



Office of Children and Family Services

ANDREW M. CUOMO
Governor

SHEILA J. POOLE
Commissioner

NY Forward Guidance for Child Care Programs in Schools: Executive Order 202.68

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In response to concerns about increases in COVID-19 cases appearing in clusters within communities and regions of New York, Executive Order 202.68 mandated the New York State Department of Health (DOH) determine the areas of the State that require enhanced public health restrictions due to a cluster or clusters of COVID-19 cases. Once identified, DOH will classify the area based on the risk for compromising the States containment of the COVID-19 virus. Severe risk is identified as a “red zone”; moderate risk is identified as an “orange zone”; and precautionary risk is identified as a “yellow zone”.

With each zone comes additional mandatory restrictions on non-essential businesses and certain gatherings of people. In the Orange and Red Zones all in-person instruction is prohibited for schools. Standards and expectations for child care programs are unaffected by the designation of a red, orange or yellow zone, except as noted below.

The New York State Office of Children and Family Services (OCFS) expects the following of all child care programs in schools identified in Red and Orange Zones:

- 1) Child care programs must follow all direction and guidance of DOH and the local department of health. This is codified in regulations under 18 NYCRR parts 414.15, 415.12, 416.15, 417.15, and Sub-parts 418-1.15 and 418-2-15 for all child care programs.
- 2) School Age Child Care (SACC) programs may remain open during school closures in accordance with Executive Order 202.5.
- 3) Any legally exempt enrolled programs operating in a school building in a designated

severe (red) or moderate (orange) zone must cease operation at the outset of the designation. Such legally exempt programs are not allowed to operate without the presence of an operating school. When the school is closed there is no authority for the legally exempt program to continue to operate.

- 4) For any program closing due to the designation of a Red or Orange Zone, the program or schools should work with child care resource and referral agencies (CCR&Rs) in their region to find additional care for children in existing child care programs to make the best use of existing child care programs and slots. CCR&R's can be found here: <https://ocfs.ny.gov/main/childcare/referralagencies.asp>

Child care programs in schools identified in Yellow Zones:

- 1) For child care programs operated by licensed or registered child care providers operating out of a school building, the ability to continue operations is determined by the School in which your program is located, in consultation with the local department of health to determine if you are able to safely continue to use the physical space.
- 2) Any change in program status must be communicated to your licensor or regulator immediately.

The above directive shall be effective immediately.