

QUESTIONS AND ANSWERS

Preschools

(391 NAC Chapter 5)

REVISED 7/5/2019

Change of Ownership (5-003.03, page 8)

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 5-003.04, 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 (5-004.06, page 13)

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 Preschool when the ownership of the Preschool remains the same?*

Changing the name of the Preschool 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 Preschool.

3. *What are the requirements of the Preschool 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).

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

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

Director Requirements (5-006.02, 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.

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.

<https://www.ada.gov/chcaflyr.htm>

Background Checks (5-006.03, page 19)

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?*

If a person is currently on Diversion for a crime, that if convicted, would result in an automatic disqualification period, this situation may be handled by offering the licensee an Interim Licensing Agreement indicating that the person who is currently on Diversion will not be left alone with children until such time as s/he has successfully completed the Diversion Program.

This person cannot be disqualified from hire, due to the charge only, but can be required to have supervised contact with children per an Interim Licensing Agreement due to the behavior exhibited during the commission of the crime.

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

Minor traffic violations on criminal history reports will be labeled as TM or TI or Traffic (on the NDEN Data Exchange System): Any citation, charge, or conviction not categorized in this manner is not considered a minor traffic violation.

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.

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

3. *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?*

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 be checked. The regulation does not require "re-checking" an individual at any point in time. This is a one-time only requirement.

4. *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?*

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.

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

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 preschool.

6. 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.

7. *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.

8. *What crimes are considered "theft"? Is shoplifting 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 (5-006.03F, 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 (5-006.04, page 23)

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 (5-006.05, pages 23-24)

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 Preschool 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://erecords.education.ne.gov/PreServicePlanInstructions.aspx>

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

3. *Does the Preschool 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 (5-006.05B, page 24)

1. *What needs to be provided as proof of meeting one of these criteria 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, Uncompensated Parent Helper, and Volunteer Qualifications (5-006.06, page 24)

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 Preschools 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 preschool 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 preschool.

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. (5-006.06 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 5-006.10C, which includes: Report of Law Enforcement Contact, and Documentation of Nebraska registry checks with no adverse findings.

2. *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.

3. *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.

Teacher and Staff Training Requirements (5-006.08, pages 25-26)

1. *Can the Orientation that a Preschool 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 not 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 preschool to preschool and may be provided in a few hours or a few days depending upon the specific Preschool.
- 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.

2. *If a Preschool Director completes the Early Learning Guidelines training, then can that director use the self-study training materials available through ECTC to train the center staff?*

The requirement is:

5-006.09B Nebraska’s Early Learning Guidelines Training: Teachers must receive training in the domains of Nebraska’s Early Childhood Learning Guidelines developed by the ECTC. Any proposed equivalent training must be approved by the Department.

Self-Study Training is not an option for Nebraska Early Learning Guidelines Training (NELG). The Director could contact the Early Childhood Training Center about becoming an approved trainer for NELG Training. If approved, the Director could train Center staff on one or more of the Domains included in the NELG Training.

3. *Do the self-study packets for the Nebraska’s Early Learning Guidelines (2 hours) work for meeting the requirement for having to complete the ELG? Or do they have to attend the face to face trainings?*

No. Self-study packets for Nebraska’s Early Learning Guidelines Training are no longer available. The individuals who checked out Self-Study NELG Packets will receive training credit for the sections they completed. Only the individual who checked out

an NELG Self-Study packet will get credit. A percentage of Teachers in the Preschool only have to complete one Domain of training so a Teacher can complete the full six hours by one face-to-face training.

4. *Is there a date when Licensing will be accepting other training or course work to see if they are equivalent to the new required training?*

The Department will identify specific degrees from specific Nebraska Community and Four Year Colleges/Universities that include Nebraska Early Learning Guidelines and/or Child Care Management Training as required curriculum. When identified, this information will be posted on the Child Care Licensing Web Site.

There are a number of trainings that would be considered an equivalent to Safe Sleep/SIDS (Sudden Infant Death Syndrome) Prevention and Shaken Baby – two of the three required curriculums for Safety Training. To date, no other Child Abuse/Neglect/Reporting Training addresses the “caregiver” as a potential abuser of children.

We would accept the clock hours of training on Child Abuse/Neglect/Reporting conducting by other entities (i.e. Child Advocacy Centers), but not as an equivalent to the required Safe with You Training.

Safety Training (5-006.07A. page 25)

1. *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

Nebraska’s Early Learning Guidelines Training (5-006.08B, pages 25-26)

1. *As it relates to programs licensed before May 20, 2013, if a director or teacher who is required to complete this training has completed four of the domains of the training in 2016, does s/he have to complete at least ONE domain in 2017 and each year thereafter until all seven are completed?*

No, if s/he has completed one domain within four years (due 2017) plus also completed 3 additional domains in 2016 s/he can be allowed to not complete a domain in 2017 and possibly not complete any through the year 2020, as long as s/he is on target to complete ALL domains, averaging ONE per year, by the year 2023.

2. *Where can the equivalencies for Nebraska’s Early Learning Guidelines Training be found?*

The equivalencies can be found on the training page of the Nebraska Child Care Licensing Website:

<https://dhhs.ne.gov/licensure/pages/Child-Care-Licensing.aspx>

Transportation Training (5-006.09B, page 26-27)

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 5-006.09B?*

When Preschools use buses weighing over 10,000 lbs. or more that are not equipped with safety/booster seats and restraints to transport children on field trips and other activities and contract with a school or other entity to provide transportation services, the Preschool has the option of having a staff who has completed Transportation Training ride with the children rather than requiring the bus driver to complete the Transportation Training.

Annual Training (5-006.09C, pages 27-28)

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 Preschools 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 Preschools know what CPR (Cardiopulmonary Resuscitation) 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: <https://dhhs.ne.gov/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.

Child's Record (5-006.11, page 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 a program keep a child's records on the premises for at least 6 months after the child is no longer enrolled. It is also recommended that the program contact their tax preparer for any additional guidance.

Parent Information Brochures (5-006.12, page 29)

1. *When Parent Information Brochures are printed, how will they be distributed to Preschools? When Preschools 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.

Preschools then need to distribute the Brochures to parents of children who are enrolled 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 Preschool.

Preschools can print their own copies of the brochure from the Forms Page of the Child Care Licensing Website at: <https://dhhs.ne.gov/licensure/Documents/CREC-PAM-24ParentBrochure.pdf>

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

Yes, a Preschool can substitute their own document as long as all the elements in the Department's parent Information Brochure are included.

3. *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 (5-006.13A, page 30)

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

Examples of some "real" "special services" offered by some Preschools 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 Preschools do not offer any "special services", but if the Preschool does offer one or more of these services, it must be included in the Description of Services.

Preschools are encouraged to include whether or not medications will be given to children in the Description of Services.

Staff-to-Child Ratio (5-006.14, page 30)

1. *I have substitutes come in at times when a teacher is not available. Can a substitute be left alone with children?*

No, unless that substitute meets teacher requirements. The regulations (5-006.14B) state that each room where children are receiving care must have a staff person who is "qualified" as a teacher, and is involved in the direct care of children.

2. *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? (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.

Communicable Diseases (5-006.15, page 31)

1. *What are reportable communicable diseases?*

Below are the REPORTABLE communicable diseases which the public health authority may/will contact you with guidance. You can also contact your local health authority to receive direction. Reportable Communicable Diseases include, but are not limited to:

- E Coli
- Influenza (certain types)
- RSV
- Rotavirus
- Salmonella
- Giardia
- 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

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 (5-006.17, page 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.

Transportation (5-006.23, pages 36-37)

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

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 preschool?*

Yes, all transportation regulations must be followed whether the Preschool 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?)*

Preschools may use a general permission for transportation as long as parents know where their children are at all times.

4. *If a Preschool rents/uses a bus or a school bus for field trips for preschool age children - is this allowed? The bus or school bus does not have seat belts.*

When transporting children younger than school-age, the answer depends on the size of the bus.

- Preschools cannot use buses that are under 10,000 lbs. to transport children under school age without having safety/booster seats and appropriate restraints.
- Preschools can use buses that are over 10,000 lbs. to transport children of any age without having safety/booster seats or restraints.

Preschools that elect to transport children in buses over 10,000 lbs. without safety/booster seats and restraints are encouraged to consult with their insurance carrier to insure coverage for transportation services.

Medications (5-006.24, page 37-38)

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?*

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

4. *Can Preschools provide non-prescription medications to children "as needed" (PRN)?*

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

Parents may bring non-prescriptions to the Preschool 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.

Housekeeping and Maintenance (5-005.26A, page 41)

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 (5-006.27C Page 42)

1. *What types of pets and other animals are allowed on the premises of a Preschool?*

The Preschool 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 preschool, 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 following animals are not prohibited, but are not recommended to be on the premises of a child care program that serves infants, toddlers, and preschool age children:

- Stray animals-health and vaccination status of these animals is unknown;
- Psittacine birds unless tested for psittacosis-Includes of parrots, parakeets, budgies, and cockatiels (psittacine birds can carry diseases that can be transferred to humans);
- Ferrets-ferrets have a propensity to bite when startled;
- Animals in estrus (heat)-Female dogs and cats should be determined to not be in estrus when at the center; and
- Animals less than one year of age-Incorporating young animals (less than one year of age) into child care programs is not recommended because of issues of unpredictable behavior and elimination control. Additionally, the immune systems of very young puppies and kittens are not completely developed, thereby placing the health of these animals at risk.

The Preschool 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 Preschool as long as the animal is 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 (5-007.02B, page 44)

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.

Outdoor Play Area (5-007.03, page 45)

1. *When is an alternative compliance request regarding an outdoor play area appropriate?*

The Department is offering alternative compliance for:

1. Applicants for a provisional license where an outdoor play area is not available or does not meet all the requirements in 391 NAC 5; or
2. Already licensed Preschools that do not have an outdoor play area or one that meets all the requirements in 391 NAC 5.

Toilets/Sinks (5-007.04, page 45)

1. *Do "toilet rooms" need to be fully enclosed or are half walls allowed?*

Children ages 3 and under can use toilet rooms with half walls. If children are age 4 and over, they need to have a toilet room that gives them privacy.

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>

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: <https://nebraskalegislature.gov/laws/statutes.php?statute=71-1911.03>

2. *A person had their license revoked over two years ago and wants to now provide care by working in a center as a child care staff or caring for a few children in a license exempt status. Is this okay?*

Statute 71-1911 prohibits anyone having a child care license revoked for any reason other than non- payment of fees, from caring for ANY children, other than the children of that person, until the person becomes licensed. The two years refers to the time period that must elapse prior to re-applying for a license.

3. *Can the Office of Children's Services Licensing release the name of my insurance carrier to others?*

Yes, minimum liability insurance is required to be maintained per Nebraska law, therefore, this information can be released.

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 Rita Krusemark at this link: rita.krusemark@nebraska.gov