



Office of Children and Family Services

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September 2, 2020

Dear Provider:

As we enter the seventh month of the COVID-19 emergency, OCFS acknowledges the efforts of our child care community during this very difficult time. September begins a new school year, a school year that will look very different than any previous year. Changes such as remote learning, virtual learning or a hybrid model lead to situations that have never been contemplated, and child care providers are being called upon to serve children and families in new ways, including caring for children during remote learning time.

On August 19, 2020, OCFS adopted emergency regulations to clarify that school-age children may attend child care programs during the academic school year when such children are not required to be physically present in school as part of the regular school day. These new regulations are posted on the OCFS website at:

<https://ocfs.ny.gov/programs/childcare/regulations/>

How might remote learning impact my program?

Introducing remote learning into a child care program changes the dynamics for both the children and the provider. To ensure a successful transition for everyone, OCFS encourages programs to develop agreements with families regarding remote learning roles and responsibilities. Such forms or agreements are voluntary and will not be collected by OCFS. When developing an agreement with families, remember that child care programs must remain in compliance with all applicable OCFS regulations.

Child Care Program Role

The care and supervision of children remains the primary role of the child care provider.

- Programs may choose to support remote learning opportunities by helping to facilitate a school-age child's participation in remote learning. This may include creating a work space where a child can engage in school work while under supervision, ensuring the child is able to log on to virtual sessions and has internet access, and helping to remind a child, to the extent practicable, to attend to the lesson.
- Children participating in remote learning cannot be isolated from the program and must be supervised per regulation.
- Child care providers are not tutors or classroom teachers and are not expected to serve in that capacity. The parent or guardian is responsible for addressing their concerns about the child's academic progress with the child's school.
- The program will share information about its internet and technological capacity with parent/guardian. It is at the discretion of the child care provider whether to support remote learning.
- Remote learning is considered an educational learning objective, therefore electronic visual media devices may be used for this purpose.
- Remote learning that causes a distraction to the provider such that it impacts the quality of care provider will not be allowed to continue.

Parent/Guardian Responsibilities

- Parent/guardian is responsible for providing all materials needed for the child to participate in remote learning. This includes, but is not limited to, a laptop/tablet, books, assignments and log-in credentials.
- Parent/guardian will provide the child care program the schedule for remote learning, including what time children are expected to log on, etc.
- Parent/guardian will discuss the program's technological capacity (e.g., internet access, etc.) before beginning remote learning.
- Parent/guardian is responsible for addressing concerns about a child's academic performance with the K-12 school teacher, not the child care provider. The parent/guardian is the point of contact for the school for all matters concerning the child's education.
- The parent/guardian will discuss expectations of remote learning with child (e.g., this may include not playing computer games, and not using the computer inappropriately).

What about my own school-age children?

The school-age child(ren) of a licensed/registered provider who is providing remote learning will not be counted in the program's capacity.

There has been no change to the existing protocols for home-based child care providers who homeschool their children. Under New York State Education Law, parents of, or persons in parental relation to, compulsory school-age children have the legal right to instruct their children at home. Parents who wish to home school their children must provide written notice of intent to the school district superintendent and complete an individualized home instruction plan (IHIP) form. More information here: <http://www.nysed.gov/nonpublic-schools/home-instruction>.

In this scenario, the provider's school-age child(ren) is counted toward the program's overall capacity. Please refer to DCCS Policy 15-2: Home Schooling and Family Day Care Registration or Group Family Day Care Licensure for further details. This policy is posted on the OCFS website at: <https://www.ocfs.ny.gov/main/childcare/policies/15-2.pdf>.

OCFS is aware of the integral role child care programs play in the lives of families, children, and communities. Your resilience and strength continue to shine throughout this unprecedented time. Uncertainty is challenging and information is rapidly evolving. As New York moves forward, please remain in contact with your regulator who will clarify any questions you may have. Together, we will make it through! Thank you for your tireless commitment to the well-being of children.

Sincerely,



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