

BUREAU OF EARLY CHILDHOOD SERVICES

POLICY STATEMENT

ID NUMBER: 97-8 **(Updated December, 2004)**

TOPIC: State Central Register (SCR) Database Check Requirements

MODALITIES IMPACTED: All modalities

APPLICABLE REGULATIONS: 414.10(b); 416.15(a)(19)(i); 416.15(a)(11)(ii)
417.15(a)(19)(i)(a); 417.15(a)(11)(ii); 418-1.10(b)

CONTACT: Sara S. Blake (Updated By Kathleen Pickel)

Phone: (518) 474-9454

EFFECTIVE: Immediately **(Updated December, 2004)**

THIS POLICY STATEMENT IS EFFECTIVE IMMEDIATELY AND CANCELS ALL PREVIOUS MEMOS OR STATEMENTS ON THIS TOPIC.

The purpose of this policy statement is to clarify which employees of agencies providing services to children in day care programs must undergo a database check completed by the State Central Register of Child Abuse and Maltreatment (SCR).

Section 424-a of Social Services Law (SSL) specifies those persons involved in day care programs who must undergo an SCR database check. Persons who are not specified by Section 424-a of SSL are prohibited from undergoing an SCR database check. The SCR database check requirements differ by modality.

1. For family and group family day care homes, the following persons must undergo an SCR database check.

- Family or group family day care provider;
- Family day care alternate provider;
- Group family day care assistant(s);
- Group family day care alternate assistant(s);
- Persons 18 years of age or older who reside in the family or group family home where day care is provided; and
- Substitute staff.

Please note: There is no statutory authority for an SCR database check of any other individuals

involved in family or group family day care homes.

Family and group family day care providers must have completed the SCR database check requirement prior to receiving their registration or license. All other individuals required to undergo a data base check must complete the SCR database check requirement prior to working unsupervised with children enrolled in a licensed or registered child day care program.

2. For licensed and registered day care centers and school-age child care programs (SACC):

a. The following persons must undergo an SCR database check.

- Applicant seeking to open the day care center or school-age program;
- Employees and prospective employees of the center or program;
- Employees of persons or organizations that provide goods or services to the center or program; and
- Substitute employees.

An applicant seeking to open a day care center or school-age child care program must have completed the SCR database check requirement prior to receiving their registration or license. All other employees must complete the SCR database check requirement prior to working unsupervised with children enrolled in a licensed or registered child day care program.

b. The following persons may undergo an SCR database check:

- Consultants hired by the center or program; and
- Volunteers with the center or program.

Staff of other agencies or organizations sometimes provide services directly to specific children in licensed or registered day care settings rather than to the program itself, or to its general enrollment. Such staff include itinerant special education teachers and therapists (commonly called SEIT providers), bus drivers, nurses, music teachers, and others. As stated earlier, in family and group family day care homes there is no statutory authority to perform an SCR database check on anyone other than the provider, alternate provider, assistant, alternate assistant, substitute and household members age 18 and over. Therefore, in family day care and group family day care, none of these service providers are legally permitted to undergo an SCR database check.

However, in day care centers and school-age child care programs, the issue is less specific. In these settings, a distinction must be made between employees of providers of goods and services **to the center or program**, and employees of direct providers of services **to specific children**, who happen to be in the day care program. Each of these is treated differently from the

standpoint of an SCR database check. The first category must undergo an SCR database check and the second category may not undergo an SCR database check.

Individuals who are not employed directly by the day care center or SACC program who have contractual agreements, or other arrangements either directly with the center or program, or with some third party (such as a school district) should be addressed as follows:

Contract between day care center or SACC program and the service provider:

In those instances where the day care center or SACC program has the contract or other arrangement with the individual or agency, then the goods and services are provided to the program and the individuals performing these services MUST undergo an SCR database check. An example of this arrangement would be a day care center's contract with a bus company for transportation to and from the program. In this instance the bus company is providing a service to the day care center. Any bus driver transporting day care children would have to undergo an SCR database check.

Contract between school district or other third party and the service provider:

Where the contractual arrangement is NOT between the day care center or SACC program and either the individual service provider or the agency employing that person, the individuals providing services MAY NOT be sent to the SCR for a database check. These individuals do not fall into any of the categories set forth in Section 424-a of the SSL so there is no statutory authority for an SCR database check to be conducted. It should be noted that the confidentiality provisions set forth in Section 422 of SSL preclude a day care center or SACC program from requesting an SCR database check for any individual who is not specified in Section 424-a.

Special Education Itinerant Services (SEIT)

The issue regarding SCR database checks is one of particular interest to centers or SACC programs where children with special needs receive special education and/or related services (SEIT services) during the hours of day care. These services are provided by teachers and therapists through a contract with the school district, not with the day care center or SACC program. The fact that this provision of services occurs at the day care site does not make the SEIT agencies providers of services or consultants to the day care program. The day care program is simply allowing SEIT providers access to the children. These circumstances do not permit these individuals to undergo an SCR database check.

The above notwithstanding, if the special education service providers are to be counted in the staff to children ratio, or are to be considered active members of the day care center staff for a portion of the day, then this situation would differ from the situation presented above. In these

