



After-School Care/School-Age Child Care During School Hours for Distance Learning Frequently Asked Questions

With more schools offering virtual or hybrid instruction, many partners are exploring what they could do to offer a safe place for students to participate in virtual instruction while their parents work.

This document provides an overview of frequently asked questions about caring for school-age children this year. Questions are organized by **provider type** including:

- Stand-alone/private centers
- Centers operated on school property or by a school
- Child care homes
- License-exempt providers
- Potential new licensed providers

For more information, contact your licensing consultant. If you are a new provider, contact your licensing consultant or the area manager for your region, which can be found [here](#).

Definitions per Licensing Rules for Child Care Centers:

Preschool child means a child 30 months of age until eligible to attend a grade of kindergarten or higher.

School-age child means a child who is eligible to attend a grade of kindergarten or higher but is less than 13 years of age. A child is considered to be a school-age child on the first day of the school year in which he or she is eligible to attend school.

Children Age 13 and Older

Programs serving children age 13 and older are not required to be licensed under the Child Care Organizations Act (1973 PA 116) because “center” is defined as a facility receiving 1 or more children under 13 years of age for care. However, some programs may choose to serve children

age 13 and older. If the program is licensed for school-age children and serves both children age 12 and younger and children age 13 and older:

- The licensing rules don't apply to children age 13 and older if the children who are age 13 and older are in their own well-defined space.
- **ALL** licensing rules apply to all the children, including required records for children, if children age 12 and younger and children age 13 and older are mixed in the same well-defined space. The caregiver-to-child ratio for the youngest child present would apply.

Stand-Alone/Private Centers:

These questions apply to licensed centers that operate outside of school buildings.

1. *Can school-age children come to the center during the school day for care and to work on the distance learning school work if the parent chose virtual learning?*
 - Yes.
2. *Licensing rules require providers to limit use of screen time. If students are able to participate fully in all virtual instruction are providers required to limit screen time?*
 - Students can participate fully in virtual instruction. Licensing rule, **R 400.8179**, allows school-age children to use computers and electronic devices for academic and educational purposes. If children are participating in virtual learning, there is no limit on screen time.
3. *Can after-school programs license every room in a non-school building? For example: If one of the rooms is unavailable, can the after-school program still run in a different room in the building?*
 - A center license may be modified to include more rooms.
 - Contact your consultant and ask to modify the approved child use space.
 - Complete the Request for Modification of the Terms of the License form found on the child care licensing website [here](#).
 - Confirm the space is safe for children. You will be asked to possibly have a lead test if the building is pre-1978, a fire inspection, and an environmental health inspection to ensure the well and septic can handle the larger capacity of children. This process would be handled by the provider and licensing consultant.
 - Confirm you have adequate space and materials for the children in your care. Your consultant can answer your questions regarding indoor space, ratio, equipment, and programing for school-age children. Your consultant may be able to complete a virtual call to save everyone time and to get preliminary information for the practicality of adding the space.

- The timeframe to complete a license modification varies and depends greatly on whether the required inspections were previously completed. Contact your licensing consultant for guidance on timeframes for your facility. Licensing is committed to expediting licensing modifications.
4. *I operate a preschool program. What would I need to do to be licensed to care for school-age children who are completing virtual instruction during the day?*
- A center license may be modified to allow you to serve children of difference ages, including school-age children.
 - Contact your consultant and ask to modify the ages authorized on your license.
 - Complete the Request for Modification of the Terms of the License form found on the child care licensing website [here](#).
 - Confirm you have safe space to serve new children. You will be asked to possibly have a lead test if the building is pre-1978, a fire inspection, and an environmental health inspection to ensure the well and septic can handle the larger capacity of children.
 - Confirm you have adequate space and materials for the children in your care. Your consultant can answer your questions regarding indoor space, ratio, equipment, and programing for school-age children. Your consultant may be able to complete a virtual call to save everyone time and to get preliminary information for the practicality of adding the space.
 - The timeframe to complete a license modification varies and depends greatly on whether the required inspections were previously completed. Contact your licensing consultant for guidance on timeframes for your facility. Licensing is committed to expediting licensing modifications.
5. *My facility has approved space and unapproved space. Can I get additional or new space approved to serve more school-age children? How does that affect my facility's capacity?*
- Yes. Your licensing consultant can help you do this. Here are the common steps:
 - Complete the Request for Modification of the Terms of the License form found on the child care licensing website [here](#).
 - Contact your consultant for additional steps and inspections. Some inspections may include fire safety, environmental health, and lead hazard. Ask for a walk through with the consultant to discuss the changes your facility might need.
 - The timeframe to complete a license modification varies and depends greatly on whether the required inspections were previously completed.

Contact your licensing consultant for guidance on timeframes for your facility. Licensing is committed to expediting licensing modifications.

- Your consultant will assist you in calculating your capacity based on your new space plus equipment.

6. *As a private, non-school entity, am I required to have a license if I only want to operate a virtual learning program for school-aged children?*

- If your program satisfies the definition of a center, licensing is required.
- As stated in PA 116, The Child Care Organizations Act: "Child care center" means a facility, other than a private residence, receiving 1 or more children under 13 years of age for care for periods of less than 24 hours a day, where the parents or guardians are not immediately available to the child. Child care center includes a facility that provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program, or drop-in center. Child care center does not include any of the following:
 - A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are attending for not more than 3 hours per day for an indefinite period or for not more than 8 hours per day for a period not to exceed 4 weeks during a 12-month period.
 - A facility operated by a religious organization where children are in the religious organization's care for not more than 3 hours while persons responsible for the children are attending religious services.
 - A program that is primarily supervised, school-age-child-focused training in a specific subject, including, but not limited to, dancing, drama, music, or religion. This exclusion applies only to the time a child is involved in supervised, school-age-child-focused training.
 - A program that is primarily an incident of group athletic or social activities for school-age children sponsored by or under the supervision of an organized club or hobby group, including, but not limited to, youth clubs, scouting, and school-age recreational or supplementary education programs. This exclusion applies only to the time the school-age child is engaged in the group athletic or social activities and if the school-age child can come and go at will.
 - A program that primarily provides therapeutic services to a child.
- If you have further questions, contact Sharon Riebel at RiebelS@michigan.gov.

7. *I would like to offer a program that assists with distance learning school work for the first half of the day and offers gymnastics, dance, etc. the second part of the day. Children would bring their own breakfast and lunch and I would provide snack. Do I have to get a license?*
- Regardless of whether or not there is a meal or snack, a license is required because there is more than one specific subject being offered throughout the day. Refer to the definition of child care center from PA 116 in the answer above.
8. *Do I need a license to provide a tutoring program, if I provide child care after tutoring?*
- Yes, if child care is part of the program, you will need a child care license. If tutoring is combined with activities like snacks, outdoor play, arts and crafts, recreational games, or other activities, then it is considered child care and will require a license.
9. *Can the center charge when the children are present for the virtual learning?*
- That is a business decision of the center. Child care licensing does not regulate this decision. If a child is eligible for the child care subsidy, their parent must designate the licensed provider as the child care provider using the [Provider Verification form \(DHS-4025\)](#). Additional guidance is forthcoming about when providers can bill subsidy for school-age children. If you have additional questions about the subsidy, visit www.michigan.gov/childcare.
10. *If children are enrolled in homeschooling MDE states that the parents or guardians are considered their instructors. Can child care staff also be considered their instructors?*
- The child care center can enroll children during the school day if the parent indicates he or she is home schooling the child. There is minimal regulation of home schooling by the Michigan Department of Education. If a parent states a child is home schooled, the child is not considered truant from school. The child care center must not be providing the child's school instruction; home schooling must be done by a parent in the child's home. When becoming aware of a situation such as this, staff may report it to the local Intermediate School District/Educational Service District/Area.
 - Click the link for the homeschooling information from the Michigan Department of Education.
https://www.michigan.gov/documents/home_schools_122555_7.pdf

School/ISD Operated Centers:

These questions apply to licensed centers that operate in school buildings.

1. *If a school building closes during the school year can the licensed preschool or child care facility inside the school building continue to operate? Who has the authority to say yes?*
 - Executive Order 2020-142 allows licensed child care providers to operate in school buildings during any phase of the Mi Safe Start Plan.
 - Child care and preschool providers should work with school district leadership to determine when to open or remain open if the school closes. If the school district, or licensee, continues to operate the child care facility, child care licensing will consider the site eligible to be open and operating.

2. *Can children ages 5-12 attend child care during the school day if the children are enrolled in face-to-face learning?*
 - No, if the child is enrolled in face-to-face learning on a specific day, the child needs to be in school, not child care.
 - According to Michigan Department of Education, if a child care center did enroll children age six or older by December 1 during the school day, the child would be considered truant.

3. *Can children age 5-12 attend child care during the school day if school is providing virtual instruction.*
 - Yes, children ages 5-12 can attend child care during the day if they are enrolled in virtual learning as part of the MI Safe Schools Roadmap under the COVID-19 emergency. Child care licensing rules will still apply.

4. *If a school is a licensed center and is providing all online learning, but the teachers have to report to the school, can the teachers' children come to the school with the teacher for the day?*
 - The teacher may provide direct supervision at the school for their own child while facilitating online learning, based upon approval by the employer, or the child could be enrolled in the licensed facility if it is open and operating.

5. *What child to staff ratios must a licensed provider follow while operating in a school building?*

- If this is a licensed facility, you will need to follow the child care licensing rule **R 400.8182(3)** for ratios, as shown in the chart below.

Child Care Staff Member to Child Ratio			
	Age	Child Care Staff Member to Child Ratio	Maximum Group Size
(a)	Infants and toddlers, birth until 30 months of age	1 to 4	12
(b)	Preschoolers, 30 months of age until 3 years of age	1 to 8	16
(c)	Preschoolers, 3 years of age until 4 years of age	1 to 10	Not applicable
(d)	Preschoolers, 4 years of age until school-age	1 to 12	Not applicable
(e)	School-agers	1 to 18	Not applicable

6. *Would the child care facility be responsible for providing a suitable virtual learning environment for all enrolled children no matter how many different schools are providing instruction?*

- Offering a virtual learning environment would be a business decision of the child care provider. The provider is required to provide appropriate care, supervision, and activities according to child care licensing rules.

7. *Can child care facilities care for large groups of children over the age of 12 years? Would child care licensing be responsible for regulating this?*

- Programs serving children age 13 and older are not required to be licensed under the Child Care Organizations Act (1973 PA 116) because “center” is defined as a facility receiving 1 or more children under 13 years of age for care.
- Some licensed programs may choose to serve children age 13 and older. If the program is licensed for school-age children and serves both children age 12 and younger and children age 13 and older:
 - The licensing rules don’t apply to children age 13 and older if the children who are age 13 and older are in their own well-defined space.
 - **ALL** licensing rules apply to all the children, including required records for children, if children age 12 and younger and children age 13 and older are mixed in the same well-defined space. The caregiver-to-child ratio for the youngest child present would apply.

8. *Will there be new guidelines for group sizes?*

- The licensing rule for group size **R 400.8182(3)** must be followed. The [Guidelines for Safe Child Care Operations During COVID-19](#) document (commonly called the reopening guidelines) offers recommended guidelines for group size and was recently aligned with the MI Safe Schools Roadmap.

9. *Can schools license the entire building by modifying their license to add approved space in case schools can't open for phase 1-3 of COVID-19?*

- A school cannot provide traditional K-12 face-to-face instruction under a child care license. If a child care within a school wants to increase child use space by adding rooms to their license:
 - Contact your consultant and ask to modify the approved child use space.
 - Complete the Request for Modification of the Terms of the License form found on the child care licensing website [here](#).
 - Confirm you have safe space to serve new children. You will be asked to possibly have a lead test if the building is pre-1978, and an environmental health inspection to ensure the well and septic can handle the larger capacity of children. A fire safety inspection may not be needed if a center is located in an active school as the superintendent can exempt the fire inspection.
 - Confirm you have adequate space and materials for the children in your care. Your consultant can answer your questions regarding indoor space, ratio, equipment, and programming for school-age children. Your consultant may be able to complete a virtual call to save everyone time and to get preliminary information for the practicality of adding the space.

10. *We already have a licensed program in a school that will likely provide instruction four days a week (two days on-campus and two days virtual) in the fall. We would like to provide care in the same spaces where the school provides their two days of on-campus instruction. The children would receive two days of in-person instruction from the school and two days of care from our program. During the two days of care, they would participate in distance learning and other planned activities. We would limit classroom capacity, so students are able to social distance. Would this work if we modify our license to add classrooms?*

- Approved child use space may be used for K-12 instruction when not used for child care.
 - Contact your consultant and ask to modify the approved child use space.

- Complete the Request for Modification of the Terms of the License form found on the child care licensing website [here](#).
- Confirm you have safe space to serve new children. You will be asked to possibly have a lead test if the building is pre-1978, and an environmental health inspection to ensure the well and septic can handle the larger capacity of children. A fire safety inspection may not be needed if a center is located in an active school as the superintendent can exempt the fire inspection.
- Confirm you have adequate space and materials for the children in your care. Your consultant can answer your questions regarding indoor space, ratio, equipment, and programming for school-age children. Your consultant may be able to complete a virtual call to save everyone time and to get preliminary information for the practicality of adding the space.

11. I have afterschool programs that have multi-site directors overseeing up to three sites. Rules only permit these sites to operate less than six hours per day. Can I request a variance?

- Contact your licensing consultant if you wish to request a possible variance. The Director of Child Care Licensing will review the variance request.

12. Can the center charge when the children are present for the virtual learning?

- That is a business decision of the center. Child care licensing does not regulate this decision. If a child is eligible for the child care subsidy, their parent must designate the licensed provider as the child care provider using the [Provider Verification form \(DHS-4025\)](#). Additional guidance is forthcoming about when providers can bill subsidy for school-age children. If you have additional questions about the subsidy, visit www.michigan.gov/childcare.

Child Care Homes:

1. Can I allow school-age children into my child care home to do distance learning without them counting toward capacity, if I have enough assistants?

- No. The child care licensing rules for personnel to child ratio **R400.1910(1)** and capacity **R 400.1908(1)** will apply.

2. Can the child care home charge when children are present for virtual learning?

- Providing a virtual learning environment is a business decision of the provider. Child care licensing does not regulate this decision. If a child is eligible for the child care subsidy, their parent must designate the licensed provider as the child care provider using the [Provider Verification form \(DHS-4025\)](#). Additional guidance is forthcoming about when providers can bill subsidy for school-age

children. If you have additional questions about the subsidy, visit www.michigan.gov/childcare.

3. *Do I need to modify my license to serve school-age children, if I have not exceeded my licensed capacity?*
 - The maximum capacity for a licensed child care family home is six unrelated children and the maximum capacity for a licensed group home is twelve unrelated children. If your license does not include school-age children or your capacity is less than the maximum, you may request to modify the terms of your license by submitting Request for Modification of the Terms of the License form found on the child care licensing website [here](#).

4. *I am currently a family home, but I have additional space and would like to become a group home. What are the first steps?*
 - The first steps for moving to a group home would include submitting an application for a group home license and completing the [Zoning Approval for Group Child Care Homes form BCAL-3748](#).
 - Additional paperwork such as a new furnace or hot water heater inspection may be required. Your consultant can help you determine what additional paperwork may be required.

License Exempt Providers:

These questions apply to care that is provided by family, friends, and neighbors as defined below.

What is a license exempt provider?

- License exempt providers are defined by the Michigan Department of Education for the purposes of the Child Care and Development Program (child care subsidy).
- License exempt child care providers are adults, age 18 or older, who are enrolled to provide child care for up to six children at a time. License exempt providers can provide care in their own home or the child's home if they are related by blood, marriage or adoption as a:
 - (Great) Grandparent
 - (Great) Aunt or Uncle
 - Sibling (only if the provider and the child do not live together)
- License exempt child care providers who are not related to the child can only provide care in the child's home. You must meet requirements and apply to become a license exempt provider to receive assistance payments for a child that you care for.

- For more information about the child care subsidy and becoming a license exempt provider, visit www.michigan.gov/childcare.

Potential Providers:

These questions apply to any entity that is not currently licensed that may be providing instruction or child care for school-age children.

1. *Can a K-12 school provide safe spaces for school-age children to participate in virtual instruction? Would this program need to be licensed as a child care facility?*

- A school may provide safe spaces for school-age children to participate in virtual instruction. This would be considered a type of school and does not require a child care license provided that the program is:
 - Offered in a school building
 - Operated by the school, district, or ISD
 - Serves children in grades kindergarten or older

Note: A program that is operated by a school may be supported or staffed by community partners.

2. *I'm a community partner, and I want to provide safe spaces for school-age children. Do I need to be licensed?*

- In general, yes.
- For more information, contact child care licensing. The area manager for your region can be found [here](#).

3. *I'm an after-school provider, and I'm not licensed. Can I expand my services to serve more school-age children?*

- If you are currently not required to be licensed per the definition in the Child Care Organizations Act 116 of 1973, licensing does not regulate the capacity of your program. The definition found in the Child Care Organizations Act 116 of 1973, 722.111(i), states:
 - "Child care center" means a facility, other than a private residence, receiving 1 or more children under 13 years of age for care for periods of less than 24 hours a day, where the parents or guardians are not immediately available to the child. Child care center includes a facility that provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program, or drop-in center. Child care center does not include any of the following:
 - A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are attending

for not more than 3 hours per day for an indefinite period or for not more than 8 hours per day for a period not to exceed 4 weeks during a 12-month period.

- A facility operated by a religious organization where children are in the religious organization's care for not more than 3 hours while persons responsible for the children are attending religious services.
- A program that is primarily supervised, school-age-child-focused training in a specific subject, including, but not limited to, dancing, drama, music, or religion. This exclusion applies only to the time a child is involved in supervised, school-age-child-focused training.
- A program that is primarily an incident of group athletic or social activities for school-age children sponsored by or under the supervision of an organized club or hobby group, including, but not limited to, youth clubs, scouting, and school-age recreational or supplementary education programs. This exclusion applies only to the time the school-age child is engaged in the group athletic or social activities and if the school-age child can come and go at will.
- A program that primarily provides therapeutic services to a child.
- If you have further questions, contact Sharon Riebel at RiebelS@michigan.gov.