

EXEMPTION CATEGORIES CLARIFICATION

Types of programs eligible to apply for exemption from being licensed as a Child Care Learning Center and the required documentation. If a program is not approved for exemption, it must obtain a license to operate.

All license-exempt facilities must meet all local requirements such as complying with building, zoning, and fire regulations. In addition to the specific supporting documents required for each category, the following will need to be submitted along with the application. Each document should be current and within the last 12 months if applicable:

- **Approved zoning letter (if applicable) within the last 12 months**
- **State or local municipality fire inspection within the last 12 months**
- **Fire Certificate of Occupancy**
- **Building Certificate of Occupancy**

If program ownership is listed as corporation, please submit the following as applicable:

- **Certificate of Incorporation**
- **Articles of Incorporation/organization**
- **By-Laws**

Category	Rule	Type of Program	Submit with Application
1	<p>591-1-1-.46(b)1: Programs which are owned and operated by any department or agency of state, county, or municipal government. This includes, but is not limited to, the customary school day, as defined in Georgia law, and before- and/or after-school programs in public schools operated by the public school system and staffed with school system employees and recreation programs operated by city or county parks and recreation departments and staffed with city or county employees.</p>	<p>Public recreation parks, after-school, or summer camp programs operated by a public entity.</p>	<p>1) Statement on government entity's letterhead that program is owned and operated by the government system that is applying; staff are employees of that government system.</p> <p>2) Notice of Exemption Language**</p>
2	<p>591-1-1-.46(b)2: Private non-public educational programs with an established curriculum for children five (5) years and older that operate during the school term for the customary school day, as defined by Georgia law.</p> <p>Exemption Optional if accredited by accrediting entities listed in O.C.G.A. § 20-3-519(6)(A). See list below.</p> <ul style="list-style-type: none"> (i) The Southern Association of Colleges and Schools; (ii) The Georgia Accrediting Commission; (iii) The Georgia Association of Christian Schools; (iv) The Association of Christian Schools; (v) The Georgia Private School Accreditation 	<p>Private schools for ages five (5) and older, operate 180 days each year, at least 7.5 hours each day.</p>	<p>1) Notice of Exemption language**</p> <p>2) Operating information such as Policies or Procedures or Parent Handbook.</p> <p>3) Parental enrollment form.</p> <p>4) curriculum for children five years and older.</p> <p>5) Material used to advertise in the community, if applicable.</p>

	<p>(vi) The Southern Association of Independent Schools;</p> <p>(vii) The Accrediting Commission for Independent Study. (O.C.G.A § 20-3-519(6.1)(A).</p>		
3	<p>591-1-1-.46(b)3: A private non-public school which provides education in any grades from kindergarten through 12th grade, meets the requirements under Georgia law for private schools (See O.C.G.A. § 20-2-690), and is accredited by one or more of the entities listed in O.C.G.A. § 20-3-519(6)(A) and which provides care before, after, or both before and after the customary school day, as defined in Georgia law, to its students as an auxiliary service to such students during the regular school year only. The accrediting entities listed in O.C.G.A. § 20-3-519(6)(A) are:</p> <p>(i) The Southern Association of Colleges and Schools;</p> <p>(ii) The Georgia Accrediting Commission;</p> <p>(iii) The Georgia Association of Christian Schools;</p> <p>(iv) The Association of Christian Schools;</p> <p>(v) The Georgia Private School Accreditation</p> <p>(vi) The Southern Association of Independent Schools;</p> <p>(vii) The Accrediting Commission for Independent Study. (O.C.G.A § 20-3-519(6.1)(A).</p>	<p>Accredited private schools, before- and after-school care for full-day students.</p>	<p>1) Notice of Exemption language**</p> <p>2) Operating information such as Policies or Procedures or Parent Handbook</p> <p>3) Parental enrollment form</p> <p>4) Material used to advertise in the community, if applicable.</p> <p>5) Accreditation Certificate</p>
4	<p>591-1-1-.46(b)4: Accredited private nonpublic educational programs with an established curriculum for four-year-old children for the customary school day, as defined in Georgia law, that are not part of a full-day Child Care Learning Center and are an integral part of an accredited private non-public school that provides elementary or secondary instruction or both, providing the accreditation specifically covers these ages; any before- and/or after-school-hours care for four-year-old children who attend such a program as described above, provided the children do not leave the premises of the accredited private nonpublic school and the program is staffed</p>	<p>Accredited private schools for four (4)-years old, before/after care for enrolled full day students.</p>	<p>1) Notice of Exemption language**</p> <p>2) Operating information such as Policies or Procedures or Parent Handbook</p> <p>3) Parental enrollment form</p> <p>4) Material used to advertise in the community, if applicable.</p> <p>5) Accreditation certificate</p> <p>6) Curriculum for children four (4)-years old.</p>

	with employees of that private non-public school.		
--	---	--	--

5	591-1-1-.46(b)5: Parent’s Morning Out, Parent’s Night Out, or similar programs which operate for no more than one session of up to four (4) consecutive hours per day and which limit attendance to no more than eight (8) hours a week per child.	Programs for any ages, no more than four (4) hours a day, not to exceed eight (8) hours per week, cannot be combined with other categories for the same children attending.	1) Notice of Exemption language** 2) Operating information such as Policies or Procedures or Parent Handbook 3) Parental enrollment form 4) Material used to advertise in the community, if applicable 5) Attendance policy
6	591-1-1-.46(b)6: Nursery schools, playschools, kindergartens, or other educational programs for children two (2) years through six (6) years of age that operate for no more than four (4) consecutive hours per day.	Programs for ages 2-6, up to four (4) hours each day, cannot be combined with other categories for the same children attending.	1) Notice of Exemption language** 2) Operating information such as Policies or Procedures or Parent Handbook 3) Parental enrollment form 4) Material used to advertise in the community, if applicable.
7	591-1-1-.46(b)7: Day camp programs for children five (5) years and older that are operated between school terms, whose primary purpose is to provide organized recreational, religious, or instructional activities. The day camp programs may operate during summer and other school breaks and shall operate for no more than twelve (12) hours per day.	Summer- and/or school-break camps for ages five (5) and older, not to exceed 12 hours each day.	1) Notice of Exemption language** 2) Operating information such as Policies or Procedures or Parent Handbook 3) Parental enrollment form 4) Material used to advertise in the community, if applicable.
8	591-1-1-.46(b)8: Short-term educational or recreational activities or classes for children in which the supervision and care of the children are incidental to their participation in the activity or training in specific subjects, such as, but not limited to, music lessons, dance classes, swim lessons, etc. The provider is not assuming responsibility for supervision and care of the children outside of the classes or activities the children participate in and shall not advertise or otherwise represent that childcare services are offered.	Extracurricular activities or classes, short-term refers to no more than ten (10) hours per week.	1) Notice of Exemption language** 2) Operating information such as Policies or Procedures or Parent Handbook 3) Parental enrollment form 4) Material used to advertise in the community, if applicable. 5) Class schedule
9	591-1-1-.46(b)9: Any short-term childcare service provided by an establishment, such as, but not limited to, a religious facility, health club, or retail store, and such program or service meets all of the following:	Childcare services with parents on site, offered up to 4 hours per day, not to exceed 10 hours per week	1) Notice of Exemption language** 2) Operating information such as Policies or Procedures or Parent Handbook 3) Parental enrollment form 4) Material used to advertise in the community, if applicable.

	<p>(i) Operated on the premises of the establishment;</p> <p>(ii) Operated for the convenience of the parents and for the use of on-duty employees or students attending classes;</p> <p>(iii) Parents are participating in activities provided by the establishment on the premises of the establishment; (iv) Parents are readily available;</p> <p>(v) Attendance of child in the short-term child care service is limited to no more than four (4) hours per day and no more than ten (10) hours per week, except in the instance of child care services offered at infrequent events such as, but not limited to, conferences and weddings.</p>		
10	<p>591-1-1-.46(b)10: Programs operated after the customary school day, as defined in Georgia law, for children five (5) years and older that are strictly instructional and skill based in a single talent, ability, expertise, proficiency or subject or in closely related skills, proficiencies or subjects, including but not limited to classes such as art, cheerleading, dance, drama, gymnastics, martial arts and music, and the programs comply with all of the following:</p> <p>(i) Programs provide direct instruction in the single skill or subject and/or closely related skills or subjects to every child each day the child is present.</p> <p>(ii) Programs do not provide services that are not directly related to the single skill or subject or to the closely related skills or subjects, such as but not limited to homework assistance. During the hours of operation, programs may provide services related to the instruction, such as transportation and giving children time to change into proper clothes/gear; (iii) Programs shall not advertise or otherwise represent that the program is a childcare facility, an after--school program, or that the program offers childcare services.</p> <p>(iv) Programs shall not prepare meals and snacks, but may provide ready-to-eat snacks, such as pre-packaged snacks; (v) The majority of the program staff responsible for instruction shall possess specialized qualifications to instruct in that skill or subject, and the program shall submit documentation of such specialized qualifications of staff to the Department at the time of application for exemption or as requested by the Department;</p>	<p>Programs for children ages five (5) and older offering lessons in a single extracurricular skill or subject or closely related skills or subject and not related to school or homework assistance, limited to the customary school year, provided in the hours after the customary school day, staff must possess specialized credentials.</p>	<p>1) Notice of Exemption language** 2) Operating information such as Policies or Procedures or Parent Handbook 3) Parental enrollment form 4) Material used to advertise in the community, if applicable. 5) Daily schedule 6) Curriculum, if applicable 7) Staff credentials, such as a degree, or relevant college transcripts or certification. (See 591-1-1-.46(b)10(v)) 8) Notice of Risk Language***</p>

	<p>(vi) Programs shall inform parents about the physical risks a child may face while participating in the program.</p> <p>(vii) Such programs shall not be an integral part of a licensed Child Care Learning Center;</p> <p>(viii) Enrollment information shall clearly define the duration of the program.</p>		
11	<p>591-1-1-.46(b)11: Short term educational programs offered to school-aged children in which the supervision and care of the children are incidental to their participation in the short-term educational program, and the provider is not assuming responsibility for the provision of daily childcare outside the scheduled program. The majority of staff responsible for the direct delivery of education services to children possesses specialized qualifications that are directly related to the short-term educational programs being offered, and the program shall submit documentation of such specialized qualifications to the Department at the time of application for exemption or as requested by the Department. The sole or primary purpose of such short-term educational programs is:</p> <p>(i) To prepare children for advancement to the next educational level through a prescribed course of study or curriculum;</p> <p>(ii) To provide specialized tutoring services through a prescribed course of study or curriculum to assist children with the passage of mandatory educational proficiency examinations.</p> <p>(iii) To provide specialized tutoring services through a prescribed course of study or curriculum to assist children in specific academic areas, such as, but not limited to, foreign language, mathematics, science, etc.</p>	<p>Programs providing short-term educational assistance up to 10 hours each week, staff must possess specialized credentials for school age children.</p>	<ol style="list-style-type: none"> 1) Notice of Exemption language** 2) Operating information such as Policies or Procedures or Parent Handbook 3) Parental enrollment form 4) Material used to advertise in the community, if applicable. 5) Daily Schedule 6) Curriculum or Course of Study 7) Staff credentials, such as a degree, or relevant college transcripts or certification.

12	<p>591-1-1-.46(b)12: Any program or facility providing care for school-aged children that is operated by, or in affiliation with a national membership non-profit organization that was created for the purpose of providing youth services and youth development, that charges a membership fee for children and may receive monthly, weekly, or daily fees for services. Such program or facility holds membership in good standing and is certified by its national association as complying with the association’s purposes, procedures, minimum standards, and mandatory requirements. Such national membership organizations include, but are not limited to, the Boys and Girls Clubs of America.</p>	<p>Programs operated by or affiliated with national membership organizations such as the Boys and Girls Club</p>	<ol style="list-style-type: none"> 1) Notice of Exemption language** 2) Operating information such as Policies or Procedures or Parent Handbook 3) Parental enrollment form 4) Material used to advertise in the community, if applicable 5) Verification that program is in good standing with national organization.
----	---	--	---

13	<p>591-1-1-.46(b)13: Any program providing group care for children for no pay.</p>	<p>Group-care programs that receive no pay, donations, or in-kind services from families in exchange for services.</p>	<ol style="list-style-type: none"> 1) Notice of Exemption language** 2) Operating information such as Policies or Procedures or Parent Handbook 3) Parental enrollment form 4) Material used to advertise in the community, if applicable. 5) Notice of Free Program language**** 6) Current Budget 7) Funding Source
----	---	--	--

14	<p>591-1-1-.46(b)14: A Center that is licensed by the Department may request an exemption from licensure if the Center’s program is an integral part of an established religious congregation or religious school that conducts regularly scheduled classes, courses of study, or educational programs, and is a member of or accredited by or certified by a state, regional, or national accrediting agency for religious educational instruction or a state, regional, or national accrediting agency for educational instruction as recognized and approved by the Department if such accrediting entity uses standards that are substantially similar to those established by the Department. In addition to the requirements listed above applicable to all exemptions, the following additional requirements shall apply to Centers seeking an exemption under this provision:</p> <p>(i) A Center seeking such exemption from licensure shall be required to submit to the Department documentation of certification or accreditation, including a copy of its most recent certification or accreditation inspection report, and any</p>	<p>Licensed Child Care Learning Centers affiliated with accredited religious schools, accreditation documentation submitted annually, all staff undergo criminal background checks, must relinquish childcare license if granted exemption.</p>	<ol style="list-style-type: none"> 1) Notice of Exemption language** 2) Operating information such as Policies or Procedures or Parent Handbook 3) Parental enrollment form 4) Material used to advertise in community, if applicable 5) Copy of latest Accreditation Inspection Report 6) Notice of Liability Insurance Coverage language***** 7) Proof of License 8) Exemption Application Attachment A 9) Staff Roster 10) Evidence that the program is an integral part of a religious organization or a school organized by a religious entity.
----	---	---	--

	<p>other pertinent documentation as requested by the Department, such as non-profit tax-exempt verification. The accrediting agency must conduct regularly scheduled visits to the program while such program remains accredited.</p> <p>(ii) If such exemption is granted, the program shall submit annual documentation to the Department verifying its continued certification or accreditation, including a copy of its most recent certification or accreditation inspection report, and other pertinent documentation as may be requested by the Department.</p> <p>(iii) Such exemptions granted by the Department are valid as long as the program remains certified or accredited. The program shall provide the Department written notice within five (5) business days of the program's loss of certification or accreditation, including a copy of such notification from the certifying or accrediting entity. The Department shall rescind the program's exemption granted herein upon notification of the loss of certification or accreditation.</p> <p>(iv) Any Center seeking such exemption shall comply with all applicable requirements for background checks for Directors, Provisional Employees and Employees as required in O.C.G.A. § 20-1A30 et seq., Chapter 591-1-1, Rules for Child Care Learning Centers, Department policies, as well as applicable local, regional, and state health department, state fire marshal, and local fire prevention guidelines/requirements while such exemption is in effect. The Department retains jurisdiction over programs granted such exemption to conduct unannounced periodic background check audits and to conduct complaint investigations regarding compliance with background check requirements, as well as compliance with local, regional, and state health department, state fire marshal, and local fire prevention guidelines/requirements.</p>		
--	--	--	--

	<p>(v) The Department may rescind such exemption for a program's failure to comply with the requirements for background checks for directors/employees pursuant to O.C.G.A. § 20-1A-30 et seq., Chapter 591-1-1, Rules for Child Care Learning Centers, and Department policies.</p> <p>(vi) Any Center applying for such exemption that is owned and/or under the legal control/direction of the certifying or accrediting entity shall not be approved by the Department.</p> <p>(vii) A Center seeking such exemption shall adopt and comply with the minimum standards of its certifying or accrediting entity for the operation of the Center's program. Such minimum standards adopted by the Center shall be published and made available to parents of enrolled or prospective children upon request.</p> <p>(viii) A program granted such exemption shall comply with the requirements regarding notification to parents of enrolled children if the program does not carry liability insurance.</p>		
--	---	--	--

*All Notice documents should include a statement that parents or guardians must sign, confirming that they understand what the language in the document says.

**Notice of Exemption language should explain that the program is not licensed by the state and is not required to be.

***Notice of Risk language should explain that children participating in the program activities may face physical risks.

****Notice of Free Program language should explain that families are not required to pay fees, make donations, or provide in-kind services to participate in the program.

*****Notice of Liability Insurance Coverage language should indicate whether or not the program carries liability insurance.