

KDHE CHILD CARE LICENSING NOTICE

COVID-19 State of Disaster Emergency: Academic Services to Support K-12 Remote Education August 10, 2020

Basis of Authority: The original licensing law, passed in 1919, placed the authority for licensing with the Kansas Department of Health and Environment (KDHE). KDHE administers the licensing law (K.S.A. 65-501 et seq.) as a preventive program to assure that out-of-home care for children will not be exploitive, unsafe, or unhealthy. The purpose of the regulation of child care facilities is to reduce the risk of predictable harm to children while in out of home settings. Public regulation represents a basic level of protection for all children. Further, effective public regulation provides basic consumer protection.

The state, in its responsibility, must balance its authority to protect public health, safety, and well-being with the rights of programs to operate and offer a diverse array of services to the public to meet individual needs and interests. The state must not enact standards beyond those needed to protect public health, safety, and well-being. Nor must the state enact standards that serve as barriers to programs in their efforts to achieve higher levels of quality services for children and families. More information, including requirements for licensure, is available on the [KDHE Child Care Licensing](http://www.kdheks.gov/kidsnet) website (www.kdheks.gov/kidsnet).

Services NOT Requiring a KDHE License: Providing academic services (e.g., tutoring, learning coops, offsite academic learning) as an educational support to students Kindergarten through 12th Grade (K-12) during times when schools offer remote/virtual, hybrid in-person/remote, or modified attendance schedules in response to the pandemic does not require KDHE licensure. This only applies to school days in areas where remote/virtual learning is allowed.

The authorization to operate in this capacity without a license is effective until the State of Disaster Emergency expires or until the school no longer offers remote/hybrid/modified attendance schedules as options for enrolled students. Service providers are encouraged to follow public health guidance to prevent the spread of COVID-19 among students and adults.

Licensed Child Care Facilities: Pursuant to regulations, daily scheduled activities must be appropriate for the ages and developmental levels of the children in care. Activities may include remote learning activities for children kindergarten age and older. This means licensed facilities can support K-12 students participating in remote/virtual learning. NOTE: All children on the licensed facility premises during child care hours must be counted in the license capacity. Find more information about additional school age children and license capacity on the KDHE COVID-19 Resource Microsite: [FAQ's for Child Care Facilities Licensed by KDHE](#).

Local Authority: Local health officers may implement more restrictive guidance and provisions up to and including closure, within their authority and jurisdiction, to protect public health. This applies to licensed child care facilities and non-licensed programs.

Additional Information: Information about COVID-19 is available on the [KDHE Resource Microsite](https://www.coronavirus.kdheks.gov/) (<https://www.coronavirus.kdheks.gov/>). [Guidance for Child Care Facilities Licensed by KDHE](#) includes relevant CDC COVID-19 health and safety recommendations for child care programs. You can also find more information on the [Kansas COVID-19 Response and Recovery](https://covid.ks.gov/) website (<https://covid.ks.gov/>).