

Child Care Regulations in Nebraska

Overview

A summary of child care regulations in Nebraska.

- Types of care that must be licensed
- Types of care that may operate without a license
- Age-group definitions
- Subsidized child care
- Whom to contact
- Child abuse reporting
- Child care centers
- Family child care homes I
- Family child care homes II

Child care is regulated differently in every state and sometimes even in different counties or cities in the same state. In Nebraska, the Department of Health and Human Services, Regulation & Licensure, licenses part-time and full-time child care centers and family child care homes. Other types of local regulations, such as zoning, health, building, and fire safety codes, may also apply to child care facilities.

This guide explains the level of quality required by child care regulations in Nebraska. Some child care programs in the state operate at this level and some well above it. As a parent, you have your own standards and will look for providers you trust to meet them. Over time, your informed consumer choice and cooperation with the licensing agency can help raise the quality of child care in your community.

Both the law and licensing requirements are subject to change. To ensure that you have accurate and complete information, check with the licensing office to see whether there have been any changes since the information in this guide was last updated.

Types of care that must be licensed

Child care licensing is a type of regulatory activity in which the state authorizes an individual or a group to operate a child care facility. The Nebraska Department of Health and Human Services, Regulation & Licensure, is responsible for monitoring compliance with state standards, establishing procedures for revoking a license, and providing appeal mechanisms.

In Nebraska, the following forms of child care must be licensed:

- *Child care centers*: full- or part-time care in a nonresidential setting for four or more children for fewer than 12 hours per day; the state does not permit children to be in child care for more than 12 hours
- *Family child care homes I*: full- or part-time care in a residence for between four and eight children under 12 years old
- *Family child care homes II*: full- or part-time care for between 9 and 12 children
- *Preschools*: early childhood programs that provide primarily educational services

More detailed information about child care centers, family child care homes I, and family child care homes II may be found later in this guide. Information on preschools can be obtained by contacting the Department of Health and Human Services, Registration & Licensure, at 402-471-9302 or 402-471-9205.

Types of care that may operate without a license

Some types of child care are not required to be licensed by the state but may voluntarily be licensed. There are no agencies investigating or regulating providers who are unlicensed, so be sure to thoroughly check a provider's background and experience before choosing this type of care.

In Nebraska, the following forms of child care are exempt from licensing:

- Care provided in the child's home or by relatives
- Facilities providing irregular child care
- Care provided without cost or compensation
- Care for fewer than four children
- Care under federal or Native American jurisdiction

When preschool programs are run by public or private elementary schools, the Department of Education is responsible for regulating them. Other government agencies that run children's programs also do their own regulating (for example, local health departments).

Age-group definitions

- *Infant*: child between 6 weeks and 18 months
- *Toddler*: child between 18 months and 3 years
- *Preschooler*: child between 3 years and school age
- *School-age*: child who attends kindergarten or a higher grade

Subsidized child care

The Nebraska Department of Health and Human Services makes funds available to assist some families with their child care payments. Eligibility is determined by family income, family size, and need for care, and is related to employment contracts with child care centers or family child care homes. For further information about program availability and how to qualify, contact the Nebraska Department of Health and Human Services at 402-471-2306, which can direct you to your local office.

Whom to contact

For more detailed information regarding child care regulations in Nebraska, to obtain a copy of the state standards, or to report licensing violations, contact:

Nebraska Department of Health and Human Services Regulation & Licensure

Child Care Licensing
301 Centennial Mall
South Lincoln, NE 68509
402-471-2133
800-600-1289 (in Nebraska only)
www.hhs.state.ne.us/chc/chcindex.htm

Child abuse reporting

The staffs of all child care facilities are required to report known or suspected child abuse or neglect to the state or to police. To report suspected child abuse, call 800-652-1999.

Child care centers

Licenses

- Must be licensed.
- Licenses are nonexpiring after the first year.
- License must be posted.
- Liability insurance is not required.

State inspection

- Inspection is required before licensing.
- Unannounced inspections are made once or twice a year (for centers licensed for 30 or more children) and after a complaint.

Staff:child ratios

- 6 weeks to 18 months: one staff for up to four children (1:4)
- 18 months to 3 years: one staff for up to six children (1:6)
- 3 years: one staff for up to 10 children (1:10)
- 4 to 5 years: one staff for up to 12 children (1:12)
- Kindergarten-age and older: one staff for up to 15 children (1:15)

No children younger than 6 weeks old may be in care.

Must have at least two staff on the premises at all times.

Staff qualifications

Director

- Must be at least 19 years old.
- Must complete preservice training developed by the state.
- In centers for 22 or more children, must have one of following:
 - High school diploma plus two years of experience
 - Six college credits in a child-related area
 - Child Development Associate (CDA) credential
 - Associate's or bachelor's degree in a child-related area
- In centers for fewer than 22 children, must have one of the above or a written plan approved by the state to acquire six college credits in a child-related area.

Teacher

- Must be at least 19 years old and have one of the following:
 - Plan approved by the state to acquire three college credits in a child-related area
 - One year of experience
 - CDA credential
 - Associate's or bachelor's degree in a child-related area

Assistant

- Must be at least 16 years old.

Substitute

- Must meet same requirements as regular staff.

Staff training

- Center staff must have 12 hours of training.
- Staff responsible for feeding children must have four additional hours in nutrition and food service training.

CPR and first aid

- One person trained in CPR and first aid must be present at all times.

Staff medical requirements

- Medical exam is required.
- TB test is not required.
- AIDS test is not required.
- No immunization requirements.
- Drug and alcohol tests are not required.

Staff background checks

- Child abuse background checks are required.
- Must provide statement of arrests and convictions.
- Two references are required.
- Fingerprinting is not required.

Discipline

- Certain methods of discipline, including corporal punishment, are prohibited.

Parents' rights

- Parents may visit whenever the child is in care.
- Parents must be notified immediately of any accident, illness, or injury requiring medical attention.
- Parents must be notified of exposure to a communicable disease.

Health and safety requirements

- Must have a written, posted emergency plan in case of a tornado or fire.
- Must hold evacuation drills quarterly.
- Each level must have two unblocked exits.
- Must have smoke detectors.
- Must have a first-aid kit.
- Must have a working phone.
- Emergency numbers must be posted by the phone.
- Windows and doors must be screened.
- Must cover electrical outlets.
- Must have access to a vehicle in case of emergency.

- Hazardous or toxic materials must be inaccessible to children.
- Outdoor play area must be fenced.
- Pets must be restrained and vaccinated.
- Must ensure that swimming pools meet health department requirements.
- Lifeguard must be present during water activities.
- Smoking is prohibited in the presence of children.

Child medical requirements

- Age-appropriate immunizations are required, including hepatitis B.
- Screening for blood lead levels is not required.
- Must have parental permission to administer medications.

Care for sick children

- Mildly ill children are not permitted in child care.
- Preschools, but not centers, must have a written policy that requires the exclusion of children with fever or any communicable condition.

Family child care homes I

Licenses

- Licensed by a registration process.
- Registration is done by mail.
- Provisional license is valid for one year and then is nonexpiring.
- License must be posted.
- Liability insurance is not required.

State inspection

- No inspection prior to registration.
- Provider self-certifies that the home meets state requirements.
- Unannounced inspection occurs 60 days after registration is granted or renewed and then annually.
- Unannounced inspection occurs after a complaint.

Staff:child ratios

- 6 weeks to 18 months: one staff for up to four children (1:4)
- Infant: one staff for up to four children (1:4)

In mixed-age groups, one staff for up to eight children (1:8); during nonschool hours, if no more than two children are under 18 months old, one staff is required for up to 10 children (1:10).

No children younger than 6 weeks old may be in care.

Maximum group size

- No more than four to eight children under 12 years old, including the provider's own children under 8 years old.
- May be approved to care for two additional school-age children during nonschool hours if there are no more than two children under 18 months old.
- No more than three children under 18 months old per adult; of these, only two children under 12 months old per adult.

Staff qualifications

Provider

- Must be at least 19 years old.
- Must attend one hour of orientation.
- Must reside in the home.

Assistant

- Must be at least 16 years old.

Substitute

- Must meet same requirements as regular staff.

Staff training

- Full-time staff must have 12 hours of training per year.
- Assistants who work 20 hours or fewer must have six hours of training per year.

CPR and first aid

- Must receive one-hour of basic orientation training in first aid and CPR before licensing.
- Must have first-aid and CPR training included in the 12 hours of training.

Staff medical requirements

- Medical exam is required.
- TB test is not required.
- AIDS test is not required.
- No immunization requirements.
- Drug and alcohol tests are not required.

Staff background checks

- Child abuse background checks are required for staff and household members over 13 years old.
- Must provide statement of criminal arrests and convictions for all staff and household members over 19 years old.
- Fingerprinting is not required.

Discipline

- Certain methods of discipline, including corporal punishment, are prohibited.

Parents' rights

- Parents must be informed if anyone in the household smokes.
- Parents may visit whenever the child is in care.
- Parents must be notified immediately of any accident, illness, or injury requiring medical attention.
- Parents must be notified in advance of use of a substitute.
- Parents must be notified of child's exposure to a communicable disease.

Health and safety requirements

- Must have a written, posted emergency plan in case of a tornado or fire.
- Must hold tornado safety drills quarterly.
- Must hold fire drills every other month.
- Each level must have two unblocked exits.
- Must have smoke detectors.
- Must have a first-aid kit.
- Must have a working phone.
- Emergency numbers must be posted by the phone.

- Windows and doors must be screened.
- Must cover electrical outlets.
- Must have access to a vehicle in case of emergency.
- Hazardous or toxic materials must be inaccessible to children.
- Outdoor play area must be fenced.
- Pets must be restrained and vaccinated.
- Must ensure that swimming pools meet health department requirements.
- Lifeguard must be present during water activities.
- Smoking is prohibited in areas of the home used for child care.

Child medical requirements

- Age-appropriate immunizations are required, including hepatitis B.
- Screening for blood lead levels is not required.
- Must have parental permission to administer medications.

Care for sick children

- Mildly ill children are not permitted in child care.
- Children who become seriously ill must be isolated.

Family child care homes II

Licenses

- Initial license is valid for one year.
- Licenses are nonexpiring after the first year.
- License must be posted.
- Liability insurance is not required.

State inspection

- Inspection is required prior to licensing.
- Unannounced inspection is made once or twice a year and after a complaint.

Staff:child ratios

- 6 weeks to 18 months: one staff for up to four children (1:4)
- Infant: one staff for up to four children (1:4)

- School-age: one staff for up to 12 children (1:12)

In mixed-age groups, one staff is required for up to eight children (1:8) and two staff are required for up to 12 children (1:12). During nonschool hours, if no more than two children are under 18 months old, one staff is required for up to 10 children (1:10).

No children younger than 6 weeks old may be in care.

The provider's children under 8 years must be counted in ratios.

Maximum group size

- No more than 12 children, including the provider's own children under 8 years old
- No more than three children under 18 months old and no more than two children under 12 months

Staff qualifications

Provider

- Must be at least 19 years old.
- Must have experience in child care.
- Must attend one hour of orientation.

Assistant

- Must be at least 16 years old.

Substitute

- Must meet same requirements as regular staff.

Staff training

- 12 hours of training per year

CPR and first aid

- Training is required.

Staff medical requirements

- Medical exam is required.
- TB test is not required.
- AIDS test is not required.

- No immunization requirements.
- Drug and alcohol tests are not required.

Staff background checks

- Child abuse background checks are required for staff and household members over 13 years old.
- Must provide statement of criminal arrests and convictions for all staff and household members over 19 years old.
- Three references are required.
- Fingerprinting is not required.

Discipline

- Certain methods of discipline, including corporal punishment, are prohibited.

Parents' rights

- Parents must be informed if anyone in the household smokes.
- Parents may visit whenever the child is in care.
- Parents must be notified immediately of any accident, illness, or injury requiring medical attention.
- Parents must be notified in advance of the use of a substitute.
- Parents must be notified of child's exposure to a communicable disease.

Health and safety requirements

- Must have a written, posted emergency plan in case of a tornado or fire.
- Must hold tornado safety drills quarterly.
- Must hold fire drills every other month.
- Each level must have two unblocked exits.
- Must have smoke detectors.
- Must have a first-aid kit.
- Must have a working phone.
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- Smoking is prohibited in areas of the home used for child care.

Child medical requirements

- Age-appropriate immunizations are required, including hepatitis B.
- Screening for blood lead levels is not required.
- Must have parental permission to administer medications.

Care for sick children

- Mildly ill children are not permitted in child care.
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