



State of New Jersey

DEPARTMENT OF CHILDREN AND FAMILIES

PHIL MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

CHRISTINE NORBUT BEYER, MSW
Commissioner

March 16, 2020

Dear Child Care Providers,

The Governor has declared a public health emergency in an effort to mitigate the impact of the worsening spread of the COVID-19 virus. Though the situation in New Jersey has not escalated to the degree that it has in other parts of the world, we are all continuing to make plans now to ensure that we are prepared to deal with the crisis, should it worsen.

The Department of Children and Families (DCF) recognizes that the role played by child care centers in the face of this crisis is both critical and multifaceted. As with schools, circumstances may ultimately warrant the temporary closure of some centers as part of a broader strategy to slow the spread of the virus. At the same time, potential school closures and heightened demands on some segments of the workforce—including emergency and medical personnel—may significantly increase the demand for child care.

Because we cannot predict the demands that will be placed on every licensed center, DCF is committed to offering necessary regulatory flexibility to allow child care centers to make adjustments that are in the best interests of their clients and communities.

To that end, and pursuant to authority under Executive Order 103, DCF is hereby implementing temporary measures outlined below for the purposes of (1) facilitating social distancing and other virus mitigation strategies in licensed centers, (2) creating flexibility to add or realign staff to address virus related shortages, and (3) enable the rapid establishment, relocation or realignment of programs to meet new or shifting demands for care.

1. Until further notice, the Office of Licensing is suspending enforcement of regulations at N.J.A.C. 3A:52-5.3(q)(3) requiring minimum indoor play space, provided that centers continue to comply with applicable provisions of the state's construction and fire codes.
2. For centers newly established or relocated to meet demand attributable to the COVID-19 virus, outdoor play space requirements at N.J.A.C. 3A:52-5.4 will also not be enforced until further notice.
3. Until further notice, enforcement of staff education and experience qualifications in NJAC 3A:52-4.6 are suspended. Staff should be notified upon hire that they may fail to qualify for a credentialed position upon resumption of enforcement.

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4. Requirements at N.J.A.C. 3A:52-4.5 for a center director to spend 50% of a center's operating hours and head teacher, group teacher and program supervisor to spend 75% of operating hours on site will not be enforced, until further notice.
5. Group size limitations in NJAC 3A:52-4.4 will not be enforced, until further notice.
6. Evidence of a current employee's qualifying Child Abuse Record Inquiry (CARI) and Criminal History Record Inquiry (CHRI) checks at one center during the current licensing period will be deemed sufficient evidence of background checks at another center if the employee has had no break in employment, until further notice.
7. Until further notice, DCF will not enforce monthly fire and lock down drill requirements at N.J.A.C. 3A:52-5.3; local fire officials may require drills or alternative preparation practices, and centers should consult with those officials as necessary.
8. The limitation on hours of care in NJAC 3A:52-1.5 will not be enforced, until further notice.
9. Because in person classes raise concerns about virus transmission and may be difficult to hold during the public health emergency, the requirement for a "hands on" component to complement online CPR training, found in NJAC 3A:52-5.33 and the requirement for directors to attend DCF offered "Understanding Licensing" training within 90 days of hire found in NJAC 3A:52-4.8 are suspended until the conclusion of the public health emergency.

Please note, that these accommodations are intended to facilitate short term solutions to problems resulting from the unusual circumstances created by the public health emergency. At the conclusion of the emergency, enforcement of these provisions will resume and centers will be expected to fully comply with applicable regulations.

As you make preparations and plans during this public health crisis, DCF would also like to provide the following guidance:

1. The Department of Health continues to make important information available through its website at <https://www.nj.gov/health/cd/topics/ncov.shtml>.
2. Adherence to sanitation requirements in the child care regulations has never been more critical, and every effort should be made to ensure that you, your staff and your families comply with them.

You and your employees should not come to work sick. Sick children should be sent home and separated from healthy children when they are in your center.

Finally, I would be remiss if I did not take this opportunity to say thank you. Thank you for the absolutely critical role you and your colleagues play in ensuring that New Jersey's children are well cared for and safe. You are an essential foundation for our state's

economic, educational, and social infrastructure. The people of New Jersey are fortunate to have the highest quality providers in the nation, and in the face of uncertainty it is comforting to have all of you to rely on.

Sincerely,

A handwritten signature in black ink that reads "Christine Beyer". The signature is written in a cursive style with a large, prominent initial "C".

Christine Norbut Beyer, MSW
Commissioner