



Office of Children and Family Services

ANDREW M. CUOMO
Governor

SHEILA J. POOLE
Commissioner

CERTIFICATION FOR AN EMERGENCY ADOPTED RULE OFFICE OF CHILDREN AND FAMILY SERVICES

I, Sheila J. Poole, Commissioner of the New York State Office of Children and Family Services (OCFS), hereby certify that the attached amendments to Sections 413 & 415 of Title 18 of the Official Compilation of Codes, Rules and Regulations of the State of New York are duly adopted by me. These amendments are adopted pursuant to the provisions of sections 20(3)(d) and 34(3)(f) of the New York State Social Services Law, under which the Commissioner of OCFS may promulgate regulations necessary to carry out the purposes of the agency. I determined that it is necessary for the preservation of the general welfare that this amendment be adopted on an emergency basis as authorized by section 202(6) of the State Administrative Procedure Act, effective immediately upon filing with the Department of State.

These amendments are adopted as an emergency measure because time is of the essence. They are required on an expedited basis to maintain the general health safety, and welfare of children school-age children attending childcare 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 childcare 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.” 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 childcare programs.

Dated: August 14, 2020

A handwritten signature in black ink, appearing to read "S. Poole".

Sheila J. Poole
Commissioner