

Licensing for After-School Programs

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Issue

Summarize whether Massachusetts, New Jersey, and New York license after-school programs, particularly Boys and Girls Clubs of America.

Summary

After-school programs are generally considered a form of child care. Massachusetts, New Jersey, and New York all require licensure for most child care programs, but each provides exemptions for certain types of programs.

For after-school programs, these three states vary in their licensure requirements. While all three exempt from licensure programs operated by public or private schools, they vary in how they treat other types of programs, particularly Boys and Girls Clubs. While Massachusetts requires licensure for all Boys and Girls Clubs, New Jersey limits its requirement to Boys and Girls Clubs in operation after 1984, and New York exempts most after-school programs, including Boys and Girls Clubs, from licensure.

Massachusetts

Massachusetts requires a special license for “school age child care programs.” The license covers programs offering “supervised group care” for unrelated children starting when they are enrolled in kindergarten and old enough to enter first grade in the following year until they reach age 14 (or age 16 if they have special needs). The programs may operate before and after school and during school vacations and holidays. They provide a planned daily program of activities attended by children for specifically identified blocks of time during the week.

Under Massachusetts law, the following are not required to obtain a school-age child care program license:

1. programs operated by public school systems;
2. parts of a private, organized education system unless their services are primarily limited to a school-age day care program;
3. Sunday schools and religious instruction classes run by religious organizations that care for children while those responsible for them are attending religious services;
4. family day care homes, which provide care in a private home for up to six children under age seven (or special needs children under age 16), including the caregivers' own children (these facilities require another license);
5. informal cooperative arrangements among neighbors or relatives; and
6. occasional babysitting provided voluntarily or for compensation ([Mass. Gen. Laws Chap. 15D, § 1A](#)).

New Jersey

New Jersey licenses child care centers, which include any home or facility maintained for the care, development, or supervision of six or more children under age 13 who attend for less than 24 hours a day. The state Department of Children and Families' Office of Licensing issued a [Manual of Requirements for Child Care Centers](#) that includes the relevant laws, licensure requirements, and exceptions. But the state excludes a number of programs from the definition of a child care center and additionally exempts other programs from licensure.

Child-Care Center Defined

State regulations define "child care center" to include day care, drop-in, and night-time centers; recreation-type centers sponsored and operated by a county or municipal government recreation or park department; day nurseries and play schools; cooperative child centers; centers serving children with special needs or sick children; infant-toddler programs; school-age child care programs; employment-related centers; centers licensed by the Department of Human Services prior to 1984; and kindergartens and pre-kindergartens that are not part of a private school or system offering elementary education through sixth grade ([NJ § 3A:52-1.2](#)).

The regulations exempt from the definition:

1. programs serving fewer than six children who are under age 13;

2. programs, such as those located in a bowling alley, health spa, or other facility, in which (a) each child attends on a drop-in basis for no more than two hours and (b) each child's parent is in the same building, readily accessible on an on-call basis, and able to immediately resume control of the child;
3. child-care programs operating within a federal government geographic area (e.g., military base) or facility;
4. family day care homes registered pursuant to the Family Day Care Provider Registration Law;
5. "open door" programs, (i.e., children attend at their own discretion and there is no agreement with the parent for program to assume responsibility for the child); and
6. programs offering child care on an ad hoc, sporadic, and isolated basis in order to meet an emergency or special need, such as during emergency school closings, conferences, or training sessions ([NJ § 3A:52-1.2](#)).

Programs Exempt From Licensure

The state exempts from licensure the following programs:

1. local public school district-operated programs;
2. private kindergartens, pre-kindergarten programs, or child care centers that are part of a private educational institution or system providing elementary education in grades kindergarten through six (the private institution must directly operate the center and demonstrate that the program and institution are integrated based on factors like a continuation of enrollment between the program and the institution);
3. centers or special classes operated primarily for religious instruction or to temporarily care for children while their parents or guardians are attending religious services;
4. programs of specialized activities or instruction for children that are not designed or intended for child care purposes, including, (a) Boy Scouts, Girl Scouts, 4-H Clubs, Junior Achievement, and commercial indoor playground or sports centers where parents remain with pre-school children, (b) single activity or instruction programs, such as athletics, gymnastics, hobbies, art, music, dance, and craft instruction, which are supervised full-time by an adult, agency or institution;
5. homework or tutorial programs that submit documentation demonstrating that (a) time frames are developmentally appropriate for the age group served and (b) the tutorial or homework instruction is not designed for child care purposes and is supervised on a full-time basis by an adult;
6. youth camps (they are licensed by state Health Department under a different law);
7. regional schools operated by or under contract with the Department of Children and Families; and

8. privately operated state-approved infant and preschool programs that provide services exclusively to local school districts for children with disabilities ([NJ § 3A:52-1.3](#)).

Boys and Girls Clubs do not appear to meet any of these exemptions.

New York

New York requires child day care providers to be licensed or registered, but many types of after-school programs are exempt.

The general day care licensure requirement applies to any non-relative who regularly cares for a child outside of the child's home for less than 24 hours per day. New York has a separate definition for "school age child care," which are programs that care for more than six school-aged children under age 13 or older children who cannot care for themselves. They must operate according to the local school calendar and offer care during the school year to enrolled children at a permanent site before and after school, and during school lunch periods. They may also provide care during school holidays and periods of the year when school is not in session.

New York's licensure requirements exclude:

1. after-school programs operated for religious education, sports, or recreation;
2. state-operated or approved day treatment programs for children with mental retardation or mental illness; and
3. kindergarten, pre-kindergarten, or nursery school programs for children ages three and older or after-school programs operated by a public school district or private school that are also providing elementary and secondary education, as long as the programs are provided on the same premises or campus as the elementary or secondary education; and
4. day camps ([NY Social Service Law § 390](#)).

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