

Regulatory Flexibility Analysis for Small Business and Local Governments

1. Effect on Small Businesses and Local Governments:

There are 16,200 small day care businesses in New York State that are comprised of day care centers, school-age child care programs, family and group family day care homes, and one small day care center. There are 17,000 legally exempt providers. All these programs will be affected by the regulatory changes proposed. Local government agencies will be able to authorize child care subsidy for school-age children during the day when these children are not required to be physically present in school.

2. Compliance Requirements:

Child care programs are not required to provide child care services to school-age children who are participating in remote learning. However, those that opt to provide such services must continue to comply with the application regulations for their child care program.

3. Professional Services:

Child care programs and local governments will not be required to use or employ any additional professional services as a result of these proposed changes.

4. Compliance Costs:

No additional costs will be assessed on providers with this regulation. Families in receipt of child care subsidy will be able to use these funds for care provided to school-age children during the day when children are not required to be physically present in school.

5. Economic and Technological Feasibility:

Programs choosing to support online learning or virtual learning opportunities will need to ensure they have any technology (i.e., device, internet capability) necessary to participate.

6. Minimizing Adverse Impact:

The Office does not anticipate an adverse impact and will provide technical assistance to providers regarding remote learning. Without this regulation, some school-age children will be without supervision while participating in remote learning. Professional development regarding the roles and responsibilities of remote learning will be created by the Office and will be made available at no cost to child care programs.

7. Small Business and Local Government Participation:

OCFS heard from several child care providers and stakeholder groups concerning the interplay of remote learning and current regulatory guidance when drafting these regulations. These regulations support the feedback OCFS received from these providers and groups.