How Could School-Age Children Receive Care During COVID-19 School Closures?
An Overview of License-Exempt Child Care

Given the COVID-19 pandemic and related school closures, many school-age children may need care while their parents, guardians, or caregivers are at work. License-exempt child care could be a potential avenue for schools and other entities to provide care to school-age children who are need of a safe and supportive setting while schools remain closed. License-exempt child care (also referred to as informal child care; regulation-exempt child care; or Family, Friend, and Neighbor (FNN) care) operates legally without a child care license due to a variety of reasons, as detailed below.

School or Program-Based License-Exempt Care:
A) Public recreation programs (subject to requirements, see below)
B) Before and after-school programs run by public or private schools (subject to requirements, see below)
C) Extended day care programs operated by public or private schools
D) Any child care program that operates only one day per week for no more than four hours
E) Program that provides activities for children of an instructional nature in a classroom-like setting, operated only during periods of the year when children are not normally in session (subject to requirements, see details below)

Public Recreational Programs (A)
Public recreation programs can only operate during non-school hours or for fewer than 12 weeks each year.

One example is summer camp. These programs:
- Must be operated by a public entity: state, city, county, special district, school district, community college district, chartered city, or chartered city and county OR the YMCA, Girl Scouts of the USA, Boy Scouts of America, Boys and Girls Clubs, Camp Fire USA, organized camps or similar organizations
- Must have limits on its operating hours

3 Possible Scenarios for License-Exempt Public Recreation Programs by Age Group:
1) Program is only operated for school-age children (grades TK-12) in the public school district where the program is located during hours other than normal school hours or when school is not normally in session
   - These programs can only operate for fewer than 20 hours per week or a total of 14 weeks or less in a 12-month period
2) Program provides care to children over the age of 4 years and 9 months who are not yet enrolled in school and can operate during normal school hours

Other license-exempt providers:
- Providers who care only for their own relatives
- Providers who only care for the children of one other family (besides the provider’s own children, if any)
- Cooperative agreements in which parents share child care responsibilities and payment is not exchanged for care
- School parenting program or adult education child care program
- Child care program that offers temporary child care services to parents while parents are on the same premises

1 To determine “normal school hours” or periods in which students are not "normally not in session", CDSS considers the schedule of a year-round school.

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These programs can only operate for fewer than 16 hours per week or a total of 12 weeks but can operate during normal school hours

3) Program provides care to children under the age of 4 years and 9 months
   - These programs can hold sessions up to 12 hours per week for up to 12 weeks
   - Children can enroll in consecutive sessions, but an individual child cannot be enrolled in more than 12 hours per week

Before and After-School Programs (B)
License-exempt before and after-school programs can be run by public or private schools. If the program is operated by a third-party child care provider that is not the school or district, it does not qualify as license exempt. However, if it is an After School Education and Safety (ASES) program run by a third-party provider, different regulations apply (see below under “Considerations for School-Age Care During COVID-19 School Closures”).

Programs Providing Activities in a Classroom-Like Setting (E)
Programs that provide activities for children of an instructional nature in a classroom-like setting can operate without a license if:

1) Program is operated only during periods of the year when students (K-12) are normally not in session in the public school district where the program is located due to regularly scheduled vacations; and
2) Sessions, when added together, do not exceed a total of 30 days when only school-age children are enrolled in the program, or 15 days when children younger than school-age are enrolled

Additional Information on License-Exempt Programs
- There is no limit on the number of children that a license-exempt child care provider can take care of (except for a cooperative agreement, which can be no more than 12 children)
- Some programs may be subject to other requirements or regulations (such as after-school programs run by CDE, which may have to meet CDE guidelines)
- License-exempt programs are generally eligible for government child care subsidies

Considerations for School-Age Care During COVID-19 School Closures
- ASES programs could provide care while children are engaging in distance learning during school hours. Senate Bill 98, passed on June 29th, 2020, waives restrictions on the number of operating hours for ASES programs, allowing them to provide full-day supports to address needs during the COVID-19 pandemic.²
- Could the current restrictions on allowable hours and periods of care provided by public recreation programs and school-operated before and after-school programs be modified to allow them to provide care while children are engaging in distance learning during school hours?
- Could the State authorize voucher payments for care for children of those who are working and would otherwise be unsupervised during ‘school hours’ while schools remain closed?

Resources
- California Health and Safety Code § 1596.792 and § 1596.793
- Know the Law About License Exempt Child Care in California (Child Care Law Center, 2014)
- California Department of Social Services Child Care Licensing

² SB 98 bill text can be found here.

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