



# Office of Children and Family Services

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Governor

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## Administrative Directive

<b>Transmittal:</b>	24-OCFS-ADM-08
<b>To:</b>	Local Departments of Social Services Commissioners
<b>Issuing Division/Office:</b>	Division of Child Care Services
<b>Date:</b>	March 18, 2024
<b>Subject:</b>	<b>Changes to Child Care Assistance Regulations: Reimbursement for Program Closures</b>
<b>Suggested Distribution:</b>	Social Services Directors Temporary Assistance Directors Child Care Assistance Supervisors Temporary Assistance Supervisors Child Care Assistance Staff
<b>Contact Person(s):</b>	Darci Primeau, Bureau of Child Care Assistance, 518-474-9095 <a href="mailto:Darci.Primeau@ocfs.ny.gov">Darci.Primeau@ocfs.ny.gov</a> <a href="mailto:ocfs.sm.districtsupport.subsidy@ocfs.ny.gov">ocfs.sm.districtsupport.subsidy@ocfs.ny.gov</a>
<b>Attachments:</b>	None

### Filing References

Previous ADMs/INFs	Releases Cancelled	NYS Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
23-OCFS-ADM-18		18 NYCRR Part 415			

### I. Purpose

The purpose of this Administrative Directive (ADM) is to advise districts of further revisions to 18 NYCRR Part 415 related to child care assistance reimbursement on program closure days.

### II. Background

The New York State Office of Children and Family Services (OCFS) filed a Notice of Emergency and Proposed Rulemaking effective October 1, 2023. Districts were made aware of these regulations, program implications, and required actions in [23-OCFS-ADM-18](#), *2023 Changes to Child Care Assistance Regulations: Parts 404 and 415*. Districts and stakeholders, including members of the public, were provided 60 days to comment on the proposed rules after they had been published in the *New York State Register*. OCFS assessed the comments received and in response to those comments has proposed revisions to the allowable reasons to obtain child care assistance for program closure days. In addition to the regulatory changes specified in 23-OCFS-ADM-18, OCFS has added full-day professional development training to the allowable reasons for program closures. OCFS filed a Notice of Emergency and Revised Rulemaking effective February 13, 2024. The revised regulations were

published in the [New York State Register](#) on February 28, 2024. Districts and stakeholders, including members of the public, have until April 15, 2024, to comment on the proposed rules. OCFS is also issuing this ADM to provide clarification regarding reimbursement for program closures due to holidays.

### III. Program Implications

Districts continue to be required to comply with 23-OCFS-ADM-18 as it relates to reimbursement of up to 20 program closure days per licensed, registered, permitted (in New York City), or legally exempt group program per state fiscal year if the closure is due to a state, federal, religious, or cultural holiday, or if it is due to extenuating circumstances beyond the provider's control. 18 NYCRR section 415.6(c) was amended to also allow programs that are licensed, registered, or permitted to be reimbursed for up to two program closure days per state fiscal year for full-day professional development training.

### IV. Required Action

Districts must reimburse programs that are licensed, registered, or permitted for up to two full-day professional development training program closures per state fiscal year. The full-day professional development training must be related to state or federally mandated training topics. Providers must submit documentation of the training to the district. The district must determine if the program closure is reimbursable. The two full-day professional development training program closures are not additional program closure days and are included in the total 20 program closure days per state fiscal year.

Districts must review and amend all provider contracts, as necessary, to ensure that the contracts reflect the allowance for reimbursement of up to two program closure days per state fiscal year for full-day professional development training for programs that are licensed, registered, or permitted. Districts must notify affected providers of allowable closures through written notice within 60 days of issuance of this ADM.

Program closures due to state, federal, religious, or cultural holidays include both legal and observed holidays. If a program has not already been reimbursed for the state mandated 20 program closure days in the state fiscal year and all other conditions for reimbursement as set forth in 23-OCFS-ADM-18 are met, the district must reimburse for program closures for both legal and observed holidays. If a program's regular operating hours do not include the day on which the legal or observed holiday falls, or the child is not normally scheduled to attend that program on the day on which the legal or observed holiday falls, the program would not be eligible for reimbursement. The district must determine if the program closure is reimbursable. For example, if a child in receipt of child care assistance was regularly scheduled to attend on both the legal holiday and the observed holiday, and the program would normally have been open but was closed due to the holiday and otherwise eligible for reimbursement, the district must reimburse for both closure days. Dates other than the legal or observed holiday, such as vacation days, will not be reimbursed unless the program closure was due to another allowable reason.

All other provisions regarding reimbursement for program closures as set forth in 23-OCFS-ADM-18 remain in effect.

### V. Additional Information

The Notice of Emergency and Revised Rulemaking went into effect on February 13, 2024, and was published in the *New York State Register* on February 28, 2024. The public comment period will be open through April 15, 2024. Public comments can be submitted to:

New York State Office of Children and Family Services  
52 Washington Street, Rensselaer, NY 12144

Fax: 518-486-6378

Email: [regcomments@ocfs.ny.gov](mailto:regcomments@ocfs.ny.gov)

A full version of 18 NYCRR Part 415 can be found on the OCFS website:

<https://ocfs.ny.gov/programs/childcare/regulations/>

## **VI. Effective Date**

Districts must come into compliance with the requirements of the regulations beginning February 13, 2024.

***/s/ Nora K. Yates***

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### **Issued by:**

Name: Nora K. Yates

Title: Deputy Commissioner

Division/Office: Division of Child Care Services