

**STATE OF NEW JERSEY**  
**DEPARTMENT OF CHILDREN AND FAMILIES**  
**NOTICE OF RULE WAIVER/MODIFICATION/SUSPENSION**  
**PURSUANT TO EXECUTIVE ORDER NO. 103 (MURPHY)(MARCH 9, 2020)**  
**COVID-19 STATE OF EMERGENCY**

Temporary Rule Suspension adopted by Christine Norbut Beyer, Commissioner Department of Children and Families

Date:

Authority: N.J.S.A. App.A.9-45 & App. A:9-47; Executive Order No. 103 (Murphy)(“EO 103”)

Effective Date: March 16, 2020

Expiration Date: Concurrent with expiration of EO 103

This is an emergency adoption of a temporary rule suspension of the Department’s Office of Licensing rules at N.J.A.C. 3A:52. Section 6 of EO 103, issued in response to the COVID-19 pandemic, authorizes agency heads to waive/suspend/modify any existing rule, where the enforcement of the rule would be detrimental to the public welfare during the emergency, notwithstanding the provisions of the Administrative Procedure Act or any law to the contrary. Pursuant to that authority, and with the approval of the Governor and in consultation with the State Director of Emergency Management and the Commissioner of the Department of Health, the Department of Children and Families is suspending certain rules as follows:

The rule suspensions listed below are being undertaken to (1) facilitate social distancing and other virus mitigation strategies in licensed centers, (2) create flexibility to add or realign staff to address virus related personnel shortages, and (3) enable the rapid establishment, relocation or realignment of programs to meet new or shifting demands for care. The specific rules being suspended are as follows:

N.J.A.C. 3A:52-5.3(q)(3) requiring minimum indoor play space is suspended, provided that centers continue to comply with applicable provisions of the State’s construction and fire codes.

N.J.A.C 3A:52-5.4(a)(7) requiring minimum outdoor place space is suspended only for newly established or physically relocated centers.

N.J.A.C. 3A:52:4.6(a)-(b) requiring minimum qualifications for center directors and teachers are suspended.

N.J.A.C 3A:52-4.5(c)(1) requiring a center director to work 50% of a center's daily operating hours is suspended.

N.J.A.C. 3A:52-4.5(e)(2)i and (e)(4)i requiring head teachers and group teachers to work 75% of a center's daily operating hours are suspended.

N.J.A.C 3A:52-4.5(f)iii requiring program supervisors to spend 75% of a school aged program's operating hours on site is suspended.

N.J.A.C. 3A:52-4.4 requiring the grouping of children in care and establishing maximum group sizes is suspended.

N.J.A.C. 3A:52-5.3(l)(4) requiring lockdown drills is suspended.

N.J.A.C. 3A:52-5.3(n)(1) requiring monthly fire drills is suspended to the extent that it exceeds the requirements of any applicable fire code.

N.J.A.C. 3A:52-1.5 which limits the number of hours during a 24 hour period that a child care center may care for a child (12 hours for day time programs, 16 hours for overnight programs) is suspended.

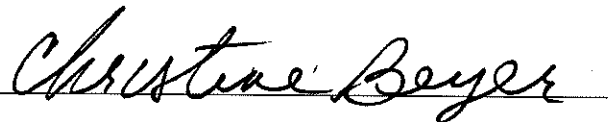
N.J.A.C. 3A:52-5.3(o)(2) which requires that there be a "hands on" component to CPR training received online is suspended.

N.J.A.C. 3A:52-4.8(e) which requires center directors to attend "Understanding Licensing" training within 90 days of hire is suspended.

I find that suspension of the rules above is necessary because enforcement of the existing rules would be detrimental to the public welfare during this emergency.

3/16/20

Date



Christine Norbut Beyer

Commissioner