



Office of Children and Family Services

ANDREW M. CUOMO
Governor

SHEILA J. POOLE
Commissioner

February 7, 2020

Dear Enrolled Legally-Exempt Group Provider:

This letter contains important information that affects your hiring of employees and volunteers in your legally-exempt group child care program. Previously, we advised of the implementation of comprehensive background clearances for all existing directors, employees and volunteers as federally mandated in the Child Care and Development Block Grant Act (CCDBG). Thank you for working diligently to comply with the comprehensive background clearances by following the timeline for scheduling the fingerprint image appointment as directed by the Office of Children and Family Services (OCFS) in our September 2019 communication.

OCFS has now made changes to the rules for comprehensive background clearances to ease the burden on programs and parents. This change now permits prospective employees or volunteers to begin work or volunteering with the child care program while waiting for the completion of the comprehensive background clearance. This rule change is time-limited and made possible through a federal waiver. Anyone who is working or volunteering while waiting for the completion of the comprehensive background clearance must be supervised by an individual who has already received an approved background check.

OCFS has also changed the regulations to allow providers to choose how to treat itinerant service providers entering the program to serve the children. Service providers who are not employed by the program but provide services to children under the federal Individuals with Disabilities Education Improvement Act (IDEA) or other state or federal law may be treated as volunteers. As a volunteer, they would complete the comprehensive background clearance. Once they have received a comprehensive background clearance, such service providers can work unsupervised. Service providers may continue under supervision or may exercise the options outlined in the January 13, 2020, INF (the parental consent and waiver options), which are still in effect. (See 20-OCFS-INF-02.) This is to provide increased flexibility for programs, parents and providers.

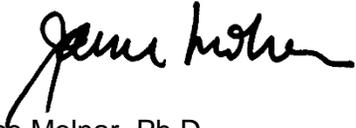
These new regulations go into effect on February 7, 2020, and are open for public comment until April 7, 2020. OCFS appreciates your feedback as we implement these new requirements.

The current regulations and OCFS guidance on this and other subjects can be found on the OCFS website. We strongly recommend you monitor the OCFS website for information that affects your program: <https://ocfs.ny.gov/main/childcare/>

Please direct any questions regarding the background clearances and options for service providers to your enrollment agency.

Thank you for all you do for the children and families of New York State.

Sincerely,



Janice Molnar, Ph.D.
Deputy Commissioner
Division of Child Care Services

Si necesita leer esta carta en español, visite el portal de la División de Servicios de Cuidado Infantil: <https://ocfs.ny.gov/main/childcare/letters.asp>. Si no tiene acceso a la Red o Internet, contacte al encargado de licencias o registros para recibir ayuda.

