

OCFS Division of Child Care Services

Parts 413 and 415 of Title 18 of the Official Compilation of Codes, Rules and Regulations of the State of New York (NYCRR) are hereby amended to read as follows:

Subparagraph (v) of paragraph (2) of subdivision (a) of section 413.2 is amended to read as follows:

(v) a kindergarten, pre-kindergarten or nursery school for children three years of age or older, or a program for school-age children conducted during non-school hours, operated by a public school district or by a private school or academy which is providing elementary or secondary education or both in accordance with the compulsory education requirements of the Education Law, provided that such kindergarten, pre-kindergarten, nursery school or program is located on the premises or campus where the elementary or secondary education is provided. Provided, however, a kindergarten or a pre-kindergarten operated by a public school district shall not be considered a child day care if the kindergarten or pre-kindergarten is not located on the premises or campus where the elementary or secondary education is provided.

Paragraph (1) of subdivision (i) of section 415.1 is amended to read as follows:

(1) pre-kindergarten and nursery school programs for children three years of age or older, and programs for school-age children conducted during non-school hours, operated by public school districts or by private schools or academies which provide elementary or secondary education or both in accordance with the compulsory education requirements of the Education Law, provided that such pre-kindergarten, nursery school or school-age programs are located on the premises or campus where the elementary or secondary education is provided. Provided, however, a kindergarten or a pre-kindergarten operated by a public school district shall not be required to be located on the premises or campus where the elementary or secondary education is provided;