



Office of Children and Family Services

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DIVISION OF CHILD CARE SERVICES POLICY STATEMENT

16-1

What Constitutes a School-Age Child Care Program

ID NUMBER: 16-1

TOPIC: What constitutes a School-age child care program

MODALITIES IMPACTED: School-Age Child Care Programs

APPLICABLE REGULATIONS: Title 18 of the New York State Code of Rules & Regulation §§ 413.2(a)(2)(ii) 414

CONTACT: Regional Offices
<http://ocfs.ny.gov/main/childcare/regionaloffices.asp>

EFFECTIVE: IMMEDIATELY

THIS POLICY STATEMENT IS EFFECTIVE IMMEDIATELY AND CANCELS ALL PREVIOUS MEMOS OR STATEMENTS ON THIS TOPIC.

The purpose of this policy statement is to clarify which programs are required to be registered with the Office of Children and Family Services (OCFS) as school-age child care (SACC) programs and which programs are exempt from the registration requirement.

A SACC program is any program or facility, which is not a residence, that provides *child day care* to an enrolled group of seven or more school-age children under 13 years of age, which operates outside normal school hours and consistent with the school calendar.

Child day care does not include programs operating solely for the purpose of providing religious education, sports, classes, lessons or recreation.

Accordingly, a program operating for the sole purpose of providing religious education, sports, classes, lessons or recreations is not a SACC program and is not required to obtain a SACC registration from OCFS.

If a program meets all of the criteria listed below, it is a SACC program. If it fails to meet even one of the criteria below, it is not a SACC program. These criteria are:

- a. The program provides care on a regular scheduled basis.
- b. The program serves an enrolled group of children.
- c. The program provides care to seven or more children under 13 years of age.
- d. The program only serves school-age children. School-age children includes: (1) those enrolled in school, including kindergarten or a higher grade; and (2) those at least six years of age. A program caring for younger children may be required to be licensed with OCFS as a child day care center. (See policy 16-2: *Enrollment of Prekindergarten Children in School-Age Child Care Programs.*)
- e. The program is located at a non-residence.
- f. The program operates only during non-school hours (i.e., before and/or after school, during school lunch periods, on school holidays, and/or during summer vacations).
- g. The program operates for more than one purpose.

Enrollment and program purposes are the two criteria that are the most common source of inquiry to OCFS. Further explanation of each is provided below.

Enrollment

Enrollment refers to a policy or practice which provides in substance that a slot for the child will be maintained at all times; that the program is open at specified times; that the program is responsible for monitoring the child's attendance, arrival or departure from the program; and/or that the program is responsible for providing care to the child beyond basic supervision. The policy or practice may address additional topics, but the presence of one or more of the topics mentioned above in the policy or practice will be considered enrollment. Programs which have such a policy or practice, or which have or require agreements with parents reflecting such practices, would be programs where the children are considered enrolled.

Enrollment is a factor that distinguishes SACC programs from drop-in programs, which are programs where the children are not enrolled. Drop-in programs are not SACC programs. Some factors to consider in determining whether a program is a drop-in program or one that enrolls children are:

- a. The maintenance by a program of attendance records, sign-in sheets, and/or emergency notification information shall not in and of themselves be considered to be enrollment. These records are not the sort of records that would necessarily imply enrollment. Drop-in programs could legitimately maintain such records for basic safety, security, and/or financial reasons.
- b. The fact that school busses transport children to and/or from the program and their school does not automatically classify a program as one requiring registration. It should be determined whether the instructions from parents to the school district regarding dropping off or picking up children from the site imply that the parent expects that this will be the site where the child will be on a

regularly scheduled basis. This information is useful for two reasons. First, it will assist in determining whether the program is one in which children are enrolled. If the parent expects that the child will be able to attend, that implies the program maintains a slot for the child which in turn suggests enrollment. Second, it will help determine if the program operates regularly (see item (a) on page 2). If the program operates only on an occasional or as-needed basis, it is not a SACC program regardless of enrollment.

- c. A program whose formal policies and procedures are posted in the program and/or provided to parents and guardians and which state that children are served on a first-come, first-served basis shall be considered a drop-in program. A program that is not responsible for maintaining a slot on any particular day for any particular child is also a drop-in program, as is one that has no responsibility for monitoring the child's attendance, arrival, and/or departure time.
- d. A program that appears to operate under procedures similar to those described in paragraph (c) above but which does not have formal written policies and procedures so providing, may or may not be a drop-in program. Further contact with such a program will be necessary to determine whether it is a drop-in program or a SACC program that is operating out of compliance with the regulatory requirements.
- e. A program that is available solely to supervise children on a drop-in basis while their parents or other caregivers are engaged in a short-term activity on or near the grounds would be a drop-in program. Examples include programs at shopping malls, grocery stores, and fitness centers that watch children while their parents or caregivers shop or exercise.

Purpose of Program

A program for school-age children operated solely for the purpose of religious education, sports, classes, lessons or recreation is not a child day care program, and is therefore not required to obtain a SACC registration. However, if a program operates for more than one of these purposes and meets all of the other criteria for being a SACC program, then it must be registered as a SACC program.

Single-Purpose Programs

What follows is a brief description of what is meant by the five purpose categories set forth in the regulations.

- a. Religious education: This refers to education provided by an organized religious group concerning that group's religion or religious practices. Religious education would most commonly be provided at a place of worship or a site affiliated with a place of worship. Examples would include bible study, scripture reading, or preparation for first communion, confirmation, or Bar/Bat Mitzvah.

- b. Sports: This refers to a structured and competitive physical activity involving teams which maintain the same group of individuals as teammates for an extended period of time (season). These activities are typically found in community based organizations. Some examples include Little League baseball, a community soccer league, or a swim club. The emphasis is on developing high levels of performance within a specific skill set, usually requiring participants to engage in scheduled group practices.
- c. Classes: This refers to formal academically oriented activities designed to supplement school classes or academic activity. Homework clubs or tutoring in some academic subject would be examples of classes.
- d. Lessons: This refers to instruction in particular topics that are not necessarily related to school work or academics. Lessons would involve instruction focused on a particular topic rather than instruction on a variety of activities. Examples would be music lessons, martial arts instruction, or art lessons. For such programs to be exempt from SACC registration, there would have to be documentation that the children were specifically signed up for a particular sequence of lessons, regardless of whether it is for a determinate or indeterminate period. This might include a child enrolled in martial arts instruction 3 times per week for 10 weeks, or a child signed up for ballet lessons for no specified period of time. In these instances, the child and parent are signing up just for these lessons, with no requirement or expectation that the child attend other programming in addition to the actual lesson.
- e. Recreation: This refers to a broad range of activities intended to provide entertainment, relaxation, or diversion to children, as opposed to activities that provide care and supervision of children or education of children. Recreation refers to activity chosen by a person or group to make leisure time more interesting, more enjoyable, and more satisfying. For children, it is best understood as play expressed through outdoor and indoor games, exercise, social interaction, and imagination.

Multiple-Purpose Programs

If a program offers more than one purpose, it would be considered a multiple-purpose program. This is true if any of the five categories listed above were offered in combination with another category.

Some examples of multiple-purpose program scenarios would be:

- A program that makes activities from more than one category available to children on a daily basis.
- A program that provides activities from different categories sequentially. For example, a program could offer six weeks of religious education followed by six weeks of recreation followed by six weeks of academic instruction. In this case, more than one category of

purposes is offered, but no more than one category of purposes is available at any one time.

- A program that provides activities from different categories rotationally. For example, specific children could receive religious instruction Mondays and Wednesdays, engage in recreational activity on Tuesdays and Thursdays, and have classes on Fridays. In this case, no child would have more than one category of purposes available to them on a given day, but the program as a whole would offer more than one category of purposes.

Approved By:

A handwritten signature in black ink, appearing to read "Janice Molnar". The signature is fluid and cursive, with a long horizontal stroke at the end.

Date: August 1, 2016

Janice M. Molnar, Ph.D.
Deputy Commissioner