automaticallyaccepted.pdf

6. ***If a School-Age-Only Center is owned by a nursing home or hospital and their meals are catered by those entities, do we need to see documentation of training for those food personnel.***

   The answer is no. The only time we can require nutrition and food safety training is when the Child Care Center or School-Age-Only Center prepares meals on site.

Transportation Training (4-006.09C, page 26)

1. ***Where can I find the list of approved trainers for Transportation Training?***

   Here is the link: http://www.safekidsnebraska.org/#!childcare/c1qpa

2. ***Would a contracted transportation service driver need the transportation training in 4-006.09C?***

   When School-Age-Only Centers use school buses weighing over 10,000 lbs. or more that are not equipped with safety/booster seats and restraints to transport school age children on field trips and other activities and contract with a school or other entity to provide transportation services, transportation training is not required.

Annual Training (4-006.09D, page 26-27)

1. ***Do all of the training sponsored by the Educational Service Units (ESU's) count toward annual (in-service) hours?***

   Yes, any training sponsored by the ESU's would be approved. This training may be under the Early Learning Connection Regional Partnership Sponsored Event on the Nebraska Department of Education automatically approved training list.

2. ***I have heard that pro-rated training has been allowed. Under what conditions does that apply?***

   If a staff person is employed or a facility is licensed less than a year it is permissible for proration of training hours, although it is encouraged for licensees and staff to obtain training to the extent possible to enhance the quality of delivery of child care services.

   Proration would not apply to operating part time schedules for the licensee. For employees employed during the calendar months that make up a year, per the regulations if a staff person "averaged" less than 20 hours/week, then 6 hours of approved training is required and if the average work time is "averaged" at more than 20 hours then 12 hours of in-service is needed.

3. ***How do School-Age-Only Centers know what training is approved?***

   Here is the link to the Department of Education's Training Approval web site:
   http://www.education.ne.gov/OEC/trainingapproval.html

4. ***How do School-Age-Only Centers know what CPR Curriculums are approved?***

   CPR Training must be obtained from an entity that has been approved by the Nebraska Board of Emergency Medical Services. This is a link to the list of approved CPR Curriculums: http://dhhs.ne.gov/Publichealth/Licensure/Documents/ApprovedCPRorgs.pdf

   No CPR Training that is offered on-line that does not include practice and testing on a mannequin is approved.

   While we recommend infant/child CPR, it is not required.

Parent Information Brochures (4-006.12, page 29)

1. ***When Parent Information Brochures are printed, how will they be distributed to School-Age-Only Centers? When School-Age-Only Centers get copies of the brochure, should they provide to all parents and get receipts?***

   Parent Brochures are being sent to all licensed programs from Central Office in Lincoln. Each currently licensed program will get three (3) times their license capacity of brochures. Newly licensed programs will receive three times their license capacity of brochures with their Provisional License.

   School-Age-Only Centers then need to distribute the Brochures to parents of children who are enrolled in the center and retain the receipt with the name and date the parent received the brochure in the child(ren)'s file. One brochure is required for each family of children that are enrolled in the SAOC.

   School-Age-Only Centers can re-order additional copies of the Parent Information Brochure from the Child Care Licensing Web Page: http://dhhs.ne.gov/publichealth/Pages/crl_childcare_childcareindex.aspx

2. ***Can a School-Age-Only Center substitute their own "parent handbook" or other written description, if all the elements in the Department's Parent Information Brochure are included?***

   Yes, a School-Age-Only Center can substitute their own document as long as all the elements in the Department's parent Information Brochure are included.

3. ***If a School operates a School-Age-Only Centers and wants to provide Parent Handbooks on-line, can the School-Age-Only Center give their parents the information contained in the Parent Information Brochure on-line as long as the Center has signed receipts from parents saying they are aware that the materials can be accessed online?***

   Yes. Providing the information contained in the Parent Information Brochure to parents on-line is acceptable as long as the School-Age-Only Center has signed receipts from the parents of enrolled children.

4. ***Are Parent Information Brochures available in any language other than English?***

   At this time, Parent Information Brochures are only available in English.

Description of Services (4-006.13A, page 29)

1. ***In the Description of Services, it states School-Age-Only Centers have to list "special services provided." What is considered a special service?***

   Examples of some "real" "special services" offered by some School-Age-Only Centers across the state include: health/vision/hearing screenings, home visitation, drop off/pick up for dry cleaning, respite care services for children with special needs, extra activities (i.e. dancing lessons, gymnastics) provided on the premises by an entity other than the licensee for an extra fee.

   Most School-Age-Only Centers do not offer any "special services", but if the SAOC does offer one or more of these services, it must be included in the Description of Services.

   School-Age-Only Centers are encouraged to include whether or not medications will be given to children in the Description of Services.

Licensed Capacity, Staffing Requirements, and Staff-to-Child Ratio (4-006.14, pages 30-31)

1. ***Our facility has a homework intervention program which consists of 15-17 year old high school students who help the children in care to complete and practice their homework. The students are not left alone with children, work in groups, and are not compensated. Do these students count in ratio or capacity? Are any background checks required of these students?***

The 15-17 year old students are not considered to be "in care" and would not count in either the capacity or ratio. These students are not providing care, are supervised by staff at all times, are not left alone with children, therefore, no background checks are required.

Communicable Diseases (4-006.15, page 31)

1. ***In the School-Age-Only Center regulations, page 31, 3-006.15A-Communicable Diseases—If an SAOC has pink eye in one room do they have to notify ALL parents of ALL children enrolled? I think this would be cumbersome in some of the larger capacity centers. We just need some clarification about what "notify" means and "who" all needs notified.***

   The licensee/director must notify parents of all enrolled children of any case of any reportable communicable disease on the same day the licensee is informed of or observes the illness, unless otherwise directed by the health authority. The health authority is the local health department for the area. Proper notification includes:
   - **Notification to parents of children in attendance;**
   - **Notification to parents of enrolled children who are not in attendance on that day; and**
   - **Posting notice of the outbreak in a conspicuous place.**

   Yes, all children enrolled in the School-Age-Only Center must be notified. Notification can be accomplished by sending a written note to the parents with children in care that day or calling or e-mailing parents with children in care that day or parents whose children were not in care that day. Mailing a letter would be acceptable, but e-mail is probably faster and cheaper.

2. ***What is considered an "outbreak"?***

   An "outbreak" is one or more cases of a communicable disease.

3. ***Clarification is needed on reportable diseases – who determines the child has the illness – parent, doctor, provider or caregiver? If a parent said the child had influenza does that suffice and provider has to follow the protocol for reporting illness? Does influenza include the stomach flu or is it just the respiratory disease that is reportable?***

   Head lice does not require a licensed health care practitioner to diagnose. Parents need to be notified when the licensee observes one child with head lice.

   The following diseases need to be diagnosed by a physician, physician's assistant, advanced practice nurse, or registered nurse to verify the disease is present before notifying parents:
   - **Chicken pox**
   - **Conjunctivitis**
   - **Pin worm**
   - **Ring worm**
   - **Scabies**
   - **Fifth disease**

   The following diseases need an actual "test" to verify the disease is present before notifying parents:
   - **E Coli**
   - **Influenza**
   - **RSV**
   - **Rotavirus**
   - **Salmonella**
   - **Giardia**

   List of diseases public health may/will contact you with guidance:
   - **Measles**
   - **Mumps**
   - **Rubella**
   - **Pertussis (whooping cough)**
   - **Haemophilus influenza type B (Hib) (invasive infection only)**
   - **Diphtheria**

- **Neisseria meningitides (invasive infection only)**
- **Hepatitis A**
- **Shiga toxin producing E. coli (STEC, including E. coli 0157:H7)**
- **Shigella**
- **TB**
- **Suspected food or waterborne clusters or outbreaks**

School-Age-Only Centers are not required to notify Health Departments of an outbreak of any reportable disease.

Immunizations (4-006.17, pages 31-32)

1. ***Is a program required to care for a child who is not immunized if the program receives federal dollars through Child Care Subsidy or the Child and Adult Food Program?***

   Child Care regulations are silent regarding whether or not a program must provide care for a child who is not immunized. This is considered a business decision. There are no known restrictions regarding enrollment if federal funds are received, however, a child who has a disability cannot be denied services. Consultation with legal counsel or board leadership is recommended.

Child Development Program: Outdoor Play (4-006.21, page 34)

1. ***What does the plan have to include regarding outdoor play specific to cold and hot weather?***

   The regulation does not require temperature to be addressed specifically, however, if a program places a child in a situation/temperatures that can harm the child then the program could be considered to be placing a child in a neglectful or abusive situation which may be reported to and investigated by the proper authorities.

Transportation (4-006.23, page 37)

1. ***The vehicle used to transport children must be properly registered and insured, and must contain a first aid kit and parent contact information for each child being transported. Does this mean that the first aid kit and parent info must also be in a bus which is contracted to provide transportation for the School-Age-Only center?***

   Yes, all transportation regulations must be followed whether the School-Age-Only Center provides transportation services directly or contracts with a transportation company.

2. ***Children must not be transported to any location without the prior knowledge of the parents….(THIS MEANS THEY NEED WRITTEN APPROVAL FOR EACH FIELD TRIP, NOT JUST A BLANKET PERMISSION TO GO ON FIELD TRIPS, YES?)***

   School-Age-Only Centers may use a general permission for transportation as long as parents know where their children are at all times.

3. ***School-age children only may be transported with no staff in addition to the driver. Does this mean that no matter how many school-agers (i.e. more than 15), that only a driver is required? In other words, does ratio have to be maintained during transportation if school-agers only are being transported?***

   When transporting any number of only school-age children, no staff in addition to the driver are required.

Medications (4-006.27, page 37-39)

1. ***Can providers use bug spray for children, and if so, what parental permission is required?***

   Yes, providers may apply bug spray to children as the label directs. Parents must sign a permission form just as they do for medications.

2. ***Does the use of an EPI-pen in a child care program require a physician's note?***

   No. An EPI-pen is considered an "emergency" medication, therefore, a physician's note is not required.

3. ***Can School-Age-Only Centers provide non-prescription medications to children "as needed" (PRN)?***

   School-Age-Only programs cannot purchase non-prescription medications to be given to children "as needed" (PRN).

   Parents may bring non-prescriptions to the School-Age-Only program to be given to children "as needed" as long as the parent provides detailed written instructions that includes the symptoms, dosage, frequency, and any other relevant information.

4. ***I have some children enrolled in my program that may need medication in an emergency. One child is a diabetic; another child has a severe peanut allergy and must have access to an Epi-pen. Is there an alternative to keeping these medications stored rather than under lock and key that will allow quick access in the event of a medical emergency?***

   Regulations do require medications be kept in locked storage. The Department, however, recognizes the risk it could pose if children or adults in the programs do not have quick access to their emergency medications. If a program has children, staff, or household members who use some form of medication in an emergency, the program can request an Alternative Compliance. An Alternative Compliance allows a program to show the Department how they are meeting the intent of the regulation, just in a different manner than specifically indicated by the regulation. This Alternative Compliance will only apply to emergency medications and must be approved by the Department. Programs will be required to keep emergency medications out of the reach of children and provide appropriate supervision to ensure children do not have access at all times.

Food Service (4-006.25, page 39)

1. ***If a child is fasting or has other food restrictions/limitations for religious or other non-medical reasons what does the child care provider need to do?***

   Office of Children's Services Licensing has no regulation which specifically addresses this issue. OCSL recommends the child care provider obtain a statement from the parent(s) which includes the date(s) of the fasting or other food limitation, and the general reason, i.e., religious practice.

Food Safety (4-006.29, page 40)

1. ***I was wanting to start using my own homemade items such as hand soaps, sanitizers and cleaning products. I don't want to use bleach or Clorox any more as I am trying to be 100% chemical free in my home. I diffuse essential oils for calming or immune boosting within the daycare and am looking to use the oils more to replace our chemicals in personal products as well. What are the regulations on that, if there are any?***

   A sanitizer or disinfectant that is not registered with the EPA and cannot be tested for strength cannot be used. Bleach or other products registered with the EPA are approved. Oils are not approved in the State of Nebraska for use as sanitizers or disinfectants.

   Oils can be used in making homemade soap that is used for hand washing.

2. ***Does soap used for hand washing need to be antibacterial?***

   Antibacterial soap is not recommended for hand washing. (Caring for Our Children)

Housekeeping and Maintenance (4-006.28A, pages 41-42)

1. ***Regulations required using rubbish containers, both indoor and outdoor, for garbage and rubbish that have tight fitting cover. Is there any exception to this requirements?***

If the rubbish container/trash can contains ONLY paper items that do not have any bodily fluids on them (i.e., Kleenex), then they do not need to be covered. All other containers must be covered.

Animals/Pets (4-006.29C, Page 43)

1. ***What animals and pets are allowed on the premises of a School-Age-Only Center?***

The School-Age-Only Center must not have any animal present on the premises that negatively affects the children in care. This includes, but is not limited to an animal that:

- **Has bitten or attacked anyone without provocation;**
- **Has been determined to be dangerous;**
- **Causes or exacerbates a health condition of a child in care;**
- **Has fleas, ticks, or other parasites; and/or**
- **Is prohibited by city ordinance (i.e. pot-bellied pigs are prohibited in Lincoln, NE)**

When pets are kept on the premises of a SAOC, the licensee must:

1. **Insure dogs, cats, and ferrets have an annual examination by a veterinarian;**
2. **Insure dogs, cats, and ferrets are vaccinated as recommended by the licensed veterinarian;**
3. **Insure dogs, cats, ferrets and any other animals that come in contact with children in care do not have fleas, ticks, and/or other parasites;**
4. **Insure animal is maintained in clean conditions, is fed properly, and waste is disposed of properly; and**
5. **Identify the individual who is responsible for the care and supervision of the pet, when the center is NOT located in a residence.**

List of Prohibited Animals:

- **All varieties of chickens, ducks, and geese (These animals excrete E. Coli O157:H7, Salmonella, Campylobacter, S. paratyphoid). Newborn baby chicks can be in incubation containers.**
- **All poisonous snakes and reptiles, including alligators and similar animals;**
- **All poisonous animals, including spiders and venomous insects-including tarantulas and scorpions;**
- **All wild canines and hybrids such as wolf crosses;**
- **All wild native and exotic animals such as raccoons, skunks, otters, opossums, bats, deer, bears, and antelopes;**
- **All wild or exotic cats, including hybrids;**
- **All apes, gorillas, and other lower primates; and**
- **Crocodiles, alligators, and any poisonous reptile or amphibian.**

The SAOC may take children to view any animals at the zoo with prior parental permission.

It is okay to bring a small farm animal to the SAOC as long as the animal in not on the list of prohibited animals. No paper work for the animal would be required unless there is an incident that resulted in the injury of a child.

Water Supply (4-007.02B, page 45)

1. ***Regulation require water to be tested for coliforms, nitrates, and lead, however some labs do NOT test for all of these. Where should providers obtain kits and send their samples to be tested for all substances?***

The state lab is located in Lincoln. Providers may obtain a kit by calling 402-471-2122.

Toilets/Sinks (4-007.04, page 46)

1. ***Do "toilet rooms" need to be fully enclosed?***

Yes, toilet rooms must be fully enclosed. Facilities that are constructed with a positive air flow design are exempt.

OTHER ITEMS OF INTEREST

1. ***Will parent's digital signature(s) be accepted by the Office of Children's Services Licensing for acknowledging receipt of required information and material?***

   Yes, digital signatures are acceptable.

2. ***Here is the language in the Child Care Licensing Act specific to Child Care Liability Insurance*:**

   Neb. Rev. Stat. §71-1911.03. Applicant; liability insurance.

   An applicant for a license under the Child Care Licensing Act shall provide to the department written proof of liability insurance coverage of at least one hundred thousand dollars per occurrence prior to issuance of the license. A licensee subject to the Child Care Licensing Act on July 1, 2014, shall obtain such liability insurance coverage and provide written proof to the department within thirty days after July 1, 2014. Failure by a licensee to maintain the required level of liability insurance coverage shall be deemed noncompliance with the Child Care Licensing Act. If the licensee is the State of Nebraska or a political subdivision, the licensee may utilize a risk retention group or a risk management pool for purposes of providing such liability insurance coverage or may self-insure all or part of such coverage.

   All Child Care Programs are required to maintain Child Care Liability Insurance with a minimum coverage of $100,000 per occurrence.

   Here is the link to the statute: http://nebraskalegislature.gov/laws/statutes.php?statute=71-1911.03

If you have additional questions or want clarification on a question and answer in this document, please send an e-mail to Rita Krusemark at this link: rita.krusemark@nebraska.gov

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