



**New York State
Office of
Children & Family
Services**

www.ocfs.state.ny.us

November 4, 2009

Mr. Josh McCrossen, Commissioner
P.O.Box 10, 77 Water Street
Lyons, New York 14489-0010

Dear Commissioner McCrossen:

David A. Paterson
Governor

Gladys Carrión, Esq.
Commissioner

You were previously notified in a letter dated, July 27, 2009 that your district's Child and Family Services 2008 Annual Plan Update, except for the Child Care Appendix G-8, had been approved by the Office of Children and Family Services (OCFS).

This letter is to inform you that the review of Appendix G-8, Additional Local Standards is complete and has been approved effective November 4, 2009. For your records I have attached a copy of the approved Appendix G-8, Additional Local Standards.

Capital View Office Park
52 Washington Street
Rensselaer, NY 12144

A copy of your approved plan can also be found on OCFS website at <http://www.ocfs.state.ny.us/main/> under child care, child care subsidy program.

If you have any questions about this approval or the child care section found in your 2008-2009 Annual Plan Update please contact Ms. Rhonda Duffney at (518) 474-3775 or by e-mail at Rhonda.Duffney@ocfs.state.ny.us.

Sincerely,

Janice M. Molnar
Deputy Commissioner
Division of Child Care Services

cc: Philip A. Gerhart, Director of Social Services

attachment: Appendix G-8, Additional Local Standard



APPENDIX G-8
ADDITIONAL LOCAL STANDARDS FOR CHILD CARE PROVIDERS
(Local child protective involvement check approved 11/4/09)

The district may propose local standards in addition to the State standards for providers who will receive child care subsidies.

1. Described below are the additional local standards that will be required of providers as well as which providers must comply with each additional standard.

The directors of legally-exempt group child care programs including: a) nursery schools, pre-kindergarten or day care programs, b) summer day camps operated in accordance with Subpart 7-2 of the State Sanitary Code, c) nursery schools, pre-kindergarten or day care programs for children three years of age or older or programs for school aged children conducted during non-school hours, and d) nursery school or programs for preschool-aged children, providers of legally-exempt in-home child care and providers of legally-exempt family child care and all of the legally exempt family child care providers' employees, volunteers, or household members 18 years of age and older will be asked to sign a release which states they will allow this District to check its local Child Protective involvement database to determine if any of the individuals named above have been named as an indicated subject in a report of child abuse or maltreatment.

If any of the individuals listed above refuse to sign the release which would allow our District to check its local Child Protective involvement database the additional standard will not apply and these providers will be considered for temporary enrollment. Our District will inform the parent/caretaker of their refusal to sign the release and the parent/caretaker will be reminded of their right to choose another provider. If they wish to choose another provider, the parent/caretaker will be given information about how to locate one. This District will also request that the Legally-Exempt Enrollment Agency visit the provider's home within the month.

The information submitted by the provider will then be checked against the local child protective/involvement database. If the information given by the provider correlates with the information obtained from the check of the local child protective/involvement database, the District will notify the Enrollment Agency that the additional standard has been met. The parent/ caretaker will be informed of their right to keep their provider or choose another provider. If the parent wishes to keep their provider, the District will inform the parent/caretaker that their decision to place their child in the care of this provider could place their child at risk. As mandated reporters, our District is obligated to make a report of suspected child abuse or maltreatment if placing the child in the care of a provider would place the child in imminent

danger of impairment. If they wish to choose another provider, the parent/caretaker will be given information on how to locate one.

If the information given by the provider does not correlate with the information obtained from the local child protective/involvement database check, our District will notify the provider that they have 10 days to clarify any discrepancies in the information submitted. The provider must give complete and accurate information regarding any child protective reports that they, or any of the individuals listed in number one that signed the release, are known in as an indicated subject of child abuse or maltreatment to the parent and the district, or submit information explaining why the district's information is inaccurate. If the provider does not take this action within 10 days, the district will notify the enrollment agency that the additional standard has not been met.

The local Child Protective involvement database checks will be conducted at initial enrollment and re-enrollment. The releases that the providers and the other individuals listed in number one will be asked to sign will be included in the legally-exempt enrollment package. At enrollment, the local Social Service District will provide the parent with the legally-exempt enrollment packet. At re-enrollment, the Enrollment Agency will give the provider the legally-exempt enrollment packet. All packets are returned to the enrollment agency. The Enrollment Agency will provide the district with a copy (faxed and mailed) of the signed releases and copies of the completed enrollment packages.

- 2. Described below are the methods and resources that will be utilized to determine that these additional local standards are being met.**

When any of the individuals listed in number one have signed the release our designated Department staff will check to see if any of the individuals are named as an indicated subject in a report of child abuse or maltreatment. The results of the Child Protective involvement database check will be given to the Day Care Unit Staff for appropriate action as described in the response to item one above.

If the search of the local Child Protective involvement database check reveals that the provider or any of the other individuals named in number are known as indicated subject in a report of child abuse or maltreatment, the Day Care Unit Staff will follow the procedures outlined in number one above. The Day Care Unit Staff will not provide the parent or the enrollment agency with any confidential information. Only the person involved in the report may call the Day Care Unit Staff or come into the agency if they would like more information. When the Day Care Unit Staff calls a person involved in a report, gets called by one, or sees the provider in person, they will ask the person to identify themselves by having them

provide the last four digits of their SSN prior to Day Care Unit Staff discussing their information.

3. Described below are the procedures the district will use to notify the Legally Exempt Caregiver Enrollment Agency as to whether or not the legally exempt provider is in compliance with the additional local standards. (Districts only need to describe this procedure if the additional local standard is applied to legally exempt child care providers.)

Once a Legally-Exempt packet is received, the Day Care Unit Staff will review additional standard criteria, and within 15 days the Day Care Unit Staff will inform the Legally Exempt Enrollment Agency by phone and/or e-mail as to whether the provider meets the additional standard criteria or not.

4. Described below is the justification for the additional standard.

Attempting to help ensure the provision of SAFE Day Care services to children.

APPENDIX G-8
ADDITIONAL LOCAL STANDARDS FOR CHILD CARE PROVIDERS
(local criminal conviction check approved 11/4/09)

The district may propose local standards in addition to the State standards for providers who will receive child care subsidies.

1. Described below are the additional local standards that will be required of providers as well as which providers must comply with each additional standard.

The directors of legally-exempt group child care programs including: a) nursery schools, pre-kindergarten or day care programs, b) summer day camps operated in accordance with Subpart 7-2 of the State Sanitary Code, c) nursery schools, pre-kindergarten or day care programs for children three years of age or older or programs for school aged children conducted during non-school hours, and d) nursery school or programs for preschool-aged children, providers of legally-exempt in-home child care and providers of legally-exempt family child care and all of the legally exempt family child care providers' employees, volunteers, or household members 18 years of age and older will be asked to sign a release which will allow our District to conduct a background check for local criminal convictions. This will be done in order to determine if the individuals listed above have a law enforcement conviction.

If the individuals listed above refuse to sign the release which would allow our District to check for law enforcement conviction's, the additional standard will not apply and these providers will be considered for temporary enrollment. Our District will inform the parent/caretaker of the refusal and the parent/caretaker will be reminded of their right to keep their provider or choose another provider. If they wish to choose another provider, the parent will be given information about how to locate one. This District will also request that the Legally-Exempt Enrollment Agency visit the home of legally-Exempt Family Child Care provider's within the month.

The enrollment agency has notified the local social service district of the list to which the standard will be applied.

At initial enrollment, the local social service district will provide the parent with the legally-exempt enrollment packet, which will include the release for a background check for local criminal convictions.

At re-enrollment, the enrollment agency will give the legally-exempt provider the enrollment packet, which will include the release for a background check for local criminal convictions.

The enrollment agency will forward all signed releases to the local social service district. The social service district will then give all signed releases to either the Sheriff's department or the Probation Department. The given Law Enforcement agency will provide the results of the background check for local criminal convictions to the social service district and the social service district will forward the local criminal convictions to the enrollment agency.

The local criminal convictions check will be used by the enrollment agency to verify that all the individuals listed in number one that signed the release have provided complete and accurate information regarding any of their criminal convictions. The enrollment agency will also use this information along with the information provided on the enrollment package to determine if the provider can be enrolled or re-enrolled.

2. Described below are the methods and resources that will be utilized to determine that these additional local standards are being met.

The Wayne County Sheriff's and Probation departments have agreed to conduct a search of their local records to determine if the individuals listed in number one have a criminal conviction.

When a release is received, the local social service district will send it via inter-office mail to the Sheriff's or Probation departments. The law enforcement agency will provide the results of their background check for local criminal convictions to the local social service district. The Sheriff's and Probation departments will only provide criminal convictions to the local social service district. The local social services district will forward the results of the local criminal convictions check to the enrollment agency.

Once the results of the local criminal convictions check has been forwarded to the enrollment agency, the social service district will inform the enrollment agency that the additional standard has been met.

3. Described below are the procedures the district will use to notify the Legally-Exempt Caregiver Enrollment Agency as to whether or not the legally-exempt provider is in compliance with the additional local standards. (Districts only need to describe this procedure if the additional local standard is applied to legally-exempt child care providers.)

Once a release is received, the District will review additional standard criteria, and within 15 days, the Day Care Unit Staff will inform the Legally-Exempt Enrollment Agency by phone and/or e-mail as to whether the provider meets the additional standard criteria or not.

4. Described below is the justification for the additional standard.

Attempting to help ensure the provision of SAFE Day Care services to children.