

March 31, 2020

**Children & Family Services Division  
Childcare that does not require licensure in ND**

**Frequently Asked Questions**

**I am a former teacher and want to help. I would like to open a temporary childcare or “remote classroom” for elementary students. I wasn’t planning to charge the families for the service. Can I do this?**

Yes, you can, as long as you limit the number of children you care for. Under North Dakota law, you can care for a maximum of 5 children of mixed ages (or a max of 3 children under the age of 24 months). Exceeding this number of children requires licensure and would be deemed “illegal care”.

As an unlicensed provider, you are not eligible to receive payment from the federal Child Care Assistance Program (CCAP) or the Child and Adult Care Food Program (CACFP).

Even though you would not be required to do so, we would strongly encourage anyone offering childcare services to follow the [modified operating standards](#) recently published by ND DHS.

**I am an employer and I feel that I need to open a childcare for my employees? Am I allowed to do this under ND law without a license?**

Yes you can. As per NDCC 50-11.1-03(6), “A license is not required for onsite child care services located in the actual building in which the child’s parent is employed.” The maximum number of children that can be served is 10 per location.

While we cannot require it, DHS would encourage any employer who chooses to offer childcare in this manner, to follow the [modified operating practices](#) recently published by ND DHS.

**I operate a private school. As we do not currently have students in the building, we would like to open some of our space for childcare. Do we need a license to do this?**

No, you do not need a license. In ND a license is required for the operation of “Early Childhood Services” programs, which is defined as “the care, supervision, education or guidance of a child or children, which is provided in exchange for money, goods or other services.”

There are several exceptions to the definition of “Early Childhood Services.” As per NDCC 55-11.1-02.6b-c, “Early Childhood Services” does NOT include “Child care provided in any educational facility, whether public or private, in grade one or above,” or “Child care provided in a kindergarten which has been established pursuant to chapter 15.1-22 or a nonpublic elementary school program approved pursuant to section 15.1-06-06.1.”

While we cannot require it, DHS would encourage any school that chooses to offer childcare in this manner, to follow the [modified operating practices](#) recently published by ND DHS.

**CHILDREN AND FAMILY SERVICES**

600 E Boulevard Ave Dept 325 | Bismarck ND 58505-0250

701.328.3541 | Fax 701.328.3538 | 800.755.2604 | 711 (TTY) | [www.nd.gov/dhs](http://www.nd.gov/dhs)