



# Office of Children and Family Services

**Andrew M. Cuomo**  
*Governor*

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**Sheila J. Poole**  
*Commissioner*

## Informational Letter

<b>Transmittal:</b>	20-OCFS-INF-08
<b>To:</b>	Commissioners of Social Services Child Care Providers Child Care Resource and Referral Agencies Licensing, Registration, and Enrollment Offices Child Care Unions
<b>Issuing Division/Office:</b>	Division of Child Care Services
<b>Date:</b>	March 19, 2020
<b>Subject:</b>	<b>COVID-19 Guidance to Child Care Providers</b>
<b>Suggested Distribution:</b>	
<b>Contact Person(s):</b>	OCFS Regional Offices <a href="https://ocfs.ny.gov/main/childcare/regionaloffices.asp">https://ocfs.ny.gov/main/childcare/regionaloffices.asp</a>
<b>Attachments:</b>	None

### I. Purpose

The purpose of this Informational Letter (INF) is to reiterate certain important information for child care providers necessary for them to continue operations during the current public health emergency.

### II. Background

On March 7, 2020 Governor Cuomo issued Executive Order 202 declaring a State disaster emergency for the entire State of New York. On March 17, 2020 Governor Cuomo issued a subsequent Executive Order, 202.4 directing every school in the State of New York to close for a period of two weeks. School districts were ordered to submit a plan for providing child care to the children of essential employees. On March 18, 2020, Governor Cuomo issued Executive Order 202.5, which among other things, provided important regulatory relief for child care providers and school districts wishing to provide child care on their premises.

### III. Program Implications

Please be aware that child care programs are NOT being ordered to close. Child care is considered to be an essential function critical to enabling parents - especially our first responders, health care workers, and direct care workers to go to work.

We would like to highlight some additional guidance:

- While local authorities do not have broad authority to close child care programs, in certain circumstances, local authorities, primarily local public health entities, have the authority to direct programs to close under quarantine or other emergency orders for specific reasons (e.g., if an employee or student tests positive for the COVID-19 virus).
- Child care providers are asked to prioritize openings in programs for first responders, health care workers, and direct care workers so they can continue to provide critical response to the COVID-19 virus.
  - As part of this prioritization, we ask you to work with those families who have been directed to work from home to not utilize child care services in order to limit density and to free up additional slots for those first responders, health care workers, and direct care workers who are considered essential.
- The Governor, under Executive Orders 202.1 and 202.5 has granted OCFS the authority to waive selective regulatory requirements in order to meet the need for child care services, especially for first responders, health care workers, and other critical staff. For additional details about these Executive actions, please contact your local regional office.
  - **Executive Order 202.1** waived statutory and regulatory requirements to allow flexibility for providers while continuing to protect the health and safety of children. The requirements eligible for a waiver include changes to maximum capacity, staff/child ratios, physical space requirements, child care worker qualifications, and annual training requirements, the ability for providers to move in between programs, and additional flexibility for local districts in determining eligibility for child care subsidy.
  - **Executive Order 202.5** waived certain background check requirements so that teachers, school-related personnel, employees at health care facilities, and others with child care or education experience can begin work immediately during the temporary emergency basis to ensure adequate supervision after a criminal history review.
  - **Executive Order 202.5** waived the requirement, for the duration of the emergency, that programs operating in schools that are not providing compulsory education are required to have OCFS licensure, meaning

school districts can provide child care free from OCFS regulatory requirements.

- The Centers for Disease Control, in its guidance on events and mass gatherings recommends limiting group size to ten or fewer and therefore we ask providers to reconfigure space to limit overall density of rooms to ten or fewer children. (See <https://www.cdc.gov/coronavirus/2019-ncov/community/large-events/index.html>.)
- Your licensed capacity, however, remains in effect unless you've been approved for a waiver by OCFS. There may be ways for you to serve a greater number of children while continuing to prioritize their health and safety and that of your employees by submitting a waiver to your regulator.
  - If you have questions about how you can serve children in groups of ten without reducing capacity, please call your licensing/registration office or enrollment agency.

As a child care program, you are not required to keep your program open. Please remember that you must contact your regulator if you are either closing voluntarily or instructed to close by a local authority. We encourage you to continue to provide these important services to your community as the state responds to the COVID-19 emergency.

In an effort to support you as you continue to operate during these difficult times, OCFS would like to remind you of resources already available to you and make you aware of new resources as well:

- We have asked the Child Care Resource and Referral agencies in each county to play an enhanced role in helping child care programs to plan during this time. Please be in contact with them.
- We will be hosting a weekly call with child care stakeholders, including CCR&Rs, across the state.
  - On these calls, OCFS will provide updated information and guidance as well as answer any questions.
  - Your local CCR&R will then ensure that the information is made available to the provider network.
  - These calls are not meant to substitute other forms of communication and OCFS will continue to issue guidance and answer questions as needed.
- Please visit our website and the New York State Department of Health's [website](#) frequently to be reminded and updated on the latest guidance. The DOH is also operating a 24-hour per day hotline, which can be reached at 1-888-364-3065. All OCFS-issued coronavirus related guidance can be found [here](#).
  - If you are struggling to find necessary items like cleaning supplies and gloves, please contact your regional office for assistance.

#### IV. Contacts

OCFS Division of Child Care Services Regional Offices:  
<https://ocfs.ny.gov/main/childcare/regionaloffices.asp>

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**Issued by:**

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Title: Deputy Commissioner

Division/Office: Division of Child Care Services