

## Temporary Exemption from Needing a Child Care License when Caring for School-Age Children Age 5 and Older Impacted by Distance or Hybrid Learning

The challenges presented by COVID-19 continue to impact Minnesotans in ways once thought unimaginable. Currently Minnesota's public and non-public schools are making determinations about onsite, hybrid or distance learning for the 2020-2021 school year. As a result of the choices being made by some schools, many families need to make arrangements to engage their children in distance learning or otherwise provide support to their school-age children during the typical hours of school. Licensed child care programs can meet some, but likely not all, of the increased need for support and supervision of children impacted by distance or hybrid learning.

There are currently 13 exemptions from licensure for the care of children, including an exemption for school-age child care programs run by public and nonpublic schools, the YMCA, the YWCA and the JCC, as well as exclusions for out of school time activities such as scouting, boys and girls clubs, arts, sports programming, etc. *See e.g.*, Minn. Stat. § 245A.03, subd. 2(a)(5), (12) and (15). In addition there is an exemption from licensure for some nonprofit organizations that serve school-age youth in kindergarten through grade 12, provide structured, supervised youth development activities, and have learning opportunities before or after school, on weekends, or during the summer or other seasonal breaks in the school calendar. *See e.g.*, Minn. Stat. § 245A.03, subd. 2(a)(27).

In order to support children whose school district has implemented remote, hybrid or other distance learning strategies during the peacetime emergency, the Commissioner of Human Services is allowing a temporary exemption from licensure for individuals or programs serving school-age children ages 5 and older during typical hours of the children's school day, similar to the exemption for k-12 youth development programs already in statute. To be exempt from licensure an individual or program serving children impacted by distance learning must meet the following criteria:

1. The program is operated by an individual, group of individuals or an organization and serves only school-age children ages 5 and older enrolled in public or nonpublic educational setting. **A program that provides care and supervision to children younger than age 5 who are not enrolled in kindergarten is required to be licensed under Minnesota Rules, Chapters 9502 or 9503 unless the program meets an exclusion from licensure under Minnesota Statutes, section 245A.03, subdivision 2.**
2. The program provides support and supervision of learning as appropriate to the child's needs during the typical school hours of the child's day and no more than 1 hour before and 1 hour after the start or end of the typical school hours of the children's day. Hours of support and supervision that exceed this

amount must meet an existing exemption from licensure under 245A.03, subdivision 2 or the program must be licensed by the commissioner as a child care program.

3. A program exempt under this waiver must:
  - a. have an individual over age 18 on site at all times who is responsible for the program;
  - b. have obtained written consent from a parent or legal guardian for each school-age child participating in the program;
  - c. have provided written notice to a parent or legal guardian for each school-age child that the program is not licensed or supervised by the Department of Human Services; and
  - d. comply with [health and safety guidelines](https://www.health.state.mn.us/diseases/coronavirus/schools/socialdistance.pdf) established by the Minnesota Department of Health for youth and student programs (<https://www.health.state.mn.us/diseases/coronavirus/schools/socialdistance.pdf>).
4. If the individual or organization operating under this exemption also operates a licensed or certified child care program, the exempt program for school-age children must operate as a separate and distinct program, cannot combine children, and cannot share staff or share space with the licensed or certified program when the programs operate at the same time.
5. A program exempt under this clause is not eligible for child care assistance payments under Minnesota Statutes, Chapter 119B.

This temporary exemption from licensure is similar to the exemption for youth development programs, but allows for support and supervision during the typical hours a child would be in school.

A license is required if the program or individual wants to serve children younger than age 5 or if care is being provided more than 1 hour before or one hour after the typical hours of the child's school day, unless the program meets an exclusion from licensure under Minnesota Statutes, section 245A.03, subdivision 2.