

## Emergency Justification

This rule is necessary to clarify interpretation of Social Services Law 390 as to when school-age children may attend child care programs during the academic school year and align with federal guidance regarding when child care subsidy may be used for school-age children attending child care programs during the academic school year. As schools transition to hybrid and/or remote learning options in response to the COVID-19 emergency, some school-age children may still need adequate supervision on weekdays by child care programs. These regulations will clarify when this is allowable by defining “non-school hours” and “those periods of the year in which school is not in session” to be any time a specific child is not physically required to be present in school as part of the regular school day, including during virtual and/or remote learning. To do so, this emergency rule changes Title 18 of the Official Compilation of Codes, Rules and Regulations of the State of New York Parts 413 and 415.

The 2020-21 school year will begin in early September 2020, and the Office would like to clarify any confusion for providers about when school-age children are allowed to be served in child care programs.

On August 10, 2020, the federal Office of Child Care released additional guidance that clarifies that subsidy payments for child care provided to a school-age child during virtual and/or remote learning is allowed, provided the children are not physically required to be in school.