

CHAPTER 328

AN ACT to amend the social services law, in relation to excluding certain kindergartens and pre-kindergartens from the definition of child day care

Became a law August 2, 2021, with the approval of the Governor.
Passed by a majority vote, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Clause (D) of subparagraph (ii) of paragraph (a) of subdivision 1 of section 390 of the social services law, as added by chapter 750 of the laws of 1990, is amended to read as follows:

(D) a kindergarten, pre-kindergarten, or nursery school for children three years of age or older, or after-school program for children 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 the kindergarten, pre-kindergarten, nursery school, or after school 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.**

§ 2. This act shall take effect immediately.

The Legislature of the STATE OF NEW YORK **ss:**

Pursuant to the authority vested in us by section 70-b of the Public Officers Law, we hereby jointly certify that this slip copy of this session law was printed under our direction and, in accordance with such section, is entitled to be read into evidence.

ANDREA STEWART-COUSINS
Temporary President of the Senate

CARL E. HEASTIE
Speaker of the Assembly

EXPLANATION--Matter in **italics** is new; matter in brackets [-] is old law to be omitted.

**NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(f)**

BILL NUMBER: A7176A

SPONSOR: Jean-Pierre

TITLE OF BILL:

An act to amend the social services law, in relation to excluding certain kindergartens and pre-kindergartens from the definition of child day care

PURPOSE OR GENERAL IDEA OF BILL:

To allow public school districts to provide full-day child day care services in any building owned and operated by such school district or private school without needing to obtain licensure under the provisions of the social services law.

SUMMARY OF PROVISIONS:

Section 1 of this bill would change the definition of what does not constitute to a child care to clarify that a kindergarten or pre-kindergarten operated by a public school district is not considered a child day care if the kindergarten or pre-kindergarten is not located on the premises or campus where the elementary or secondary school is provided.

JUSTIFICATION:

Under current law, public school districts and currently licensed through the New York State Department of Education must also obtain licensure through the New York State Office of Children and Family Services (OCFS) if such school district operates such a child day care program for more than three hours per day/15 hours per week in a building without compulsory education also taking If passed and enacted into law, this legislation will better-streamline the processes allowing for public school districts to operate full-day kindergarten and pre-kindergarten programs without the need to be licensed through the New York State Office of Children and Family Services (OCFS).

PRIOR LEGISLATIVE HISTORY:

New bill.

FISCAL IMPLICATIONS FOR STATE AND LOCAL GOVERNMENTS:

None.

EFFECTIVE DATE:

Immediately