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MEMORANDUM

TO: Learning Pod Providers

FROM: The Office of Child and Family Services

DATE: September 3, 2020

SUBJECT: Guidance: Learning Pod Licensure

Some families in Maine are considering alternative learning arrangements this fall, which may be referred to informally as Learning Pods. While these arrangements may take a variety of forms, OCFS is providing initial guidance to assist families and others pursuing this model with planning. This guidance may be updated as circumstances require.

Families who elect to provide home instruction completely themselves or through private arrangements with another adult -- without involvement in their local school administrative unit (SAU) -- need to formally submit a notice of intent to provide home instruction to the local superintendent and the Maine Department of Education (DOE). Home instruction does not require child care licensure from DHHS.

Otherwise, a Learning Pod organized by parents and/or guardians may be subject to licensure by the Department of Health and Human Services (DHHS), regardless of whether a certified teacher, parent, or other adult is leading the Learning Pod or similar arrangement.

Students who remain formally enrolled in their local school administrative unit (SAU), but participate in a Learning Pod or similar arrangement during periods of remote learning as part of the school's response to the COVID-19 emergency, may be subject to licensure by DHHS if the following conditions are met:

- Instruction and supervision are compensated;
and
- The Learning Pod or similar arrangement consists of more than 3 (three) students in addition to any children living in the home;
and
- As noted above, students remain formally enrolled in the local school.

Procedures for issuance of an Emergency Temporary Child Care License can be found [here](#).

The table below identifies several considerations for licensure of Learning Pods:

Requires a Child Care License if:	Does not require a Child Care License if:
The children are engaged in remote learning which is connected to a local school.	Home Instruction is occurring for all children in the Learning Pod.
Children’s learning is being led and evaluated by a local school.	Each child is identified in a notification of Home Instruction which has been submitted to the Department of Education and the local superintendent.
Children’s attendance is being tracked by a local school.	The school is not leading the instruction or following the daily progress of the children in attendance.
The space provided is intended for when children are not in school and their parent(s) / guardian(s) is/are working.	The school is not taking attendance of the children involved.
There are more than three children in attendance who do not reside in the home.	
Compensation is being provided for the care/supervision of the children in attendance.	

Questions can be directed to Children’s Licensing and Investigation Services at (207) 287-5020.