



## Office of Children and Family Services

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### Questions and Answers for May 19, 2020 Child Care Stakeholder's Call

The following is a list of questions submitted to OCFS by select members of the child care community for responses prior to the Stakeholders call at 2pm on May 19, 2020. The responses provided at the time of the meeting may change based on new information and directives. The COVID-19 emergency is a rapidly evolving situation. OCFS will continue to provide up to date guidance as it is available. Please check our website regularly.

**Q. Are there any programs or resources for children with special needs? Scenario: special needs children are now home with parents, but parents need a little respite, and the child needs to feel a sense of routine, as they are totally out of their child care program routine. Any information or programs we can direct parents/providers to?**

A. Child care programs, including those that serve special needs children, are essential services and may continue to operate. OCFS does not oversee respite services. Services may vary based on the child's age and level of need. OCFS recommends contacting the LDSS, their CCR&R, Early Intervention, or the child's school district which may have information on relevant resources.

**Q. Have we received any guidance regarding summer camps? If camps will not be operating, will providers be granted waivers to accept more children/extend their space? We do not have any information to share with providers, and they are contacting us regularly, as parents are contacting them regularly.**

A. At this time OCFS does not have any information to share regarding summer camps. We have been in contact with NYS Department of Health and will share information as it becomes available. Existing child care programs are encouraged to share information on the openings that they currently have by responding to the weekly survey, which is posted on the OCFS website. This survey information will be valuable in conversations about the ongoing child care needs across the state.

**Q. What are the insurance requirements for registered child care providers?**

A. SACC (414 registered) and DCC (418-1 licensed) programs are required to submit with their initial application a copy of a certificate of insurance from an insurance company showing the intent to provide general liability insurance to the program upon licensure/registration. A copy of the insurance policy issued after licensure/registration must be maintained on file at the program. Home based (416 and 417) and SDCCs (418-2) have no requirements relevant to liability insurance under OCFS regulations.

**Q. Can a local social service district require the use of video conference in lieu of the in person requirement for an administrative review under 18 NYCRR 415.4(h)(2)(ii)(b) and 18 NYCRR 415.4(h)(2)(ii)(g) during the stay at home order? Is a formal waiver required to do so?**

A. These regulations allow a provider to choose whether to be heard in person. Video conferencing or phone conferencing is an acceptable option when the provider does not request to be heard in person, and does not require a waiver. Any use of an alternative method should be clearly documented. However, in the case that a provider requests the opportunity to provide evidence and arguments in person, this request must be accommodated. If a LDSS intends to eliminate the option of an in-person review, a waiver must be requested and OCFS will evaluate whether the proposed alternative is acceptable.

**Q. I'm interested to know how unregulated programs such as less than 3 hour nursery schools, or single-purpose summer programs fit in. Are they permitted to operate currently, or are they non-essential because they are not technically child care? Would they re-open with schools, or a different phase of reopening?**

A. OCFS does not have regulatory oversight over nursery schools or summer camps that are not enrolled as legally-exempt programs.

**Q. Will the CARES Act scholarship be extended past May 15th? Many parents have been able to take advantage of this wonderful opportunity.**

A. Yes, the CARES Act scholarship has been extended until May 31<sup>st</sup>.

**Q. When might cash advances for CRRs be forthcoming? We cannot lay out the cash from our accounts, and providers are starting to get frustrated.**

A. Many of the advance requests submitted by the CRRs have now been approved and those payments should be forthcoming shortly.

**Q. How do child care providers who work with infants/toddlers care for toddlers while wearing masks? Babies rely on facial expressions and nonverbal communication.**

A. Child care providers must wear masks while caring for children, as it is impossible to socially distance from children. However, there are some possible creative options for providers caring for infants. Providers can wear face shields or masks with transparent panels so that babies can see their faces, while still being protected. Clear face shields may also be helpful for child care staff who are hearing impaired, and rely on lip reading to assist with communication. These items would be allowable for use for the CARES funding that has been allocated for open programs. Programs should contact their CRR if interested in face shields or other supplies.

**Q. Some of the guidance from DOH and CDC is different than the guidance in my Health Care Plan. Do I need a new Health Care Plan?**

A. At this time, OCFS is not requiring child care programs to submit a new Health Care Plan. OCFS expects child care programs to follow the guidance and recommendations from Center for Disease Control (CDC) and NYS Department of Health (DOH) regarding ways to protect the health and safety of children during the COVID-19 emergency. One example of a discrepancy is with regard to the how fever is defined. The current exclusion criteria in the HCP states:

- o Temperature above 101°F [38.3°C] orally, or 100°F [37.8°C] or higher taken axillary (armpit) or measured by an equivalent method, AND accompanied by behavior change or other signs and symptoms (e.g., sore throat, rash, vomiting, diarrhea, breathing difficulty or cough).

However, during the COVID-19 emergency the NYS DOH is advising that any person (child or staff) with a fever of 100°F or above be excluded from the program, regardless of how the temperature is taken and regardless of the existence of other symptoms.