STATE *of* NEBRASKA

OFFICE OF THE GOVERNOR

LINCOLN

EXECUTIVE ORDER No. 20-08
CORONAVIRUS – EXPANDING ACCESS TO CHILD CARE OPTIONS

WHEREAS, a state of emergency was declared in Nebraska on March 13, 2020, to control the spread of the coronavirus known as COVID-19;

WHEREAS, recommendations to slow the spread of this disease include limiting the number of children in each room in daycare and child care facilities to ten or fewer;

WHEREAS, numerous licensed child care facilities have had to limit the number of children they serve in order to adhere to the ten person per room limit;

WHEREAS, Nebraska families need additional access to temporary child care services for their children when schools and child care centers are closed;

WHEREAS, non-residential facility operators, including but not limited to, nonprofit organizations, schools, hospitals, and faith-based entities are serving an essential role in promoting the common good of Nebraska and meeting the extraordinary needs of families in response to COVID-19;

WHEREAS, in order to expand temporary capacity for child care services, it will be necessary to suspend certain state statutes and regulations which prescribe the procedures of licensing child care centers when strict compliance with these provisions may hinder necessary action to provide additional non-residential child care capacity;

WHEREAS, it is also necessary to ensure that child care staff are not kept from employment because of delays in the background check process caused by COVID-19;

WHEREAS, child care staff need to be allowed to begin working prior to the Nebraska Department of Health and Human Services receiving the results of national fingerprint criminal history checks so long as each person who will provide child care services has passed state department-conducted checks of state criminal history, the sex offender registry, and the adult and child abuse and neglect registries.

NOW THEREFORE, I, Pete Ricketts, Governor of the State of Nebraska, by virtue of the authority vested in me by the Constitution and laws of Nebraska, hereby issue this waiver of specific state statutes and regulations from the Child Care Licensing Act which are hindering the ability to provide more temporary alternative child care access to Nebraskans.

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Pursuant to this declaration, I hereby order the following:

1. The provisions of Neb. Rev. Stat. § 71-1912(2) which requires full licensure of any child care program that operates to comply with all of the requirements of the Child Care Licensing Act are waived solely for entities providing temporary non-residential child care in alternative settings;

2. The provisions of Title 391 Nebraska Administrative Code § 2-003, § 3-003, § 4-003 and § 5-003 – all of which contain licensing requirements and procedures for any person who operates a Family Child Care Home II, a child care center, a school-age-only child care center, and a pre-school are hereby waived solely for entities providing temporary non-residential child care in alternative settings;

3. Staff and volunteers working at temporary non-residential child care programs in alternative settings must pass, or have recently passed, Nebraska Department of Health and Human Services checks of Nebraska criminal history records, the sex offender registry, and the adult and child abuse and neglect registries.

4. Social distancing and keeping children in small groups must be maintained. This includes indoor and outdoor play or "recess" activities and dining. Any specific limits that are imposed by state or federal guidance or by issuance of a directed health measure do not include staff at a facility.

5. The Nebraska Department of Health and Human Services shall establish and publish guidance for individuals wishing to participate in providing temporary alternative child care access to Nebraskans.

6. This Executive Order shall become effective immediately and shall remain in effect until 30 days after the lifting of the COVID-19 state of emergency.

IN WITNESS THEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nebraska to be affixed on this 26th day of March, 2020.

Pete Ricketts, Governor
State of Nebraska

Attest:

Robert B. Evnen,
Secretary of State
State of Nebraska