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

REVISED 9/23/2025

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.

Definitions (4-002, page 2)

1. ***Are children who attend "transitional kindergarten" considered to be of school-age?***

   Nebraska Department of Education considers the following programs to be kindergarten: Transitional kindergarten, Jump Start Kindergarten, Begindergarten, and Jr. Kindergarten.

   Child care licensing defines school-age as: A child who attends kindergarten or above. Therefore, a program providing care to children in what the Nebraska Department of Education defines as kindergarten meets the licensing definition of school-age.

2. ***The child care licensure Q and A addresses public schools when there is a 'jump start' kindergarten program that the children in those programs are considered school age. Is this option open to parochial schools that are licensed and have programs for preparation for Kindergarten?***

   If an approved school has a program designed to prepare a child for Kindergarten who would be enrolling in Kindergarten the upcoming school year, that child will be considered to be school age. If the child is found not to be ready for kindergarten and withdraws enrollment the child remains a school age child.

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?***

   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. ***A licensee has moved and submitted amendment paperwork. The new location is not yet approved as remodeling is in process. Can the licensee provide care at the new location for 3 or fewer children?***

   The new location is not licensed so the licensee should not be using it. This is a violation that can result in discipline if the practice occurs.

2. ***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.

3. ***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 (Refer to the Child Care Licensing Website for specific instructions).

4. ***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 <u>not</u> 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 contact the Office of Children's Services Licensing.**
- **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 <u>any site</u> where they are listed on an application.**

<u>Director Requirements</u> (4-006.02, page 18)

1. ***A non-custodial parent wishes to have access to his/her child. Does the licensee need to provide access?***

The intent of the regulation is to allow a parent to drop in and assess the care of the child. It is not to dictate non-custodial rights. The licensee is not to deny access to a parent without proper documentation, such as a court order.

It is not considered denial of access if a licensee does not permit constant or regular visitations that disrupt the care of other children in care. This would be viewed as something that the provider and parent need to discuss and resolve in some fashion, if occurring.

<u>Background Checks</u> (4-006.03, page 19)

Beginning October 1, 2019, statute requires child care staff members and individuals residing in Family Child Care Homes who are 18 years of age or older to submit fingerprints for a national criminal history record check. This law impacts licensed Family Child Care Homes I and II, Child Care Centers, School Age Only Centers, and Preschools.

Instructions, Forms, and a Question and Answer document regarding this requirement and processes can be found on the front page of the Child Care Licensing Website.

1. ***Can a person work in a child care who is currently on Diversion for a crime, that if convicted, would result in an automatic disqualification period?***

After the background check process, including fingerprinting, is completed, the Office of Children's Services Licensing will determine if an individual is eligible to work in a child care program.

2. ***What is considered a "minor" traffic violation which would not be required to be reported to Children's Services Licensing?***

When in doubt if the traffic offense would be considered "minor" the individual should list the offense on the Report of Law Enforcement Contact.

The following would NOT be considered a Minor Traffic violation and MUST be reported to Children's Services Licensing: Driving While Intoxicated (DWI), Driving Under the Influence (DUI), Driving While License is Suspended (DWLS), Failure to Appear (FTA), Reckless Driving, Open Container, and Assault with a Motor Vehicle.

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

   According to their age, students will need to complete the background checks that are required per statute and regulation.

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?***

   Statute requires all contracted providers to follow the requirements for completion of background checks.

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?***

   The individual would be considered to be eligible as long as there is no longer than a 180 day gap in employment.

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

   Yes, shoplifting is considered theft.

   After the background check process, including fingerprinting, is completed, the Office of Children's Services Licensing will determine if an individual is eligible to work in a child care program.

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. ***Will Child Care Licensing accept a Practical Nursing Diploma as automatically meeting the educational qualification for a Director?***

   This type of diploma can be considered an LPN, however, they would need to take the exam and be licensed to do so. Child Care Licensing will accept a nursing degree, i.e., RN, LPN, BSN, MSN to qualify a person as a Director, as long as the coursework meets the regulatory requirements for Department approved training in administration, early childhood education, education, or child/youth development. Business courses may be included, not to exceed one-half of the credit or clock hour requirement.
   - **Transcripts will be required to be submitted for acceptance of a nursing degree.**

2. ***Would verified experience as a baby sitter or nanny count as experience toward qualify an individual as a director or teacher?***

   No, Child Care regulations require experience to be in an organized setting as indicated by a positive reference from an employer/supervisor.

3. ***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.

4. ***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. ***Would verified experience as a baby sitter or nanny count as experience toward qualify an individual as a director or teacher?***

   No, Child Care regulations require experience to be in an organized setting as indicated by a positive reference from an employer/supervisor.

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: https://ecrecords.education.ne.gov/PreServicePlanInstructions.aspx

   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.

   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 Certificated 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. ***Are parents who come to help with Valentine's Day party, Christmas, etc…considered subs or volunteers or anything? If so what are they and what do School Age Only Centers have to conduct on them? Anything? These are sporadic parent helpers NOT counted in RATIO and NEVER left alone.***

These individuals would be considered, "Uncompensated parent helpers" - the parent(s) of a child enrolled in the school age only center who, without compensation, assists in the care of children, who does not count in the staff-to-child ratio, and who is not left alone with children other than his/her own at the school age only center.

The director may use volunteers and uncompensated parent helpers. Volunteers and uncompensated parent helpers are not counted in the staff-to-child ratio. Volunteers and uncompensated parent helpers must be supervised by the director or a teacher at all times and must not be left alone with any children other than their own. (4-006.06 Substitute, Support Staff, Volunteer, and Parent Helper Qualifications)

No background checks are required on Uncompensated Parent Helpers.

Records for Volunteers must include all information listed in 4-006.10C, which includes: Report of Law Enforcement Contact, and Documentation of Nebraska registry checks with no adverse findings.

2. ***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 care for, supervise, or have unsupervised access to children in a child care program are required to complete the required background checks.

3. ***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:

   > **Staff 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.**
   >
   > **Support staff 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).

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

   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.

5. ***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 requirements related to SAFETY TRAINING?***

   Prior to a provisional license being issued, the licensee and/or director must complete Safety Training.

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?***

   Orientation will not count toward the in-service/annual training hour requirements.
   - **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:

   4-006.09B Nutrition and Food Safety Training: 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?***

   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: https://drive.google.com/file/d/0B96RUsC-c8secmdyU0lHc2R4R0U/view

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: https://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: https://www.education.ne.gov/OEC/trainingapproval.html

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

   Curriculums are approved if the entity is nationally recognized or accredited, including on-line training and testing curriculums.

Child's Record (4-006.11, page 28-29)

1. ***Is there a required amount of time that a program must keep a child's record after the child is no longer enrolled in the program?***

   There is no required amount of time, but Children's Services Licensing recommends the program contact their tax preparer or legal counsel for any additional guidance.

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 currently available on line at:
   https://dhhs.ne.gov/licensure/Documents/CRED-PAM-24ParentBrochure.pdf

   If you are unable to access the brochures on line you may contact the Office of Children's Services Licensing.

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 Center 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 "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 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. ***If a child care provider is providing care and supervision to a child over the age of 13, does this child count in the staff-to-child ratio~~n~~? (child care licenses are issued TO AGE 13 per NE statute)***

Yes, if this child is in care due to supervision needs, s/he would be counted in the staff-to-child ratio. In the situation of home care, any child(ren) 13 years of age and older who are on the premises playing with the providers own children, should be able to return to their own home at any time if the provider is not responsible for supervision.

2. ***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 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. ***What are reportable communicable diseases?***

   Refer to the information on the DHHS Reportable Conditions webpage at:
   https://dhhs.ne.gov/Pages/Reportable-Conditions.aspx

2. ***We need some clarification about what "notify" means and "who" all needs notified of reportable communicable diseases.***

   On the same day the child care provider becomes aware of the reportable communicable disease, parents of all children enrolled in the child care program must be notified, whether or not their children are actually in attendance that day. Notification to parents can be accomplished by giving them a written note, calling, or emailing them.

   Also, on the same day, the child care provider must post notice of the disease in a conspicuous place at the program location.

3. ***Are there other diseases and illnesses a child care provider should notify parents about?***

   It is recommended, but not required by regulation, that child care providers notify parents of other contagious, infectious diseases present in the child care program such as:

   - **Chicken pox**
   - **Conjunctivitis (pink eye)**
   - **Ring worm**
   - **Scabies**
   - **Head lice**
   - **Hand/Foot/Mouth**

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.

Permission for Child to Leave Premises (4-006.18B, page 32)

1. ***How much documentation is a provider required to have if a child gets picked up to leave the child care program outside of the child's normal schedule? For example, a grandmother who is listed on the "registration" form as someone authorized to pick up the child, wants to come and take the child out for lunch unexpectedly.***

   We view the written authorization regarding who the child may be released to and the permission to leave the premises as two separate, but sometimes interwoven issues.

   If the child's parent/guardian has authorized the release of their child, in writing, to an individual and that individual wants to take the child off the premises then the child has been "released" to that individual by the "blanket," authorization to release

the child to that specific individual. Therefore, no additional authorization or "permission" form needs to be signed. The child care provider would NOT be responsible for the child after the child is released to the authorized individual. IF the authorized individual returns the child to the child care program, (say after lunch or a doctor appointment, etc.) then the program resumes responsibility for the care and supervision of the child.

If written authorization has been given for a child to be released to an individual only for a specific purpose or at a specific time and the individual wants the child released at a time outside of that permission, then you need to contact the parent/guardian before releasing the child.

We view the regulation regarding permission to leave the premises as governing things such as a child leaving the provider's home to walk to the swimming pool in the afternoon during the summer. Another example is the child walks to the ball field for little league practice. The child care provider would need to have the parent/guardian give written permission as well as indicate their understanding as to when the child care provider would no longer be responsible for the child.

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 an unsafe situation.

Transportation (4-006.23, page 37)

1. ***What are the requirements of the new Child Restraint Law which went into effect January 1, 2019?***

   A Memo and attachment explaining the new law was mailed to all child care providers on December 17, 2018.

   There are three major changes that went into effect January 1, 2019:

   1. **All children up to age eight must ride correctly secured in a federally approved child safety seat. This means a booster seat, car seat, or an alternative harness restraint. Age and weight guidelines must be followed.**
   2. **Children ride rear-facing up to age two OR until they reach either the upper weight or height limit allowed by the car seat's manufacturer.**
   3. **Children up to age eight must ride in the back seat as long as there is a back seat equipped with a seatbelt and is not already occupied by other children under eight years of age. This means IF all other seats are occupied by children under the age of eight, a child under the age of eight may ride properly restrained in the front seat.**

   Additional information specific to buses was provided:

   1. **Small or Mid-Size Bus:**
      a. **If the bus has a lap belt only, the bus must have a supplemental restraint system such as a harness, Cam-wrap, or Easy-On vest.**
      b. **If the bus has a lap and shoulder belt, then a supplemental restraint system should NOT be used. (Buses manufactured after 2011 were required to have a lap and shoulder belt).**
      c. **If infants are transported they should be secured as described in Item 2 above.**
   2. **Medium or Large Bus (over 10,000 lbs):**
      a. **IF the bus is equipped with a lap and shoulder belt, a supplemental restraint system should NOT be used. (Not all buses are equipped with a restraint system).**
      b. **Medium or large size buses are not designed to transport infants.**
   3. **Rural or City Transit Bus**
      a. **This type of bus is not "designed" to transport a group of child care children.**
      b. **If a child care program chooses to use this type of bus to transport children, the bus must be equipped/modified with appropriate supplemental restraint systems, the same as those of a small or mid-size bus.**

   Information can also be found on the Nebraska Department of Education website at this link:
   https://www.education.ne.gov/fos/pupil-transportation/child-passenger-safety/

2. ***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.

3. ***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.

4. ***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. ***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.

   The following are considered emergency medications: EPI pens, and medications to treat diabetes, seizure disorders, and asthma.

2. ***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.

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

   If an EPI-pen is prescribed by a physician, then a physician's "note" is not required.

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

   Parents may bring non-prescription medications to the Child Care 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.

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.

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

1. ***Would an alternative compliance be supported for a facility to not have 'tight/water tight fitting lids on garbage containers' inside of areas where food is served when there is a janitorial staff that gathers and disposes of food after meals and snacks?***

   Since this would meet the intent of the regulation to minimize odor and transmission of infectious disease and prevents the attraction of rodents, flies and other insects or vermin, an alternative compliance could be supported.

2. ***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 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.

Other Environmental Safety Requirements (4-006.29E, Page 43-44)

1. ***Our School Age Program is located in a school. Does child care licensing regulate whether or not we have electrical outlets within reach of children under age 6 covered?***

   No, Child Care Licensing does not regulate this because your program is located in a school.

Activity Space (4-007.01, page 44)

1. ***If I am licensed from 6:00am to 8:00pm. If we are closing our child care program at 6:00pm can I let someone else use the space for a birthday party or other event from 7:00pm to 9:00pm? I have previously been told that I cannot allow this to occur because we are licensed until 8:00pm. I am also concerned because we are located in a church and the cafeteria and one gym will be used for Vacation Bible School during the summer at the same time our child care is operating. Other child care classrooms may be used to host meetings when no children are present in child care, but at times that are still within our operating hours.***

   You may allow other entities to utilize the licensed space for a purpose unrelated to child care during hours of operation when no children are in present in the child care program.

   When children are present in the child care program, you may allow part of your licensed space to be used during hours of operation for an unrelated purpose on an irregular basis, such as Vacation Bible School or a meeting. The event must occur in a separate area from where child care is being provided. The area where child care is being provided must have enough square footage to accommodate all children present in care.

Water Supply (4-007.02B, page 45)

1. ***If a faucet has a filtration (i.e. reverse osmosis) system, is drinking water still required to be tested?***

Yes, water that comes from a source other than a public water supply system must be tested annually even if there is a filtration system present.

2. ***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. ***At an inspection, what specific information do Child Care Inspection Specialists want to see in regard to insurance coverage?***

   Here is the link to the information on the Child Care Licensing Website which describes what Child Care Inspections Specialists want to see at the time of inspection:
   https://dhhs.ne.gov/licensure/Documents/LiabilityInsReqMemo.pdf

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

2. ***What are the new requirements in regard to liability insurance? (NEW)***

   Requirements for the type or amount of liability insurance under the Child Care Licensing Act, as stated in 71-1911.03, have not changed.
   However, there are changes in how often Children's Services Licensing will check with licensees for valid liability insurance and how non-compliance with valid liability insurance will be enforced. At every unannounced inspection of a licensed child care program – including inspections from Children's Services Licensing and Fire and Sanitation inspectors, inspectors will require licensees to provide current written proof of liability insurance. If the licensee is not able to provide proof of insurance to the inspector at the time of inspection, Child Care Licensing will inform the licensee that they have three (3) business days to provide current proof of insurance to Child Care Licensing. After three (3) business days, if the licensee has not provided current proof of insurance, Children's Services Licensing will initiate a Disciplinary Suspension of the license, until the licensee can provide current proof of insurance. Here is a link to the statutes:
   https://nebraskalegislature.gov/laws/statutes.php?statute=71-1911.03
   https://nebraskalegislature.gov/laws/statutes.php?statute=71-1912
   https://nebraskalegislature.gov/laws/statutes.php?statute=71-1913

3. ***A 13 year old boy has attended our summer child care in the past, but due to his age he is no longer accepted. We have already gotten the Child Care Subsidy override approved. Is there any way we can override the licensing regulation and allow a child over age 12 to attend our program?***

   In the state of Nebraska, child care licenses are issued from age 6 weeks to 13 years of age, per state Statute. If a child care program chooses to enroll a child in need of supervision who is 13 years of age or older, they are not restricted from doing that, and it is not a violation of child care regulations. The rules and regulations of the SAOC will apply to the care of that child, also the child is considered to be school-age and school-age ratio must be followed.

4. ***I have used my Social Security Number for my identifier for my license. Do I have to give that out to families that want to file for child care tax credits?***

   Parents can be directed to this site to learn how to file if a number is not available.
   https://www.irs.gov/help-resources/tools-faqs/faqs-for-individuals/frequently-asked-tax-questions-answers/childcare-credit-other-credits

5. ***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.

If you have additional questions or want clarification on a question and answer in this document, please send an e-mail to the Child Care Licensing mailbox at: DHHS.childcarelicensing@nebraska.gov