

## IC 12-17.2-2-8 Licensure exemptions

Sec. 8. The division shall exempt from licensure the following programs:

- (1) A program for children enrolled in grades kindergarten through 12 that is operated by the department of education or a public or private school.
- (2) A program for children who become at least three (3) years of age as of December 1 of a particular school year (as defined in [IC 20-18-2-17](#)) that is operated by the department of education or a public or private school.
- (3) A nonresidential program for a child that provides child care for less than four (4) hours a day.
- (4) A recreation program for children that operates for not more than ninety (90) days in a calendar year.
- (5) A program whose primary purpose is to provide social, recreational, or religious activities for school age children, such as scouting, boys club, girls club, sports, or the arts.
- (6) A program operated to serve migrant children that:
  - (A) provides services for children from migrant worker families; and
  - (B) is operated during a single period of less than one hundred twenty (120) consecutive days during a calendar year.
- (7) A child care ministry registered under [IC 12-17.2-6](#).
- (8) A child care home if the provider:
  - (A) does not receive regular compensation;
  - (B) cares only for children who are related to the provider;
  - (C) cares for less than six (6) children, not including children for whom the provider is a parent, stepparent, guardian, custodian, or other relative; or
  - (D) operates to serve migrant children.
- (9) A child care program operated by a public or private school that:
  - (A) provides day care on the school premises for children of students or employees of schools in the school corporation in which the public or private school is located;
  - (B) complies with health, safety, and sanitation standards as determined by the division under section 4 of this chapter for child care centers or in accordance with a variance or waiver of a rule governing child care centers approved by the division under section 10 of this chapter; and
  - (C) substantially complies with the fire and life safety rules as determined by the state fire marshal under rules adopted by the division under section 4 of this chapter for child care centers or in accordance with a variance or waiver of a rule governing child care centers approved by the division under section 10 of this chapter.
- (10) A school age child care program (commonly referred to as a latch key program) established under [IC 20-26-5-2](#) that is operated by:
  - (A) the department of education;
  - (B) a public or private school; or
  - (C) a public or private organization under a written contract with:
    - (i) the department of education; or
    - (ii) a public or private school.
- (11) A child care program that:
  - (A) is operated by a public or private organization under a contract with a public or private school;
  - (B) serves children who are enrolled in the public or private school in:
    - (i) grades kindergarten through 12; or
    - (ii) a preschool program offered by a public or private school as described in this subdivision; and
  - (C) serves children who are:
    - (i) attending school through remote or e-learning due to a disaster emergency declared under [IC 10-14-3-12](#) or [IC 10-14-3-29](#); or
    - (ii) participating in a learning recovery program that administers an assessment to measure student learning loss and provides Indiana academic standards aligned instruction.
- (12) An educational program:
  - (A) consisting of a group of not more than ten (10) students who attend the educational program in lieu of attending prekindergarten or kindergarten through grade 12 at a public or private school;
  - (B) whose students meet in a single classroom in person or outside a classroom and which may include mixed age level groupings; and
  - (C) that is under the supervision of a teacher or tutor.
- (13) If located in the same public or private school building:
  - (A) a preschool program that is operated by the public or private school; and
  - (B) either or both of the following:
    - (i) A child care program described in subdivision (9).
    - (ii) A school age child care program described in subdivision (10).

*As added by P.L.1-1993, SEC.141. Amended by P.L.61-1993, SEC.8; P.L.136-1993, SEC.6; P.L.2-1995, SEC.50; P.L.50-2001, SEC.1; P.L.1-2005, SEC.136; P.L.173-2021, SEC.1; P.L.216-2021, SEC.3; P.L.220-2021, SEC.6; P.L.81-2022, SEC.1*