



*This article presents general guidelines for Georgia nonprofit organizations as of the date written and should not be construed as legal advice. Always consult an attorney to address your particular situation.*

## **Does my Nonprofit Organization Need a Day Care License?**

Many nonprofit organizations provide child care services for parents participating in their programs. These organizations may need to get a state license to operate a day care. Some organizations will qualify for an exemption from state requirements.

Even if an organization is exempt from state licensing requirements, their county and city may have additional requirements.

This article explains who needs to apply for a state license, who may qualify for an exemption, and how to apply for an exemption. This article also explains how to contact your county and city to find out if there are additional local regulations.

Each day care is different. It is important to contact the government agencies listed below to confirm what is required for your day care.

### **I. Georgia Department of Early Care and Learning**

The Georgia Department of Early Care and Learning (DECAL) oversees state day care licensing. DECAL provides various exemptions from state licensing requirements.

#### **A. Day Cares that Do Not Charge for Services**

If you do not charge for your day care services, you most likely qualify for an exemption from state licensing requirements.

Charging for your services is not limited to money paid directly to your day care. Payments can include in-kind donations, such as providing food, supplies or equipment, paying the provider's utility bills or anything similar.

You can confirm whether your day care qualifies for this exemption by calling a DECAL Child Care Services Intake Consultant at 404-657-5562.

In order to qualify for this exemption, you should have parents sign a form confirming the following two statements:

1. The parent has not paid for services either in cash or in kind.
2. The parent is aware that the day care is not a state-licensed day care facility and is not subject to state regulations.

Dated: 3/5/2013  
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## **B. Day Cares that Charge for Services**

If you charge for day care services, you may still be eligible for an exemption. DECAL provides exemptions for different types of day cares. Each day care falls into one of the following three categories:

### Family Day Care Center

- Operates in a private residential house
- Cares for 3-6 children who do not live in the house
- Children are under the age of 18
- Operates for less than 24 hours a day

### Group Day Care Home

- Operates in a commercial facility and cares for up to 18 children OR operates in a private residential house zoned to provide day care services and cares for more than 6 children
- Children are under the age of 18
- Operates for less than 24 hours a day

### Child Care Learning Center

- Operates in a commercial facility
- Cares for 19 or more children
- Children are under the age of 18
- Operates for less than 24 hours a day

If your day care is a family day care center, you are not eligible for an exemption. You must apply for a license to operate your child care center. For more information on applying for a family day care license, please visit the DECAL website:

<http://www.dec.state.ga.us/ChildCareServices/FamilyDayCare.aspx>.

If your day care is a group day care home or a child care learning center, you may qualify for an exemption. Exemptions include, but are not limited to:

- Private non-public educational programs with an established curriculum for children 5 years and older that operate during the school term for the customary school day.
- Parent's Morning Out, Parent's Night Out, or similar programs which operate for no more than one session of up to 4 consecutive hours per day and that limit attendance to no more than 8 hours a week per child.
- Nursery schools, playschools, kindergartens or other educational programs for children 2 years through 6 years of age that operate for no more than 4 consecutive hours per day.
- Day camp programs for children 5 years and older that are operated between school terms.
- Any short-term child care service provided by an establishment, such as, but not limited to, a religious facility, health club, or retail store.

Dated: 3/7/2013

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- Programs operated after the customary school day for children 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, such as art, cheerleading, dance, drama, gymnastics, martial arts and music.
- 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.
- 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.
- Day cares operated by religious or faith-based organizations. \*

For more information about these and other exemptions, please visit:

<http://www.dec.al.ga.gov/documents/attachments/Exemptionrules.pdf>.

If you do not qualify for an exemption, please visit the DECAL website to learn more about the licensing process:

<http://www.dec.al.ga.gov/ChildCareServices/ChildCareCenterGroupDayCare.aspx>.

### **C. Applying for an Exemption**

If you qualify for an exemption, you must submit an exemption application to DECAL. Applications can be found here:

<http://www.dec.al.ga.gov/documents/attachments/ExemptionApplication.pdf>.

You must include the following with your exemption application:

- Description of your program and services
- Months, days, and hours of operation
- Ages of children served
- Specific dates of operation for the next 12 months
- Sample copy of the form parents will sign indicating that they have been advised and understand that the program is not licensed
- Copies of printed materials that support and verify the information on the application, such as written policies, advertisements, flyers, brochures, parent handbooks, etc.

If you do not charge for child services, you must also include:

- Copy of the program's operating budget
- Written identification of the funding source(s)

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\* If your organization qualifies for a religious or faith based exemption, you must also submit this form: <http://www.dec.al.ga.gov/documents/attachments/ExemptionApplicationAttA.pdf>.

- Copy of the form parents will sign acknowledging that they have been informed that your service is free of charge and does not accept in-kind or monetary donations from parents

Once you have completed your application, it must be notarized. You can then submit it to DECAL by mail or fax. DECAL will send a letter confirming that your exemption request has been approved.

## II. County and City Requirements

Even if you qualify for a state exemption, the county and city where your daycare is located may have additional requirements and limitations on the operation of day cares. You should contact your county zoning board and city zoning office to find out more.

The contact information for county zoning offices in the Atlanta area is listed below.

- Fulton County  
(404) 612-7800  
<http://www.fultoncountyga.gov/fcpcsd-zoning-a-planning-analysis>
- Dekalb County  
(404) 371-2155  
<http://www.co.dekalb.ga.us/planning/mainPage.html>
- Gwinnett County  
(678) 518-6000  
<http://www.gwinnettcounty.com/portal/gwinnett/Departments/PlanningandDevelopment/Rezoning-SUP>
- Cobb County  
(770) 528-2035  
<http://comdev.cobbcountyga.gov/zoning.htm>
- Clayton County  
(770) 477-3569  
<http://www.claytoncountyga.gov/departments/community-development/planning-and-zoning.aspx>

Dated: 3/7/2013

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