



**Office of Children
and Family Services**

A Look at Exciting Changes in NYS

Day Care Center and School Age Child Care Regulations

NYSAEYC

April 10, 2015

Janice Molnar, Deputy Commissioner
Division of Child Care Services
NYS Office of Children and Family Services

Kathleen Pickel, Director, Regional Office Support Unit
Division of Child Care Services
NYS Office of Children and Family Services

Overview of Workshop

- Adopted Regulations Versus Effective Regulations
- Regulatory Changes
- Question and Answer Session



Changes are Here



- **Adopted versus effective regulations**
- **Where we are in the process**
- **What's next**
- **How to view the PowerPoint slides**



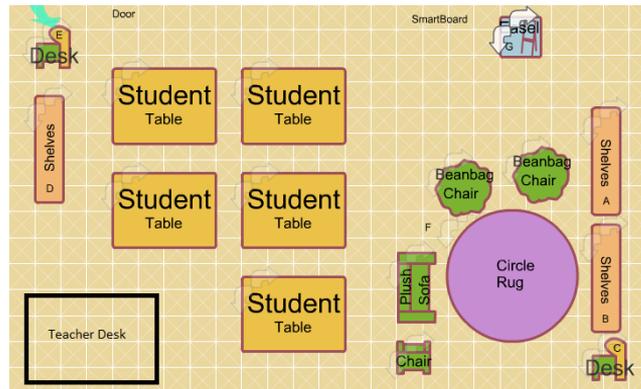
.2 Applications and Renewal

- **Justice Center Database checks added to regulations**
- **Updated references to Fire Code and Building Code of NYS or other applicable codes**
- **School age child care programs must be inspected before renewal**



.3 Building and Equipment

- Approval needed to re-designate classrooms to different age groups
- School age child care program space allowance
 - *sedentary activity = 20 sq./ft. *active play = 35 sq./ft.
- Only space used for the program included when determining capacity



.3 Building and Equipment

Day Care Centers

- **Consumer Product Safety Commission crib standards added to regulation**
- **Two sinks will be required in centers licensed after June 1, 2015 for rooms serving infants (existing centers grandfathered)**
- **Building number must be visible from the street**



.3 Building and Equipment

Outdoor play space for active play must be provided



New:

- **Outdoor space may include public parks, school yards, or public play areas**
- **Submit a written diagram outlining how children will safely travel to the space**

.4 Fire Protection



- Evacuation drills must include varied routes of egress
- Drills must be conducted monthly during each shift of care



.5 Safety

- **Firearms are prohibited; notices will be provided by the Office to be prominently posted near each entrance**
- **Emergency Plan must include primary and secondary relocation sites and be reviewed with parents and staff**
- **Shelter-in-place strategy required; drills must be conducted 2 times a year with a record of drills**

**SAFETY
IS EVERYBODY'S
RESPONSIBILITY!**



.5 Safety

Shelter in place supplies

- Sites must have access to a stock of supplies (food, water, etc.) for an overnight stay
- Programs that serve food daily or are co-located at a site with a cafeteria, pantry, or eatery are not required to store emergency food or water if they can show that they have access to and permission to use those foods in a declared emergency



.5 Safety

- Reptiles and amphibians are prohibited at day care centers
- All required vaccines must be kept current
- All pets that require a license must be licensed
- Pets or animals must present no evidence of disease/parasites and pose no threat
- License and record of vaccines must be available to the Office when requested
- Animals posing a threat must be kept away from the child care setting



.5 Safety

- **Activities at or near a body of water must include a person who is certified in CPR and First Aid**
- **All field trips to sites where emergency medical care is not readily available must include a staff person who is certified in CPR and First Aid**



.6 Transportation

- **Drivers are prohibited from using mobile phones or other electronic communication devices, including hands-free devices, unless vehicle is in a legally parked position**
- **Parents must be provided with a copy of transportation plan**
- **Transportation plan must include procedures to ensure no child is left alone in vehicle**



.7 Program Requirements

- **Electronic visual media must be a planned activity with educational, social, physical, or other learning objectives**
- **TV and other screen time activities must be turned off when not part of a planned activity**
- **Infants must not be exposed to electronic visual media**



.7 Program Requirements



Day Care Centers

- **Children who no longer nap cannot be confined to a sleeping surface during scheduled naps**
- **Infants under 6 months must have short periods where they are allowed to move around freely on their stomach, back, or side**
- **Children may not sleep in car seats, baby swings, strollers, etc. unless prescribed by a health care provider**



.7 Program Requirements

Day Care Centers

- **Napping arrangement in writing to include:**
 - 1) Area used;
 - 2) What children will sleep on; and
 - 3) How children will be supervised
- **Safe sleep requirements added: Sleeping areas for infants must not have bumper pads, toys, large stuffed animals, heavy blankets, pillows, wedges or infant positioners**
- **Cots may still be stacked as long as sleeping surfaces do not touch**
- **No television during naptime; music is permitted**



.8 Supervision of Children

- **Groups of children must not be mixed in common areas unless the space can accommodate groups separately**
- **Use of personal electronic media devices for social or entertainment purposes by caregivers/staff is prohibited**
- **No child may be released from care if person(s) designated to receive the child is not present at destination**



.8 Supervision of Children

Bathroom Supervision Changes – School Age Child Care ONLY

Circumstances when children may walk to the restroom unescorted:

- the bathroom is within sight
- permission from the teacher
- one child at a time
- track time elapsed
- locate the child if he/she is late in returning



★ Teacher must accompany children to the bathroom whenever it is used by the public or by multiple programs

.8 Supervision of Children

Day Care Centers

Continuity of care model:

- **Infants/toddlers and their teachers stay together until all children in the group are 36 months**
- **Infant Toddler Specialists available for Technical Assistance (CCR&Rs)**
- **Plan must be approved by OCFS Regional Office manager**



.8 Supervision

Definition of Competent Supervision:

- Awareness of and responsibility for the ongoing activity of each child
- Children must be within a teacher's range of vision
- Teacher must be near enough to respond when redirection or intervention is needed
- Takes into account the child's age and emotional, physical, and cognitive development

Range of vision



.9 Behavior Management

- Section changed from 'Discipline' to 'Behavior Management'
- Requires a written behavior management plan
- Copy of plan must be provided to all caregivers, staff, and parents
- Physical restraint prohibited; physical intervention permitted



.10 Child Abuse and Maltreatment

- **Addition of law requiring Justice Center Database checks**
- **Regulations updated to require that staff personally make report of suspicion to the Child Abuse and Maltreatment Register**
- **Staff must immediately notify the director that the report was made**
- **Must be followed by a written report to the child's local CPS office within 48 hours**



.11 Health & Infection Control

Review carefully – entire section reorganized/rewritten

New regulatory citations end the need for most medication waivers; citations in regulation now cover the following:

- 1. Administering emergency medication**
- 2. Stocking medications**
- 3. Administering over-the-counter medications**
- 4. Waivers to accept changes to original prescription**



.11 Health & Infection Control

Staff and Volunteer Health Requirements

A medical statement is required only as follows:

- At start of employment
- When an event or condition may affect care

New regulation:

A medical statement must be submitted to the program before a NEW staff person has contact with children



.11 Health & Infection Control

The Health Care Plan:

If a program will administer medication, its health care plan must be approved by a health care consultant, unless the only medications to be administered are:



Over-the-counter topical ointments, sprays, and creams/lotions, such as bug spray and sunscreen, or Epinephrine auto injectors, diphenhydramine with auto injector, asthma inhalers and nebulizers

.11 Health & Infection Control

If health care consultant resigns, notify the Office within 24 hours

- **If HCC does not revoke approval of the health care plan – continue to administer meds**
- **If HCC revokes approval of the health care plan – must stop administering medications and inform parents**
- **If under any circumstances the health care plan is revoked by the HCC, the program must cease administering medications and report this to the Office and parents**
- **Grace period for hiring new health care consultant is 60 days**



.11 Health & Infection Control

Administering Medication

The 5 Medication Rights were added to the regulations

Administer medication as follows:

1. To the right child
2. At the right dose
3. At the right time
4. With the right medication
5. Through the right route



.11 Health and Infection Control

Added as a requirement –

Program must:

- Advise a parent or person picking up the child of any developing symptoms of illness or minor injury happening during child care hours



.11 Health & Infection Control

Day Care Centers

- **Prescription, over-the-counter products may be administered as follows:**

Under 18 months	Over 18 months
verbal permission of parents AND verbal instructions from health care provider required for one-day administration; subsequent days require written permission from parent and written instructions from health care provider	verbal permission of parent required for one-day administration; subsequent days require written permission from parent and written instructions from health care provider



.11 Health & Infection Control

Administering Medication

Day Care Centers

- Ongoing, long-term medications for children under 5 years of age must be reauthorized every 6 months
- Ongoing, long-term medications for children 5 years and older must be reauthorized every 12 months



.11 Health & Infection Control

Stocking medications (for programs authorized to administer medications):



- **Programs may keep a stock of over-the-counter medications available for children who develop symptoms while in care**
- **Stock medication policy that addresses safe storage and administration**
- **Medications must be kept in original container with all pertinent information on label or package insert**

.11 Health & Infection Control

Infection Control:



- When soap and running water are not available, hand sanitizer may be used on visibly clean hands, or a combination of individual wipes and hand sanitizer on dirty hands
- Hand sanitizer may not be used on children under 2
- SACC – air blowers/dryers may be used in place of hand towels

.12 Nutrition

Programs that provide meals/snacks must comply with the USDA Child and Adult Care Food Program (CACFP) meal patterns

***OCFS and DOH are working together to send all programs CACFP tool kits and producing online training**

Exceptions:

- **Children with religious- or medically-based dietary restrictions (with written instructions from parent)**
- **Meals, snacks, and beverages provided by the parent**

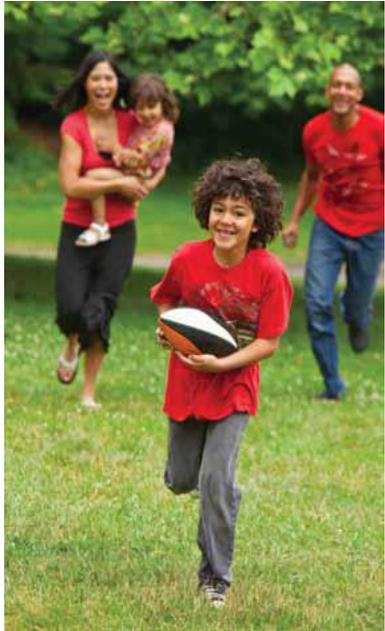


.12 Nutrition

- **Fluid milk (1% fat or less), 100% juice, and water are the only beverages that may be provided by a program**
- **Online training available now**



.12 Nutrition



Programs must share information on healthy eating and the prevention of childhood obesity with parents

Brochures from DOH are available in 7 languages

The brochure is called:

Together We Raise Healthy Children

Brochure number is 4421

You can fax or email to place an order:

Fax: 518-465-0432

Email: b0019w@health.state.ny.us



.12 Nutrition

- **Food heated in the microwave must be stirred and allowed to reach serving temperature before being served to children**
- **Staff may not hold an infant while removing a bottle or food from a warming device**
- **Staff may not use food as a reward or punishment or bribe/force children to eat**



.13 Staff Qualifications

Education/experience requirements for Director, Group Teacher and Assistant Teacher updated

Terms updated:

- **Head of group = Group teacher**
- **Assistant to head of group = Assistant teacher**



.14 Training



- Applicants for a license or registration must complete an Office-approved orientation session before being issued an application
- Topics for required training hours updated to include examples
- All training counted toward required hours must be consistent with Office policy



.14 Training



- **Programs must have at least one CPR-certified staff person on the premises at all times during hours of operation**
- **CPR/First Aid certifications must be appropriate to ages of children in care**
- **Certified staff persons must have their certifications available for review during working hours**



.15 Management & Administration



Changes in Director

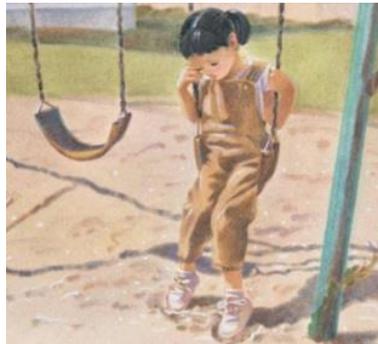
Program must notify Office immediately in writing if there is any change in director

- **If director abruptly resigns, an 'acting' director must be named by next business day (does not need director qualifications but must be cleared/have medical on file)**
- **If given notice by the outgoing director, a program may name a pending director and begin seeking Office approval**
- **Program has 90 days to hire and receive approval for a new director**

.15 Management & Administration

Program must notify parent and Office immediately of any serious incident:

- A serious incident includes any event in which a child requires medical attention (other than routine illness), is left without competent supervision for any period of time, or leaves the program without an approved teacher or designated person



.15 Management & Administration

Midpoint Requirements

At the two year mark in a 4-year license:

- 1. Proof of training requirements**
- 2. Private water must meet standards for drinking**
- 3. Inspection of fire alarm systems**
- 4. Inspection of fire suppression equipment and systems**
- 5. Inspection of steam or hot water boilers**
(*programs in schools need C of O and training)



.15 Management and Administration

- Daily attendance records, with the time a child arrives and departs
- Daily schedule documenting the arrival and departure times of each staff person and volunteer

DAILY ATTENDANCE REGISTER

Name: _____ Month: _____

Date	Time In	Time Out Lunch	Time In Lunch	Time Out	Signature Employee	Checked by Manager
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						
16						
17						
18						
19						
20						
21						
22						
23						
24						
25						
26						
27						
28						
29						
30						
31						

Questions?

For more information, visit:
ocfs.ny.gov/childcare

