



**Office of Children  
and Family Services**

**ANDREW M. CUOMO**  
Governor

**SHEILA J. POOLE**  
Commissioner

August 20, 2020

Greetings,

Pursuant to section 101-a of the Executive Law and Article Two of the State Administrative Procedure Act, notice is hereby given of the filing of a Notice of Emergency Adoption and Proposed Rule Making that amends Sections 413 & 415 of Title 18 of the Official Compilation of Codes, Rules and Regulations of the State of New York. 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.

The Notice of Emergency Adoption and Proposed Rule Making was filed with the Department of State on August 19, 2020 and became effective immediately upon filing. It will appear in the State Register on September 9, 2020. The rules will also be published on the OCFS website at:  
<https://ocfs.ny.gov/main/legal/Regulatory/er/>

Please find enclosed a copy of the Notice of Emergency Adoption and Proposed Rule Making as well as a copy of the complete text of the rule.

Sincerely,

*Frank J Nuara*

Frank J. Nuara

Associate Attorney

Enc.