



CHILD CARE AND DEVELOPMENT FUND PLAN FOR:
NEW YORK STATE
FFY 2010-2011

This Plan describes the CCDF program to be conducted by the State/Territory for the period 10/1/09 – 9/30/11. As provided for in the applicable statutes and regulations, the Lead Agency has the flexibility to modify this program at any time, including changing the options selected or described herein.

The official text of the applicable laws and regulations govern, and the Lead Agency acknowledges its responsibility to adhere to them regardless of the fact that, for purposes of simplicity and clarity, the specific provisions printed herein are sometimes paraphrases of, or excerpts and incomplete quotations from, the full text.

Public reporting burden for this collection of information is estimated to average 162.5 hours per response, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information.

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TABLE OF CONTENTS

AMENDMENTS LOG

PART 1	ADMINISTRATION	Page 6
	1.1 Lead Agency Information	
	1.2 State/Territory Child Care (CCDF) Contact Information	
	1.3 Estimated Funding	
	1.4 Estimated Administration Cost	
	1.5 Administration of the Program	
	1.6 Funds Used to Match CCDF	
	1.7 Improper Payments	
PART 2	DEVELOPING THE CHILD CARE PROGRAM	Page 20
	2.1 Consultation and Coordination	
	2.2 Public Hearing Process	
	2.3 Public-Private Partnerships	
PART 3	CHILD CARE SERVICES OFFERED	Page 38
	3.1 Description of Child Care Services	
	3.2 Payment Rates for the Provision of Child Care	
	3.3 Eligibility Criteria for Child Care	
	3.4 Priorities for Serving Children and Families	
	3.5 Sliding Fee Scale for Child Care Services	
PART 4	PARENTAL RIGHTS AND RESPONSIBILITIES	Page 60
	4.1 Application Process / Parental Choice	
	4.2 Records of Parental Complaints	
	4.3 Unlimited Access to Children in Child Care Settings	
	4.4 Criteria or Definitions Applied by TANF Agency to Determine Inability to Obtain Child Care	
PART 5	ACTIVITIES & SERVICES TO IMPROVE THE QUALITY AND AVAILABILITY OF CHILD CARE	Page 68
	5.1 Quality Targeted Funds and Set-Asides	
	5.2 Early Learning Guidelines and Professional Development Plans	
PART 6	HEALTH AND SAFETY REQUIREMENTS FOR PROVIDERS (50 States & District of Columbia only)	Page 95
	6.1 Health and Safety Requirements for Center-Based Providers	
	6.2 Health and Safety Requirements for Group Home Child Care Providers	
	6.3 Health and Safety Requirements for Family Child Care Providers	
	6.4 Health and Safety Requirements for In-Home Child Care Providers	
	6.5 Exemptions to Health and Safety Requirements	
	6.6 Enforcement of Health and Safety Requirements	
	6.7 Exemptions from Immunization Requirements	

PLAN FOR CCDF SERVICES IN: **New York State**
FOR THE PERIOD 10/1/09 – 9/30/11

PART 7	HEALTH AND SAFETY REQUIREMENTS IN THE TERRITORIES	NA
7.1	Health and Safety Requirements for Center-Based Providers in the Territories	
7.2	Health and Safety Requirements for Group Home Child Care Providers in the Territories	
7.3	Health and Safety Requirements for Family Child Care Providers in the Territories	
7.4	Health and Safety Requirements for In-Home Child Care Providers in the Territories	
7.5	Exemptions to Territorial Health and Safety Requirements	
7.6	Enforcement of Territorial Health and Safety Requirements	
7.7	Exemptions from Territorial Immunization Requirements	
APPENDIX 1 --	PROGRAM ASSURANCES AND CERTIFICATIONS	Page 107
APPENDIX 2 --	ELIGIBILITY AND PRIORITY TERMINOLOGY	Page 109
APPENDIX 3 --	ADDITIONAL CERTIFICATIONS	Page 111
LIST OF ATTACHMENTS:		Page 122
Attachment 1.5.1	Child Care Resource and Referral Directory	Page 123
Attachment 2.1.1	Egress Policy Statement	Page 125
Attachment 2.1.2a	Emergency Planning Zone	Page 134
Attachment 2.1.2b	Business Continuity Plan	Page 135
Attachment 2.2a	Public Hearing Announcement – English	Page 153
Attachment 2.2b	Public Hearing Announcement – Spanish	Page 154
Attachment 2.2c	Public Hearing Process	Page 156
Attachment 2.2d	Public Hearing PowerPoint	Page 158
Attachment 3.1.1	Eligibility Worker’s Manual, Policy Handbook, Administrative Rules	Page 160
Attachment 3.2.1	Market Rates (Rev)	Page 161
Attachment 3.2.3	Market Rate Survey	Page 173
Attachment 3.3.2	Income Definitions	Page 175

PLAN FOR CCDF SERVICES IN: **New York State**
FOR THE PERIOD 10/1/09 – 9/30/11

Attachment 3.5.1	Sliding Fee Scale	Page 177
Attachment 4.1.1	Local Departments of Social Services Application	Page 179
Attachment 5.1.5	QUALITYstarsNY Design Workgroup	Page 197
Attachment 5.1.6a	Babies Sleep Safest Alone Map	Page 198
Attachment 5.1.6b	Babies Sleep Safest Alone Campaign	Page 199
Attachment 5.2.1a	New York State Education Department – Introduction to PreK Learning Standards	Page 201
Attachment 5.2.1b	New York State Education Department – Guiding Principles	Page 202
Attachment 5.2.1c	New York State Education Department – Domains for PreK Learning Standards	Page 203
Attachment 6	Health and Safety Regulatory Requirements for Legally-Exempt Providers	Page 205

PLAN FOR CCDF SERVICES IN: **New York State**
FOR THE PERIOD 10/1/09 – 9/30/11

PART 1
ADMINISTRATION

The agency shown below has been designated by the Chief Executive Officer of the State (or Territory), to represent the State (or Territory) as the Lead Agency. The Lead Agency agrees to administer the program in accordance with applicable Federal laws and regulations and the provisions of this Plan, including the assurances and certifications appended hereto. (658D, 658E)

1.1 Lead Agency Information (as designated by State/Territory Chief Executive Officer)

Name of Lead Agency:	Office of Children and Family Services
Address of Lead Agency:	52 Washington St., Rensselaer, NY 12144
Name of the Lead Agency CEO	Gladys Carrión, Esq.
Title	Commissioner
Phone Number:	(518) 473-8437
Fax Number:	(518) 474-9617
E-Mail Address:	Info@ocfs.state.ny.us
Web Address for Lead Agency:	www.ocfs.state.ny.us

1.2 State/Territory Child Care (CCDF) Contact Information (day-to-day contact)

Name of the State Child Care Contact (CCDF):	Janice M. Molnar, Ph.D.
Title of State Child Care Contact:	Deputy Commissioner
Address:	Division of Child Care Services 52 Washington, St., Room 309 S Rensselaer, NY 12144
Phone Number:	(518) 474-9454
Fax Number:	(518) 474-9617
E-Mail Address:	janice.molnar@ocfs.state.ny.us
Phone Number for CCDF program information	1-800-345-KIDS
Web Address for CCDF program information:	www.ocfs.state.ny.us/main/childcare

1.3 Estimated Funding

CCDF:	\$351M *
Federal TANF Transfer to CCDF:	\$394M
Direct Federal TANF Spending on Child Care:	\$ 0
State CCDF Maintenance of Effort Funds:	\$102M
State Matching Funds:	\$ 98M
Total Funds Available:	\$945M

* This estimate includes \$303M CCDF from the 2009 CCDF Allocations Table on the ACF web site and approximately \$48M, or one-half of the Discretionary award of \$97M under H.R. 1 (American Recovery and Reinvestment Act).

PLAN FOR CCDF SERVICES IN: **New York State**
FOR THE PERIOD 10/1/09 – 9/30/11

1.4 Estimated Administration Cost

The Lead Agency estimates that the following amount (and percentage) of Federal CCDF and State Matching Funds will be used to administer the program (not to exceed 5 percent):

\$29M (3 percent). (658E(c) (3), §§98.13(a), 98.52)

1.5 Administration of the Program

1.5.1 Does the Lead Agency directly administer and implement all services, programs and activities funded under the CCDF Act, including those described in Part 5.1 – Activities & Services to Improve the Quality and Availability of Child Care, Quality Targeted Funds and Set-Aside?

- Yes.
- No. If no, use **Table 1.5.1** below to **identify** the name and type of agency that delivers services and activities. If more than one agency performs the task, identify all agencies in the box under “Agency,” and **indicate** in the box to the right whether each is a non-government entity.

Table 1.5.1: Administration of the Program

Service/Activity	Agency	Non-Government Entity (see Guidance for definition)	
Determines individual eligibility:			
a) TANF families	58 Local Social Services Districts	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	State University of New York (SUNY)	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	City University of New York (CUNY)	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	NY State Department of Agriculture and Markets (NY State Ag & Markets)	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
b) Non-TANF families	58 Local Social Services Districts	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	SUNY	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	CUNY	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	NY State Ag & Markets	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

PLAN FOR CCDF SERVICES IN: **New York State**
FOR THE PERIOD 10/1/09 – 9/30/11

Service/Activity	Agency	Non-Government Entity (see Guidance for definition)	
Assists parents in locating care	58 Local Social Services Districts	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	SUNY	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	CUNY	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	NYS Ag & Markets	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	36 CCR&Rs serving 58 counties and 5 boroughs *	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Makes the provider payment	58 Local Social Services Districts	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	SUNY	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	CUNY	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	NYS Ag & Markets	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Quality activities	SUNY	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	36 CCR&Rs serving 58 counties and 5 boroughs *	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
	Local Social Services Districts	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<i>Other:</i> Registration Legally Exempt Enrollment Facilitated Enrollment	36 CCR&Rs serving 58 counties and 5 boroughs *	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
	NYCDOHMH	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	WHEDCO	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
	Consortium for Worker Education	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
	Children's Institute	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
	Workforce Development Institute	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

* See Attachment 1.5.1 for a listing of New York's Child Care Resource and Referral agencies

PLAN FOR CCDF SERVICES IN: **New York State**
FOR THE PERIOD 10/1/09 – 9/30/11

1.5.2. Describe how the Lead Agency maintains overall internal control for ensuring that the CCDF program is administered according to the rules established for the program (§98.11).

Child Care Subsidy Program

The New York State Child Care Block Grant (NYSCCBG) subsidy program is supervised by the Office of Children and Family Services (OCFS) and is administered primarily by social services districts. In addition to this, OCFS maintains a Memorandum of Understanding (MOU) with the State University of New York and the City University of New York to subsidize child care services for low-income students enrolled in either of these two higher education systems. Further, through an MOU with the New York State Department of Agriculture and Markets, funds are provided to a network of child care agencies that serve the children of migrant workers and other farm workers. These entities determine eligibility, assist parents in locating care and make the provider payment.

The financial and programmatic requirements under the New York State Child Care Block Grant (NYSCCBG) are specified in Social Services Law and OCFS regulations and policy issuances. These are developed and approved by multiple offices within OCFS, including legal counsel, so that they are in compliance with federal and State requirements. Note that a social services district may request a waiver of any non-statutory provision of OCFS regulations. The waiver must be described in the social services district's Child and Family Services Plan and must be approved by the OCFS prior to implementation. Requirements are sent to the districts and MOU organizations as issued and are available on the OCFS intranet site. OCFS offers training to staff administering the child care subsidy program on State and federal requirements. OCFS Audit and Quality Control staff can also attend. Six sessions of this training are offered annually throughout the state. Training manuals are provided to attendees and are also available on the OCFS intranet site.

Social services districts and the organizations that have entered into an MOU with OCFS are responsible for establishing procedures so that requirements under the child care subsidy program are met and that funds are expended for appropriate and allowable activities. Each social services district must submit for approval to OCFS a Child and Family Services Plan which details key requirements on how it will operate its child care subsidy program, in addition to other services programs. The district in its Plan must also provide assurances that it will administer its child care subsidy program in compliance with State and Federal requirements. The MOU details how funds for the child care subsidy program are to be spent and the types of activities that are allowable.

The OCFS Office of Audit and Quality Control (AQC) conducts comprehensive on-site program reviews of the child care subsidy programs in social services districts to monitor compliance with appropriate regulations, rules and guidelines. These program reviews often include audit procedures designed to detect fraudulent activity involving parents and/or providers. Currently, there are program reviews in process in five districts. AQC uses the 2001 "Child Care Subsidy Audits Combined Audit Program/Protocol for Local Social Service Districts (Excluding NYC)" as a standardized guideline for each review conducted of a local district. (Similar audit protocols are used for audits in New York City.) AQC selects a sample of payments to child care providers made during a recent month, including a sub-sample of payments to providers for Public Assistance (PA) parents as well. The audit team reviews the payment rolls and selects a sample of parents who received subsidies based on the review of the payments. The

PLAN FOR CCDF SERVICES IN: **New York State**
FOR THE PERIOD 10/1/09 – 9/30/11

recommended sample size of 50 case files consists of 40 non-PA (income-eligible) and 10 PA parents. In addition, if the local district gives the parent a choice to receive payment directly, the sample should include some case files for clients who received payments directly from the local district.

Upon completion of the on-site audit, preliminary findings are prepared and are substantiated by working papers. Proposed findings are forwarded to supervisors of the audit team. After the proposed findings have been shared with supervisory personnel, an exit conference is scheduled with the local district. At the exit conference, proposed findings are communicated to the local district. A draft audit report is issued and the local district has 30 days to respond with action plans. Thirty days after the local district response is received, a final report is issued.

In addition to comprehensive reviews, AQC occasionally conducts limited scope focused reviews. For example, AQC recently conducted a review in one district and sent letters to the employer of record for a number of parents to determine if those parents were still employed and eligible to receive child care subsidies.

OCFS established a process for a child care subsidy applicant or recipient, who disagrees with a decision taken on his or her case by a social services district, to seek a review by an independent agency. An individual may request a Fair Hearing which provides him or her an opportunity to tell an Administrative Law Judge from the New York State Office of Temporary and Disability Assistance why he or she thinks that the decision was wrong. The Administrative Law Judge will issue a written decision that will state whether the social services district decision is right or wrong. The written decision may order the social services district to correct the case and/or remedy its procedures. This process provides another mechanism for the State to monitor district compliance with program requirements.

The Welfare Management System (WMS) is a statewide (with the exception of the Administration for Children Services child care subsidy program in New York City) automated system for eligibility and authorization for social services. WMS provides for the calculation of the family's annual income and determines both the financial eligibility of the family and the family share of the cost of child care services. This automated process eliminates manual arithmetic errors on the part of the district. WMS provides edits so that families whose incomes exceed financial eligibility levels are not authorized to receive child care benefits and a clearance of individuals within WMS so that duplicate benefits are not authorized.

Additionally, OCFS uses the data submitted by a district or an organization with an MOU for the sample cases for the ACF-801 federal reporting as an opportunity to monitor the determination of eligibility and payment. The ACF-801 forms are reviewed by OCFS for accuracy, with special attention given to see if the amount of income reported, the amount of family share, and the payment to provider are appropriate. Questionable data are brought to the attention of the responsible entity for resolution and corrective action.

Quality Activities

Professional development is the cornerstone of OCFS' strategy for improving the quality of child care in New York State. An MOU with the State University of New York (SUNY) supports an

PLAN FOR CCDF SERVICES IN: **New York State**
FOR THE PERIOD 10/1/09 – 9/30/11

extensive array of professional activities geared towards providers and inspectors (both licensors and registrars). This arrangement with SUNY began in January 1992 to help OCFS implement the 15 hours of training during the first six months of license/registration plus the 30 hours of biennial training thereafter required by the state law. Each year, OCFS approves a jointly developed work plan. There is ongoing monitoring of SUNY's work by OCFS regional managers (who get feedback from licensors and supervisors), home office staff (who sit in on sessions offered by SUNY), and by staff from OCFS' Bureau of Training (which is the OCFS liaison with SUNY). Despite the many productive aspects of this longstanding relationship, later this year OCFS plans to issue a request for proposals for some of the training elements presently managed by SUNY.

In addition, beginning in State fiscal year 2008-09, SUNY subcontracted with the City University of New York (CUNY), at the request of OCFS, to improve the quality of training offered to providers by training entities other than SUNY. Working in partnership with the New York State Association for the Education of Young Children, CUNY is developing both a training registry and a trainer's credential. Eventually, once the credential has been developed and is in widespread use (development is currently in a pilot phase), OCFS expects to build in a requirement that providers choose training provided by credentialed trainers in order to receive "credit" for their mandated training hours.

CCR&Rs also play a major role in enhancing the quality of child care delivered in New York State. OCFS currently contracts with 36 CCR&Rs that serve 58 counties and the five boroughs of New York City. The CCR&Rs supply vital child care services to parents, providers, employers, and communities across New York State. OCFS, in partnership with the CCR&Rs, developed a performance-based contract to achieve greater accountability of their publicly funded functions. The contract includes performance standards, identified as "milestones," which create quantitative standards that enhance the service deliverables by creating a more efficient identifying funding process for mandated services. (The CCR&R milestones pertain to information and referral services, technical assistance to child care providers and programs, efforts to expand the number of family child care providers, developing and maintaining provider data bases to determine service utilization and unmet needs for additional early childhood services, and providing written materials and conducting outreach to the community and employers to encourage support of all child care services.) The contract milestones have associated unit costs based on a functional cost analysis of CCR&R services. CCR&Rs report on a quarterly basis the milestone services they provide; with sufficient documentation, they are paid accordingly. Annual program reviews also are completed.

In addition, OCFS funds CCR&Rs to provide start-up grants to potential providers for health and safety items and other expenditures that will enable them to meet the regulatory requirements in order to become registered. In addition, OCFS funds CCR&Rs to provide health and safety grants to legally-exempt providers who care for children whose families receive child care subsidies. The health and safety items and expenditures are intended to help legally-exempt providers provide a safe and healthy home setting for the children in their care.

Local social services districts have historically used their CCDF allocations solely for child care subsidies, or activities directly related to the provision of subsidies. With the supplemental

PLAN FOR CCDF SERVICES IN: **New York State**
FOR THE PERIOD 10/1/09 – 9/30/11

ARRA allocation that OCFS has made to the districts in FFY 2009 and will make again in FFY 2010, however, several districts will dedicate at least a portion of their allocation to quality-enhancement activities (e.g., one county will award one-time program-enhancement grants to providers serving 50% or more children receiving subsidies).

Finally, OCFS is exploring the feasibility of establishing a statewide automated time and attendance payment system. Implementing a standardized system would improve the quality of care by:

- helping child care providers to remain employed by increasing the timeliness and accuracy of payments so they have sufficient cash flow to remain in business.*
- lessening the burden of manual processes on providers.*
- increasing the number of providers willing to accept children whose care is subsidized.*
- improving the recruitment and retention of child care providers.*

The system would also:

- decrease the data burden on local districts.*
- increase fiscal accountability.*

As a first step, OCFS will issue a Request for Information (RFI) to solicit information from the information technology vendor community that sets forth suggested approaches for the development of an automated system. Dependent on the successful outcome of the RFI, OCFS will issue a Request for Proposal for bids, and using federal stimulus funds received by New York State under the American Recovery and Reinvestment Act of 2009 (ARRA), purchase and implement an automated system.

OTHER: Registration

OCFS has seven regional offices that oversee the regulation of child care providers, including the issuing of licenses and the registration of providers. These regional offices function to protect the health and safety of children by verifying that child care providers comply with certain minimum standards established by OCFS' regulations (e.g., safety, sanitation, nutrition, prevention of child abuse and maltreatment). They are responsible for the licensing of all child care centers (except those in New York City) and group family home providers statewide, and are directly responsible for the registration services for family child care and school-age child care programs in 22 counties. These regional offices also monitor the contracted registration services in the remaining counties for family child care and school-age child care programs. OCFS has 34 Memoranda of Understanding (MOUs) with Local Departments of Social Services (LDSS). Of these 34 MOUs, 30 contain subcontracts to child care resource and referral (CCR&R) agencies for performance of the county's registration functions; the remaining four LDSSs directly provide the registration services themselves. Additionally, OCFS contracts directly with two registrars: the New York City Department of Health & Mental Hygiene (NYCDOHMH) in New York City and the Child Care Council, a CCR&R located in Monroe County. The MOUs and contracts for registration services are performance-based. There are indicators which, taken together, reflect the accepted standards for all of the registration and inspection work. OCFS uses these measures for accountability and oversight. On a quarterly basis, OCFS assesses the performance of registrars on activities that include conducting all required inspections, investigating and tracking complaints, and performing background checks,

including fingerprinting and safety assessments. There are also quarterly on-site visits conducted by the relevant OCFS DCCS regional office to the contractors to review case files.

OTHER: Legally-exempt Enrollment

OCFS has contracted with 36 legally-exempt caregiver enrollment agencies to enroll legally-exempt child care providers who care for children receiving a child care subsidy. Thirty-five of them are CCR&Rs. The remaining agency is the Women's Housing and Economic Development Corporation (WHEDCO), which provides legally-exempt enrollment services in New York City. All of the enrollment agencies conduct sex offender background checks on all applicants and conduct annual inspections of 20 percent of legally-exempt family child care providers that do not participate in the federal Child and Adult Care Food Program. They also review OCFS's database, the Child Care Facility System (CCFS), to determine if the applicant has a history of having a child care license or registration denied, suspended or revoked. In addition, local social services districts check each legally-exempt family and in-home child care applicant against its child welfare database to determine if the provider has had his/her parental rights terminated or had a child removed from his/her care.

OTHER: Facilitated Enrollment

Beginning in 2002, the New York State Legislature targeted some of the State's TANF funding for four demonstration projects created to increase access to, and improve the effectiveness of, the child care subsidy program for low-income working families. Funds have been re-appropriated by the Legislature annually. The two major strategies that these subsidy demonstration projects have employed are: streamlining of the enrollment process and increasing financial eligibility levels (up to 275 percent of the poverty guidelines).

The child care subsidy facilitated enrollment demonstration projects include:

- *Two demonstration projects in New York City. The targeted areas are the Bronx, Brooklyn, the Liberty Zone, and Queens. The Consortium for Worker Education is the agency designated to administer both projects.*
- *One demonstration project in Monroe County (including the city of Rochester), which is administered by The Children's Institute.*
- *One demonstration project in the Capital Region and Oneida County, which provides facilitated enrollment services to families in the counties of Albany, Oneida, Rensselaer, and Schenectady. The New York State AFL-CIO Workforce Development Institute administers the project.*

In State Fiscal Year 2008-09, the Legislature required evaluations of these demonstration projects. The evaluations showed that the demonstration projects met one of their major objectives: to identify mechanisms for making the subsidy eligibility process more streamlined and "user friendly."

1.5.3. Describe how the Lead Agency ensures adequate personnel, resources, systems, internal controls, and other components necessary for meeting CCDF reporting requirements (658K, §98.67, §§98.70 & 98.71, §§98.100 to 102), including the Lead

PLAN FOR CCDF SERVICES IN: **New York State**
FOR THE PERIOD 10/1/09 – 9/30/11

Agency's plans for addressing any reporting deficiencies, if applicable. At a minimum, the description should address efforts for the following reporting requirements:

a) Fiscal Reporting

The Office of Children and Family Services meets the fiscal reporting requirements of 45CFR98.67 by the utilization of the New York State Office of the State Comptroller's (OSC) Central Accounting System (GAAP Compliant) as the system of record for reporting financial transactions. OSC's Central Accounting System includes unique appropriations and segregations established under the direction of OCFS in order to identify the CCDF Mandatory, Matching and Discretionary funding sources and expenditures at a major level within the fiscal reporting format for the Child Care funds. Under these major level accounts in the central accounting system, cost centers have also been established to provide more detailed information that enables reporting of funding and expenditures under the ACF-696 required categories such as direct services, non-direct services, quality improvement, targeted funds and child care administration.

The financial reporting process includes experienced staff in the Bureau of Financial Operations and the Bureau of Budget Management who are well aware of the periods of obligation and liquidation and the availability of CCDF funds as well as reporting requirements and deadlines, and these staff have clearly defined responsibilities in the reporting of this information. These Bureaus also review each other's work before the reports are finalized, and the reports undergo a review by supervisory staff.

Each year, the OCFS CCDF program is subject to a Single State Audit performed by an independent auditor reviewing the Agency's compliance with the pertinent federal regulations. This review includes an evaluation of internal controls. In addition, OCFS performs its own annual assessment of internal controls as prescribed in the New York State Internal Control Act. The assessment is overseen by the NYS Division of the Budget. The results of these CCDF audits and reviews, as well as audits and reviews of other Federal programs, are considered by Managers when assessing the reporting process which may be updated as necessary.

b) Data Reporting

ACF-801 Case-Level Reporting forms are compiled manually for those sample cases in social services districts outside of New York City and in those organizations that have an MOU. New York City provides an automated file of data compiled in the ACF-801 data format. OCFS provides technical assistance, as needed, and written instructions to administrators of the child care subsidy program on how to complete the ACF-801 Case-Level Reporting Form. OCFS reviews sample data for accuracy and to identify any potential issues in the determination of eligibility and payment amount to providers.

OCFS continues working with Information Technology staff to automate the ACF-801 reporting by extracting data entered into the Welfare Management System (WMS). This would relieve social services districts of the administrative burden to manually compile the ACF-801 form.

The ACF-800 Annual Aggregate Report is compiled through data extracted from information entered into WMS, information from automated data files from New York City, and from lists of

cases/children served by organizations with an MOU. Files are reviewed by OCFS staff to determine the consistency and accuracy of data extractions. Questionable data are reviewed and corrective action taken. The annual report is reviewed by supervisory staff.

c) Error Rate Reporting

OCFS organized a project team including representatives of the Division of Child Care Services (DCCS) and the Office of Audit and Quality Control (AQC) to develop a work plan and establish procedures and error rate review protocols which reflect federal and State compliance requirements. Legal counsel and information technology staff are available for consultation on an as-needed basis. The Project Administrator is responsible for evaluating the progress the team makes in meeting the time lines in the work plan.

The team trained AQC reviewers on child care subsidy review requirements so that there is clear understanding and consistent application of the review requirements statewide. In addition to supervisory oversight of individual reviewers, the Project Coordinator will evaluate the completed record review worksheets and compile the results so that consistent standards are applied. Upon completion of the improper authorization payment review, OCFS will assess the impact of the findings on the need for improvement to its policies and procedures.

1.6 Funds Used to Match CCDF

1.6.1 Will the Lead Agency use public funds to meet a part of the CCDF Match requirement pursuant to §98.53(e) (1)?

- Yes, **describe** the activity and source of funds
- No.

State and local social services district expenditures for child care subsidies that are not used to meet the State's maintenance of effort (MOE).

1.6.2 Will the Lead Agency use private donated funds to meet a part of the matching requirement of the CCDF pursuant to §98.53(e) (2)?

- Yes.
- No.

1.6.3 During this plan period, will State expenditures for Pre-K programs be used to meet any of the CCDF maintenance of effort (MOE) requirement?

- Yes.
- No.

Note: New York State reserves the authority to make a formal decision to use Pre-K funds to meet a part of the maintenance of effort (MOE) requirement.

PLAN FOR CCDF SERVICES IN: **New York State**
FOR THE PERIOD 10/1/09 – 9/30/11

1.6.4 During this plan period, will State expenditures for Pre-K programs be used to meet any of the CCDF Matching Fund requirements? (§98.53(h))

Yes.

No.

Note: New York State reserves the authority to make a formal decision to use Pre-K funds to meet a part of the matching requirement. Note that New York State has not received nor sought out Pre-K funds.

1.6.5 If the Lead Agency indicated “yes” to 1.6.3 or 1.6.4, **describe** Lead Agency efforts to ensure that pre-K programs meet the needs of working parents: (§98.53(h)(2))

NA

1.6.6 Will the Lead Agency use any other funds to meet a part of the CCDF Match requirement pursuant to §98.53(e) (1)?

Yes.

No.

1.7 Improper Payments

Has your State implemented any strategies to prevent, measure, identify, reduce, and collect improper payments? (§98.60(i), §98.65, §98.67)

Yes, and these strategies are:

OCFS regulations address strategies to prevent, measure, identify, reduce, and collect improper payments. Strategies used by social services districts across the State include:

To prevent improper payments:

- *Documentation requirements to establish eligibility*
- *Verification of client or provider reported information*
- *Periodic determination of eligibility to capture changes in circumstances*
- *Issuance by OCFS of regulation and policy statements to districts*
- *OCFS training of eligibility workers on program requirements*
- *Referral to the district’s Front End Detection System (FEDS) of applications that suggest a higher than acceptable risk for erroneous payments prior to determining eligibility*
- *Disqualification penalties for child care subsidy assistance upon conviction or voluntary admission of fraud*
- *Social services districts may establish additional standards for child care providers by including them in their Child and Family Services Plans and approval from OCFS*

To identify improper payments:

- *Requirement that districts establish comprehensive fraud and abuse control activities*

PLAN FOR CCDF SERVICES IN: **New York State**
FOR THE PERIOD 10/1/09 – 9/30/11

- *Requirement that districts conduct a need verification of a sample of cases to determine that there is a continued need for child care*
- *Requirement that districts review a sample of cases to compare Child and Adult Care Food Program monitoring forms with provider attendance forms to verify that child care services were provided on the dates listed*
- *Requirement that legally-exempt caregiver enrollment agencies conduct annual on-site inspections of 20 percent of enrolled, legally-exempt family child care providers*
- *Districts may use Eligibility Verification Review (EVR) procedures, which may include an intensive interview; documentation to verify identity, address and/or employment; computer searches; and other checks to obtain leads and determine whether there may be other income, or employment*
- *Monitoring of providers either through on-site visits or based on complaints or random selection*
- *Investigation of cases in response to public complaints*
- *Investigation of the cause of overpayments, and initiation of fraud investigation when appropriate*

To reduce improper payments:

- *Mandatory recoupment procedures when fraud is involved*
- *Process established for recovery of overpayment includes repayment plan*
- *Fraud cases may be referred for prosecution*
- *Cooperation with repayment process is required for applicant/recipient to retain child care eligibility*

To collect improper payments:

- *The social services district must take all reasonable steps to correct promptly any overpayments for child care services to a child's caretaker or a child care provider.*
- *Overpayments must be recovered through:*
 - *repayment by the child's caretaker or child care provider; or*
 - *by recovery through a reduction in the amount of the payment to the child's caretaker or child care provider; provided, however, that no recovery of overpayments may be made from a child care provider where a contract for such child care services obligates the social services district to make full payment. When no recovery may be made from a child care provider because a contract requires full payment, and repayment is not made from the child's parent or caretaker, Federal financial participation (FFP) and State reimbursement cannot be claimed for such overpayment.*
- *In recovering overpayments for child care services from child care recipients, social services districts must ensure that the child care recipients retain, for any month, a reasonable amount of funds.*
- *Recoupment of such overpayment can be made only from child care benefits unless the child care recipient voluntarily requests that such recovery be made from his or her available income. Overpayments must be recovered from the caretaker(s) on whose behalf the payments were made or the provider(s) who received payment for such services, so long as caretaker(s) or provider(s) are deemed responsible for such overpayments whether by acts of omission or commission. Overpayments to child care providers or former recipients of child*

PLAN FOR CCDF SERVICES IN: **New York State**
FOR THE PERIOD 10/1/09 – 9/30/11

care services who refuse to repay may be recovered in accordance with the legal remedies available under State law.

- *When an overpayment occurs as a result of a district's failure to act promptly on information provided by a parent or caretaker regarding circumstances affecting child care benefits, no recovery shall be made from the party who provided such information. When a recovery cannot be made, Federal financial participation and State reimbursement cannot be claimed for such overpayment.*
- *Underpayments and overpayments may be offset against each other.*
- *In all cases involving current child care services recipients, in all cases of fraud, and in all cases where the overpayment would equal or exceed the cost of recovery of the overpayment, the recovery of an overpayment must be attempted.*
- *An applicant for child care services who has not re-paid past overpayments for previous child care services must agree to, and comply with, a plan to make full payment of such overpayments as a condition of being eligible for the new child care services in instances in which the overpayment that resulted from:*
 - *the failure of the applicant, or member(s) of the applicant's family unit, to promptly notify the social services district of a change in circumstances; or*
 - *child care services fraud by the applicant or member(s) of the applicant's family unit.*
- *With the exception of child care services authorized as a child protective or preventive service, a recipient of child care services who fails to agree to a reasonable plan for repayment or recovery of an overpayment, or who fails to comply with an agreed upon plan, must have their child care benefits suspended or terminated until such time as the recipient comes into compliance with such a plan.*
- *With the exception of child care services authorized as a child protective or preventive service, a recipient or former recipient of child care services who has been convicted of, or has voluntarily admitted to, fraudulently receiving child care services must have their child care services, if any suspended or terminated and will not be eligible for subsequent child care services for a period of time determined in accordance with the time periods established by OCFS. If such recipient or former recipient is a recipient of temporary assistance and needs child care in order to participate in an activity required by the social services district, the disqualification of eligibility for child care services based on the former fraud conviction or voluntary admission will be suspended during the recipient's or former recipient's participation in the required activity. However, the disqualification period will begin or resume once the recipient or former recipient is no longer participating in a required activity.*
- *Overpayments for child care services made as a result of payment for aid continuing for a caretaker who loses a fair hearing must be recovered as prescribed in this subdivision.*

At the State level, the OCFS Office of Audit and Quality Control (AQC) conducts on-site program reviews of the child care subsidy programs in social services districts to monitor compliance with appropriate regulations, rules and guidelines and identify the extent of improper payments. Currently, program reviews are in process in five districts. Further, upon completion of the improper authorization payment review, OCFS will assess the impact of the findings on the need for improvement to its policies and procedures and the need to establish additional processes to measure improper payments.

PLAN FOR CCDF SERVICES IN: **New York State**
FOR THE PERIOD 10/1/09 – 9/30/11

Additionally, OCFS has expanded its partnership with the New York Welfare Fraud Investigators Association (NYWFIA). OCFS sponsors social services district child care eligibility staff or other district representatives to attend NYWFIA conferences to get a better understanding of fraud and abuse control and how to apply it to the child care subsidy program. In addition, OCFS is working with NYWFIA to establish procedures and collaborative efforts when OCFS child care licensing representatives identify potentially fraudulent billing practices while conducting a site visit.

PART 2
DEVELOPING THE CHILD CARE PROGRAM

2.1 Consultation and Coordination

2.1.1 Lead Agencies are required to *consult* with appropriate agencies and *coordinate* with other Federal, State, local, tribal (if applicable) and private agencies providing child care and early childhood development services (§98.12, §98.14(a),(b), §98.16(d)).

Indicate the entities with which the Lead Agency has a) **consulted** and b) **coordinated** (as defined below), by checking the appropriate box(es) in Table 2.1.1.

Consultation involves the meeting with or otherwise obtaining input from an appropriate agency in the development of the State Plan. **At a minimum, Lead Agencies must consult with representatives of general purpose local governments (noted by the asterisk in the chart below).**

Coordination involves the coordination of child care and early childhood development services, including efforts to coordinate across multiple entities, both public and private (for instance, in connection with a State Early Childhood Comprehensive System (SECCS) grant or infant-toddler initiative). **At a minimum, Lead Agencies must coordinate with** (1) other Federal, State, local, Tribal (if applicable), and/or private agencies responsible for providing child care and early childhood development services, (2) public health (including the agency responsible for immunizations and programs that promote children’s emotional and mental health), (3) employment services / workforce development, (4) public education, and (5) Temporary Assistance for Needy Families (TANF), and (6) any Indian Tribes in the State receiving CCDF funds (noted by the asterisks in the chart below).

Table 2.1.1 Consultation and Coordination

Agency	a) Consultation in Development of the Plan	b) Coordination with Service Delivery
Representatives of local government Local Districts of Social Services Youth Bureaus	<input checked="" type="checkbox"/> * <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
Other Federal, State, local, Tribal (if applicable), and/or private agencies providing child care and early childhood development services. NYS Office of Mental Health NYS After School Network	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> * <input checked="" type="checkbox"/> *
Public health: NYS Department of Health	<input type="checkbox"/>	<input checked="" type="checkbox"/> *

PLAN FOR CCDF SERVICES IN: **New York State**
FOR THE PERIOD 10/1/09 – 9/30/11

Agency	a) Consultation in Development of the Plan	b) Coordination with Service Delivery
Employment services / workforce development	<input type="checkbox"/>	<input checked="" type="checkbox"/> *
Public Education: NYS Education Department	<input type="checkbox"/>	<input checked="" type="checkbox"/> *
TANF	<input type="checkbox"/>	<input checked="" type="checkbox"/> *
Indian Tribes/Tribal Organizations, when such entities exist within the boundaries of the State	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> *
State/Tribal agency (agencies) responsible for:		
State pre-kindergarten programs (See NYS Education Department above)	<input type="checkbox"/>	<input type="checkbox"/>
Head Start programs	<input type="checkbox"/>	<input type="checkbox"/>
Programs that promote inclusion for children with special needs	<input type="checkbox"/>	<input type="checkbox"/>
Other (See guidance):		
CCR&Rs	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other NYS agencies	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NYC Fire Department	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NYC Code Department	<input type="checkbox"/>	<input checked="" type="checkbox"/>

*** Required.**

For each box checked in Table 2.1.1, (a) identify the agency(ies) providing the service and **(b) describe** the consultation and coordination efforts. Descriptions must be provided for any consultation or coordination required by statute or regulation.

2.1.1 Consultation and Coordination

Representatives of Local Government: *Local Departments of Social Services (LDSS) and the Youth Bureau system are local government bodies that work closely with the OCFS Division of Child Care Services (DCCS) to provide child care services throughout New York State. For the purpose of administration of public assistance and care services, including child care services, the state is divided into a single social services district for five counties comprising the City of New York, and a social services district for each of the other counties in the State. OCFS regularly consults with the LDSSs. For example, in addition to acting as a resource for LDSSs whenever they have questions or concerns, OCFS DCCS staff conduct briefings for LDSS commissioners at twice yearly retreats. At these sessions, it is not only the intent of OCFS to inform the commissioners of agency activities, federal and state program directives, and best practice in the field, but also to solicit reaction and response. Similarly, DCCS staff present at the twice yearly conferences sponsored by the New York Public Welfare Association (NYPWA) whose membership comprises local social services district staff in all 58 counties. Finally OCFS reaches out to several commissioners who make up a “kitchen cabinet” of sorts, in order to test*

the waters on a potential new directive (e.g. OCFS contacted this group to vet a set of recently issued emergency regulations while they were still in draft).

Registration of Family Child Care and School Age Child Care: *OCFS enters into Memoranda of Understanding (MOUs) with each local district of social services on an annual basis, with the exception of the City of New York and Monroe County. In these two social services districts, OCFS contracts directly with the New York City Department of Health and Mental Hygiene (NYCDOHMH), and Child Care Council, Inc., respectively, to provide registration and inspection services to family child care and school-age child care programs, as part of a federal mandate to regulate child care in New York State, (with the exception of child care centers in NYC). Thirty local districts of Social Services sub-contract to the local Child Care Resource and Referral agency to meet the requirements. The core functions of the registration programs include the following activities:*

- *Registration, initial and renewal applications*
- *Complaint investigations*
- *Regulatory compliance monitoring*
- *Training compliance monitoring*
- *Enforcement monitoring*
- *Fingerprinting and criminal history reviews*
- *State Central Register database checks*
- *Enforcement actions: suspensions, revocations, denials, fines, limitations, restrictions, stipulations and settlements*
- *Testifying at hearings*
- *Responding to inquiries from parents regarding regulatory compliance by child care providers*

New York State Youth Bureaus: *DCCS partners with the county youth bureau system through its work with the School Age Child Care Program and Advantage After School Program. A youth bureau is an agency created by Counties and Cities, or a Town or Village with a total population of 20,000 or more, for the purpose of planning, coordinating and supplementing the activities of public, private, and religious agencies devoted to the welfare and protection of youth. In New York State, there are over 100 youth bureaus, including 58 county youth bureaus in upstate New York as well as the NYC Department of Youth and Community Development representing the City of New York.*

Advantage After School Programs (AASP) provide quality youth development opportunities to school-age children and youth for three hours directly after school. These programs are supported by school, community, public and private partnerships. AASPs offer a broad range of educational, recreational and culturally age-appropriate activities that integrate what happens in the school day. Youth and family involvement in program planning and implementation is a key component. Programs operate five days a week during the regular school year and may elect to operate during school breaks. Programs may also extend hours into the evening hours, particularly when serving older adolescents. In April 2009, the DCCS Deputy Commissioner and staff met with the Association of New York State Youth Bureaus, the membership organization for the local youth bureaus, to discuss issues related to child care service delivery

PLAN FOR CCDF SERVICES IN: **New York State**
FOR THE PERIOD 10/1/09 – 9/30/11

in high-need areas of the State, school-age child care programs, and afterschool programs, among others.

New York's children have a system devoted entirely to positive youth development - for all youth. The youth bureau system embodies the definition of youth development as an ongoing process in which children and adolescents seek ways to meet their personal and social needs, building skills and competencies that allow them to be successful and function effectively in their daily lives. Youth development recognizes the potential which young people possess and builds upon their strengths.

NYS Office of Mental Health *took the lead on devising a plan for New York State's Children and Families entitled *The Children's Plan: Improving the Social and Emotional Well Being of New York's Children and Their Families*. The Plan articulates a blueprint to move the State from intensive and expensive services for a few, toward early intervention, collaboration with parents, reduced suffering and improved outcomes for many of the State's most vulnerable children. One of the recommendations in the Plan calls for a collaborative effort in which OCFS and OMH develop an initiative to expand mental health consultation to early child care programs. In response to this recommendation, a workgroup was established with representatives from OCFS, OMH, the Council on Children and Families, and the New York State Department of Health. Workgroup members visited sites throughout the State that have implemented these collaborative strategies:*

- Hillside Crestwood Children's Center in Rochester, NY;*
- Children's Institute in Rochester, NY;*
- New York University Child and Family Policy Center's Best Practices for High Quality Early Childhood Programs;*
- Columbia County Mental Health Center's mental health consultation program to the Head Start program; and the Manhattan Center for Early Learning.*

In the next few months, the Workgroup will finalize its recommendations to develop an initiative to expand mental health consultation to early child care programs. These recommendations will be presented to the Commissioners of OCFS, OMH and other child-serving agencies.

New York State Afterschool Network (NYSAN): *OCFS is an active member of the New York Afterschool Network (NYSAN) which is a public-private partnership dedicated to promoting young people's safety, learning and healthy development outside the traditional classroom. NYSAN directs its activities toward building the capacity and commitment of communities by increasing the quality and availability of programs during non-school hours. OCFS staff participate on several NYSAN committees (Steering, Operations, Policy and Quality Assurance) that meet regularly throughout the year. Other members include:*

- The After-School Corporation*
- Association of NYS Youth Bureaus*
- The Children's Aid Society*
- Coalition for After School Funding*
- Cornell Cooperative Extension*
- New York 21st CCLC Technical Assistance Center*
- New York Center for School Safety*

PLAN FOR CCDF SERVICES IN: **New York State**
FOR THE PERIOD 10/1/09 – 9/30/11

- *AfterSchool Works! New York (formerly NYS School Age Care Coalition)*
- *NYS Student Support Services Center*
- *NYC Department of Education*
- *NYC Department of Youth and Community Development*
- *Partnership for After School Education*
- *New York State Education Department*
- *YMCAs of Greater NY.*

NYS Department of Health

Health Insurance Initiative to Help Uninsured Children Become Insured: OCFS has implemented an outreach effort to inform child care providers and community-based organizations (CBOs) how to help uninsured children become insured. This coordinated effort with the Department of Health and other members of the Governor's Children's Cabinet helped explain to child care providers and CBO staff the few easy steps it takes to get important information to families, such as available child health insurance benefits and the facilitated enrollment process.

Obesity in Young Children: OCFS has forged another new partnership with the NYS Department of Health to enlist the support of child care providers in preventing and fighting childhood obesity. First, a statewide videoconference was sponsored by OCFS on the topic; made available at no cost to the child care community. Second, guidelines and recommendations adopted by the American Academy of Pediatrics, the American Heart Association, and the National Association of Sport and Physical Education will be disseminated to child care providers (in center-based and family-based settings) along with references for additional materials and other resources.

Early Intervention Coordinating Council: Early Intervention (EI) is a federally-mandated, comprehensive, family-centered program that provides various therapeutic and related services to infants and toddlers (ages 0-3 years) with developmental delays or disabilities, as well as a variety of support services to families of such children. EI services are provided at no cost to the families, regardless of citizenship or income. Most services are provided in the child's home or other natural environment. The Early Intervention Coordinating Council (EICC) is an advisory council appointed by the governor to provide advice and assistance about the Early Intervention Program to the Department of Health. The EICC has 27 members, including parents, providers and representatives of the relevant state agencies, including the Office of Children and Family Services, Division of Child Care Services.

Employment Services / Workforce Development

OCFS is working with the Office of Temporary and Disability Assistance (OTDA) to develop the Statewide Welfare Management System (SWMS), a modernization of the current Welfare Management System (WMS). The new SWMS system will be a single, statewide eligibility system utilizing Cúram, a commercial, off-the-shelf, human services framework product.

The current WMS supports the delivery of Public Assistance, Medicaid, Food Stamps, Adult Services, Child Care, Child Welfare, and Home Energy Assistance Benefits (HEAP) for OTDA,

DOH and OCFS. It comprises two separate systems: Upstate WMS and Downstate (NYC) WMS, which must be maintained by OTDA IT staff for legislative and programmatic changes. Over the twenty plus years of its existence, the Statewide WMS project has become increasingly more complex and harder to support. The goal is to create an updated statewide system that:

- *Authorizes individual services and can also provide a holistic approach to meeting the client's needs (a single point of entry for benefit determination across all programs)*
- *Facilitates worker caseload management, is intuitive, reduces the use of codes and is easy to learn by workers*
- *Facilitates worker access to all relevant and appropriate data (cross programs) to allow workers to focus on client/family needs*
- *Has improved ability to respond to legislative and programmatic changes*

In addition, OCFS is an active member of the Governor's Children's Cabinet, a body charged with advancing programs and policies that benefit children. Membership on the Children's Cabinet includes OTDA as well as the NYS Department of Labor (DOL). OCFS and DOL brainstorm together on resources that can be brought to bear in support of the professional development and training of child care providers.

New York State Education Department

Significant advances in coordination and collaboration have been made with the State Education Department (SED) and the Division of Child Care Services (DCCS). Both agencies are participating in the development of learning standards for young children. PreK standards, authored by SED with input from the field, apply to four-year-old children and will most likely be adopted and implemented in the 2009-10 academic year. The Council for Children and Families is taking the lead on the development of early learning standards for children age birth through three years. Both sets of standards are aligned with the K-12 standards used by all local school districts in New York.

SED's involvement and interest in the development of QUALITYstarsNY, a quality rating and improvement system for all early care and education settings, foreshadows the participation of Universal Prekindergarten (UPK) programs in the field test and subsequent implementation of the new standards which define quality.

Temporary Assistance to Needy Families

Child Care Work Group of the Office of Children and Family Services (OCFS) and the Office of Temporary and Disability Assistance (OTDA)

In March of 2007, OCFS and OTDA established an interagency task force and associated workgroups with a charge to collaborate efforts in programs with an obvious overlap in order to improve our abilities to provide services to the families that both Offices have a responsibility to serve. The Division of Child Care Services (Bureau of Early Childhood Services at the time) co-chaired the workgroup charged with examining the array of issues relating to child care.

PLAN FOR CCDF SERVICES IN: **New York State**
FOR THE PERIOD 10/1/09 – 9/30/11

This workgroup is responsible for reviewing issues relating to child care including the accessibility, availability and affordability of child care for low-income working families. The workgroup is co-chaired by staff from OCFS and OTDA with occasional input from:

- *Social service districts - Albany, Clinton, Monroe, New York City and Ontario*
- *NYC Administration for Children's Services*
- *Capital District Child Care Resource Council*
- *Pro Action of Steuben and Yates, Inc.*
- *Additional representatives from OCFS and OTDA*

The topics that are being explored by the workgroup and the status of each topic are provided below:

- ***Identify ways to increase the availability of child care for low-income working families:*** *The workgroup is exploring the availability of data to identify the number of low-income families that are employed in jobs that require nontraditional hours of employment. A conference call with researchers Jean Layzer and Barbara Goodson from Columbia University who have completed research using data from the National Survey of American Families (NSAF), was held to discuss data that may be available through the NSAF or other sources to help estimate the number of low-income families that are employed in jobs that require nontraditional hours of employment and may need child care in order to work. Representatives from the workgroup have also contacted some child care resource and referral agencies to explore whether such agencies collect data related to the number of families that contact the agency for help with child care during nontraditional hours and to identify other areas that may impact a low-income family's access to child care subsidies. Information received from the child care resource and referral agencies suggests that the availability of child care, including legally-exempt care during nontraditional hours, has adequately met the number of requests received during 2008. Representatives from the workgroup are contacting other child care resource and referral agencies to explore the availability of data to estimate the need for child care during nontraditional hours. The workgroup will continue to review national research and other available documents to gather background information related to low-income families who are employed in jobs that involve nontraditional hours. The goal of the workgroup is to gather reliable data which will enable OCFS to determine the extent of the need for non-traditional hours, whether needs are adequately met, whether there is a trend toward a particular shift or age group for which there are unmet needs, and to develop a strategy to address any findings.*
- ***Identify technical assistance strategies to assist districts to manage funding available for child care subsidies:*** *In response to local services districts' requests for assistance in making better decisions for the allocations received, OTDA and OCFS finance staff conducted technical assistance sessions statewide in October and November 2008. These sessions, which are conducted annually, provided information to assist the LDSSs in the claiming and monitoring of child care block grant expenditures. The goal of the sessions is to provide an opportunity for networking, communication and sharing of best practice among state and local governments and, in so doing, lead to better financial decisions and the most cost effective claiming.*

Indian Tribes / Tribal Organizations

Native American Family Services Commission:

The Native American Family Services Commission is a meeting of Native American service providers representing both urban and reservation-based programs. Invitations are also extended to local district staff who have expressed an interest in serving Native American families more effectively. This “commission” evolved from urban Indian community representatives who sought to improve the working relationship with local social service districts regarding Indian child welfare issues over the last 15 years. The commission extended invitations to tribal program representatives when OCFS began to sponsor the quarterly meetings in 2002. The meeting is chaired by the OCFS Native American Affairs Specialist and supported by a contract with the Center for Development of Human Services-SUNY-Buffalo. The primary focus of this group is to address training issues and improve compliance with the Indian Child Welfare Act (ICWA). The primary audience is ICWA caseworkers, CPS or children’s services staff, tribal Child Welfare Directors and urban Indian and/or Indian Education staff. A representative of the Division of Child Care Services met with the Native American Family Services Commission April 30, 2009 to discuss shared goals and coordinating services to address the needs of the Native American children residing on reservations in New York State.

Tribal Consultation Meetings:

The Office of Children & Family Services is committed to improving the on-going dialogue with Indian Nations in New York. Based on feedback from Tribal representatives during the Child and Family Services Review (CFSR) and Program Improvement Plan (PIP) process, OCFS scheduled formal meetings to discuss topics of interest identified jointly by the Indian Nations and our agency. Regularly-scheduled meetings with Tribal Leadership provide an opportunity for on-going dialogue with the Tribes/Nations.

The meetings are co-chaired by the OCFS Division of Child Welfare and Community Services and the Native American Affairs Specialist Kim Thomas. The primary participants are Tribal Leaders and/or their delegates, including Clan Mothers, Council Members and Tribal Administrative staff. The invitation is also extended to Tribal Program Directors (Health and Human Services, Family Services). The primary focus is the PIP tribal strategies and program/policy issues. In early June 2009 the New York State Child Care Administrator attended a Tribal Consultation Meeting to discuss shared goals and coordinating services to address the needs of the Native American children residing on reservations in New York State.

DOH, OASAS, SED, CCF, OMRDD, DDPC, DPCA, OCA, DOC – Fetal Alcohol Spectrum

Disorder *The Office of Children and Family Services (OCFS) coordinates efforts with the following agencies concerning fetal alcohol spectrum disorder (FASD):*

- *Department of Health*
- *Office of Alcoholism and Substance Abuse Services*
- *State Education Department*
- *Developmental Disabilities Planning Council*
- *Department of Probation and Correctional Alternatives*
- *Office of Court Administration*
- *Department of Corrections (Probation)*

- *Council on Children and Families*
- *Office of Mental Retardation and Developmental Disabilities*

The mission of this group is to increase awareness and advance the effective prevention and treatment of FASD in New York State through interagency collaboration and coordination. In addition to working through interagency committees, each participating agency is empowered to examine its own policies, practices, regulations and laws, to determine how it can positively impact the goals of eliminating alcohol use during pregnancy and improving the lives of New Yorkers affected by prenatal alcohol exposure. OCFS co-chairs an interagency FASD workgroup and oversees its four subgroups: 1) Education and Awareness, 2) Prevention and Prenatal Screening, 3) Screening and Diagnosis, and 4) Treatment and Interventions. Each group is working on efforts to educate audiences, such as parents, mid-level professionals, physicians and school psychologists about fetal alcohol spectrum disorders.

DOH, DEC, CCR&Rs – Environmental Hazards *OCFS has an ongoing working relationship with the New York State Department of Health (DOH) and Department of Environmental Conservation (DEC) regarding environmental hazards. OCFS and DOH coordinated efforts in developing OCFS's environmental guidelines, attestation forms, referral sources and testing guidelines. OCFS and DOH also took part in a December 11, 2008 educational videoconference, broadcast to seventy-one satellite downlink locations across the state and attended by 3,281 child care providers. A local physician co-hosted the videoconference and offered guidance relative to the effects of environmental hazards on young children. The program was recorded and converted to VHS and DVD and will be kept in regional offices and CCR&R video libraries as a resource to trainers and child care providers. In addition, OCFS, DOH and the DEC have identified staff persons in each agency as liaisons who work together to coordinate efforts when hazards are identified in or near child care programs. Hazards include but are not limited to: air and soil contaminations resulting from buried gas tanks, underground plumes and contamination from dry cleaners and nail salons co-located in complexes with child care programs.*

NYS Lead Poisoning Prevention Advisory Council *The U.S. Department of Health and Human Services has called for the elimination of lead poisoning (defined as blood lead level at or above 10 mcg/dl) among children aged six years and younger. In support of this goal, states and cities funded by the Center for Disease Control's (CDC) lead poisoning prevention program – including New York State and New York City – are required to develop and implement plans to eliminate childhood lead poisoning by the year 2010. OCFS has a seat on the New York State Lead Poisoning Prevention Advisory Council. Members of the council include professionals from both the public and private sectors such as:*

- *State and County departments of health*
- *Office of Temporary and Disability Assistance*
- *University of Rochester Medical Center*
- *American Pediatrics Association*
- *State colleges and universities*
- *Chamber of Commerce*
- *Department of Labor*
- *Department of State*

- *Citigroup*
- *EcoSpect*
- *Department of Environmental Conservation*

In 2008, OCFS partnered with the council to develop and distribute educational materials concerning lead in toys and consumer products to over 27,000 New York State health care professionals and 20,000 child care providers. Information about product recalls and toy safety checklists now appear on the OCFS website. OCFS continues to work with the council on its current project to produce a user-friendly educational brochure regarding blood levels in children. Its intended audiences are health care providers, parents and child care providers. In addition, OCFS routinely inspects and monitors child care programs and identifies environmental risk factors. Programs with environmental hazards receive technical assistance, help in devising a safety plan and referral to agencies for assistance in eliminating the risk to young children.

New York City Fire Department and the New York City Code Department *OCFS has an ongoing partnership with the New York City Fire Department and the New York City Code Department concerning child care issues relative to fire safety and egress plans. This partnership was instrumental in producing an OCFS policy (Attachment 2.1.1) concerning fire escapes, escape and rescue windows, passageways to public streets and establishing guidance for safe distances from buildings in emergencies.*

New York State Department of Education (SED) and DOH *OCFS continues its work with the New York State Department of Education (SED) and DOH concerning the administration of medication in child care programs. OCFS completed changes to its health and infection control regulations in order to remain compliant with the New York State Nurse Practices Act. OCFS is currently working on revisions to its regulations, aimed at clarifying requirements and addressing the use of emergency medications, such as auto-injectors and asthma inhalers. The SED and DOH have been partners in current and proposed revisions.*

New York State Insurance Department (NYSID) *OCFS works in active and ongoing partnership with the New York State Insurance Department (NYSID) on issues related to insurance. For example, since 2004, the two departments collaborated in administering the Child Care Provider Pilot Program under NYSID's existing Healthy NY program, a national model for improving access to health insurance among individuals and small businesses. Under the pilot program, regulated providers have received subsidies toward their own and/or their employers' shares of health insurance premiums, thus improving these small businesses' access to quality care.*

More recently, when the New York State Legislature charged OCFS with conducting a study of the insurance needs (including homeowner's, liability and health insurance) of home-based providers, OCFS turned to NYSID for its expertise. NYSID staff participated, along with other stakeholders, on a work group to advise the study and also participated in a statewide videoconference designed to educate home-based providers about insurance issues (and to involve providers in data collection for the study). The recent report, "If the Bough Breaks: Insurance Coverage for Home-Based Child Care Providers" (available at www.ocfs.state.ny.us),

documented the findings of a statewide study and survey undertaken as the product of this collaboration. Among major findings, the study showed half of New York's regulated providers without liability insurance and 20% reporting some or all household members without health insurance. This work now continues as OCFS has re-convened the work group to explore various solutions to the problems and challenges identified by the study.

2.1.2 Emergency Preparedness and Response Plan for Child Care and Early Childhood Programs. Lead Agencies are encouraged to develop an emergency preparedness and response plan for child care and other early childhood programs operating in the State/Territory. The plan should include provisions for continuity of services and child care assistance payments to families and providers in the event of an emergency or disaster. Indicate which of the following best describes the current status of you efforts in this area. **Check only ONE.**

- Planning.** Indicate whether steps are under way to develop a plan. If so, describe the time frames for completion and/or implementation, the steps anticipated and how the plan will be coordinated with other emergency planning efforts within the State/Territory.
- Developing.** A plan is being drafted. Include the plan as Attachment 2.1.2, if available.
- Developed.** A plan has been written but has not yet been implemented. Include the plan as Attachment 2.1.2, if available.
- Implementing.** A plan has been written and is now in the process of being implemented. Include the plan as Attachment 2.1.2, if available.
- Other. Describe:**

- a) **Describe** the progress made by the State/Territory in planning for an emergency or disaster event with regards to the operation of child care and early childhood education programs.
 - *OCFS reviews and approves licensed and registered child care providers' emergency plans. Licensed and registered providers of child care must submit a written plan for the emergency evacuation of children from the premises for each shift of care provided (day, evening and night). Primary emphasis must be placed on the immediate evacuation of children. The plan, as approved by OCFS, must be posted in a conspicuous place in the program or filed in a place which is available to the parents of the children in care. The approved emergency evacuation plan must describe the following:*
 1. *how children and adults will be made aware of an emergency;*
 2. *primary and secondary evacuation routes;*
 3. *methods of evacuation, including where children and adults will meet after evacuating the home and how attendance will be taken; and*
 4. *notification of authorities and the children's parents*
 - *OCFS consults and coordinates its emergency preparedness plan with the New York State Emergency Management Office, Disaster Preparedness Commission. Under its leadership, OCFS developed a disaster preparedness plan that provides leadership and direction from its Home Office to the seven regional offices of the Division of Child Care Services.*

PLAN FOR CCDF SERVICES IN: **New York State**
FOR THE PERIOD 10/1/09 – 9/30/11

- *Indian Point Practice Radiological Exercise – OCFS staff participated in the October 29, 2008, table top Radiological Exercise, which involved the evacuation of all residents located within the 10-mile radius around the Indian Point Energy Center in Westchester County, including 253 child care centers. OCFS staff stayed in constant contact with field staff to ensure that child care providers were contacted, registered for emergency transportation to designated “reception sites” and evacuated. OCFS staff continues to work with the counties to close gaps identified in the exercise.*
- *Indian Point Radiological Exercise – OCFS staff participated in the Federal Emergency Management Agency (FEMA) evaluated exercise on December 3, 2008, on state protocols in response to a radiological event in Westchester County. The exercise involved the evacuation of all residents located around the Indian Point Energy Centre which included 118 child care centers with a capacity of approximately 4,600 children located in this county. OCFS staff was stationed at both the OCFS SEMO Desk and the Westchester Emergency Operations Center (EOC) and provided information and support to the county.*
- *GINNA Nuclear Power Plant – On March 24, 2009, OCFS staff participated in a tabletop exercise involving an incident at the Ginna Power plant involving child care center evacuations in Wayne and Monroe Counties. On May 5, 2009, OCFS will repeat this exercise for FEMA evaluation.*
- *Nuclear Safety Sub-Committee Meetings – At the invitation of the State Emergency Management Office, OCFS staff presented information at the nuclear safety sub-committee meetings on January 27, 2009, in Monroe County and on January 29, 2009, in Putnam County. OCFS was invited to discuss the work the agency has been doing to support the efforts of the counties with respect to emergency response involving child care providers in the event of a radiological event.*
- *County Follow-up – OCFS has agreed to partner with the County Emergency Management Offices in Oswego, Wayne, Monroe, and Westchester, Rockland, Orange, and Putnam counties on future actions to further their mission of preparedness. Discussions are on-going to reinforce communication with child care providers through inclusion of information materials in registration packets on items such as Potassium Iodine (KI) opt out forms, alternate locations and transportation.*
- *GIS Mapping – OCFS IT has developed a mapping system designed to identify all child care providers throughout the state. For emergency management purposes, OCFS can provide specific information to local emergency managers including distance from any given location, and county, capacity and contact information of all child care providers. (see Attachment 2.1.2a)*

b) **Describe** provisions the Lead Agency has in place for the continuation of core child care functions during and after a disaster or emergency.

- *OCFS Business Continuity Plan (BCP) – On April 23, 2008, OCFS conducted an agency-wide exercise of our Business Continuity Plan (BCP). The test involved “acting out” our response to a hypothetical emergency situation; a toxic chemical spill as a result of a train derailment. This exercise allowed us to evaluate and identify ways to strengthen our response to a disruption while continuing to provide essential services to our customers. Prior to this exercise, the Division of Child Care Services held a workshop to define essential services and discuss the procedures and protocols in place specifically for this Division to ensure a constant state of readiness in the event of an emergency. (See Attachment 2.1.2b)*
- *Employee Emergency Preparedness Teleconference – In keeping with our agency’s commitment to creating a culture of emergency preparedness, OCFS rolled out a live teleconference to all agency staff statewide on July 30, 2008. The teleconference provided an overview of our agency’s response to an emergency situation as well as our plan to maintain critical governmental operations during times of crisis. The agency’s Business Continuity Plan (BCP) and Comprehensive Emergency Management Plan (CEMP) were presented.*

c) **Describe** efforts the Lead Agency has undertaken to provide resources and information to families and child care providers about ways to plan and prepare for an emergency or disaster situation.

Emergency Preparedness and Response Committee – this new committee is convened by the Division of Child Care Services and comprised of representatives from each of the seven regional offices to evaluate the current procedures and develop additional resources for providers and families. The committee is developing a portable resource guide addressing the universal components of emergency planning which will be made available to providers throughout the state. The committee will work to address specific regional concerns, and establish partnerships with local resource agencies such as police and fire departments to help providers as well as the Office plan in accordance with these regional concerns. In addition, the committee will investigate how the existing statewide system can continue to support and enhance the ongoing emergency planning process; including interface of Geographical Information Systems (GIS) data with public safety agencies, and exploring the possibility for utilization of the NYALERT system (<http://www.nyalert.gov/>) which can provide regional or statewide automated notification of emergency situations by phone and other media. Supplemental to all levels of the committee work will be recommendations for the design and development of ongoing training in emergency preparedness for providers as well as regulatory staff.

Sesame Street Workshop – As part of a national effort to address the need for emergency readiness for young children in the event of a disaster, OCFS collaborated with Sesame Workshop to distribute 10,000 Sesame Street Preparedness kits state-wide. The kit includes booklets and a DVD which helps families with children between the ages of two and five plan for an emergency. OCFS partnered with CCR&Rs, which took responsibility for distributing the kits to child care programs and providers throughout the state.

d) **Describe** how the Lead Agency is coordinating with other State/Territory agencies, private, and/or non-profit charitable organizations to ensure that child care and early childhood programs are included in planning, response, and recovery efforts.

To the extent that the DCCS Regional Offices are not operational during an emergency, they will relocate to Child Care Resource and Referral (CCR&R) agencies within the region. These agencies have computer and phone resources that will allow staff business continuity.

2.1.3 Plan for Early Childhood Program Coordination. Lead Agencies are encouraged to develop a plan for coordination across early childhood programs. **Indicate** which of the following best describes the current status of your efforts in this area. **Note: Check only ONE.**

Planning. Are there steps under way to develop a plan?

Yes, and **describe** the time frames for completion and/or implementation, the steps anticipated, and how the plan is expected to support early language, literacy, pre-reading and early math concepts.

No.

New York State is currently working on two sets of standards for what young children should know and be able to do at certain ages. The first set of standards will address the developmental expectations for children birth through age three. These standards are organized around developmental domains (i.e., Physical Well Being, Health, and Motor Development; Social-Emotional Development; Approaches to Learning; Cognition, and General Learning; Language, Communication and Literacy). These standards seek to support programs in helping children develop the pre-skills necessary for later academic development.

The second set are PreK standards that will apply to four-year-olds participating in the state-supported Universal PreK (UPK) programs. These standards are organized according to the same developmental domains as the early learning standards, as well as across academic areas that organize New York State's K-12 learning standards. Through this organizational structure, the PreK standards purposely provide the bridge between the early learning standards for children birth through three years of age and K-12 academic programming.

Neither set of standards is ready to be implemented. As the standards are finalized and formally adopted, the plans for coordinating efforts to support early language, literacy, pre-reading and early math concepts will be developed.

Developing. A plan is being drafted. Include the draft as **Attachment 2.1.3** if available.

Developed. A plan has been written but has not yet been implemented. Include the plan as **Attachment 2.1.3** if available.

Implementing. A plan has been written and is now in the process of being implemented. Include the plan as **Attachment 2.1.3**.

Other (describe):

- a) **Describe** the progress made by the State/Territory in planning for coordination across early childhood programs since the date of submission of the 2008-2009 State Plan.

Since the submission of the 2008-2009 CCDF state plan, New York has adopted draft standards for a quality rating and improvement system for all early care and education settings, including child care, prekindergarten and Head Start. The standards – one set for center-based programs and one set for family-based programs - were reviewed by a diverse group of experts in the field and are posted at www.earlychildhood.org/QSNY.

- b) **Indicate** whether there is an entity that is, or will be, responsible for ensuring that such coordination occurs. Indicate the four or more early childhood programs and/or funding streams that are coordinated and describe the nature of the coordination.

Recent federal legislation requires Governors to establish or designate Early Childhood Advisory Councils to facilitate the development or enhancement of high-quality systems of early childhood education and care designed to improve school preparedness. To respond to this legislation, Governor Paterson's Children's Cabinet decided to create the Early Childhood Advisory Council under its oversight to develop and implement the Governor's Early Childhood Agenda. The Council comprises representatives of several state agencies, including the State Child Care Administrator and representatives of early learning, health care, child welfare, and mental health programs, advocacy organization, parents, colleges and universities, unions, and others involved in the provision of comprehensive services to young children and their families.

*The Council has several committees, one of which is co-chaired by the state Child Care Administrator, an independent consultant (Anne Mitchell, also former president of the National Association for the Education of Young Children), and the Director of Early Childhood Education for the New York City Department of Education (Recy Dunn). Included within the purview of that committee is the responsibility of coordinating the following early childhood programs: child care (both center-based and home-based), Universal PreKindergarten and Head Start. The coordination efforts will center on integrated professional development and participation in New York State's quality rating and improvement system, *QUALITYstarsNY*.*

Another work group will focus on further development of our system of early childhood professional development including addressing the implementation of the early learning guidelines through pre-service and inservice education and training.

- c) **Describe** the results or expected results of this coordination. Discuss how these results relate to the development and implementation of the State/Territory's early learning guidelines, plans for professional development, and outcomes for children.

*The implementation of *QUALITYstarsNY* and further development of our early childhood professional development systems will together support implementation of Early Learning and PreK standards. *QUALITYstarsNY* will do this by providing supports to programs to increase*

the quality of their instructional programming. The further development of our early childhood professional development systems will support research-based pre-service and inservice support to early childhood professionals that will help them in providing intentional instruction directed at supporting children's early language, literacy, pre-reading and early math concepts skill development.

d) **Describe** how the State/Territory's plan supports, or will support, continued coordination among the programs. Are changes anticipated in the plan?

New York's Early Childhood Advisory Council is charged to implement a comprehensive system of services for young children and families. Our participation in the BUILD initiative will support that work. Recently, New York was invited as the eighth state to participate in the BUILD initiative. Build is a national initiative funded by the Early Childhood Funders Collaborative. BUILD works with selected states to develop comprehensive early childhood systems. BUILD supports this system development through foundation funding and technical assistance. Our participation in the BUILD initiative will support the work of the ECAC in developing this comprehensive system of early childhood services. All aspects of this work are designed to improve the coordination of programs and services directed at meeting the needs of young children and their families.

2.2 Public Hearing Process

Describe the Statewide/Territory-wide public hearing process held to provide the public an opportunity to comment on the provision of child care services under this Plan. (658D (b) (1) (C), §98.14(c)) At a minimum, the description must provide:

- a) Date(s) of notice of public hearing: *April 19 and 20, 2009*
See Attachments 2.2a and 2.2b)
- b) Manner of notifying the public about the public hearing:
Posting on OCFS and stakeholder websites; public announcements in newspapers statewide
- c) Date(s) and sites of public hearing(s):

<i>May 5, 2009</i>	<i>Rensselaer</i>
<i>May 12, 2009</i>	<i>Rochester</i>
<i>May 15, 2009</i>	<i>New York City</i>
- d) Hearing site(s):
NYS Office of Children and Family Services (Rensselaer)
Child Care Resource and Referral (Rochester)
NYC Administration for Children's Services (New York City)
- e) How the content of the plan was made available to the public in advance of the public hearing(s):

Posted on OCFS website with links from stakeholder sites; hard copies available at all Regional Offices of the Division of Child Care Services and Local Departments of Social Services

f) Attach a brief summary of the public comment process. (See Attachment 2.2c)

2.3 Public-Private Partnerships

Does the Lead Agency conduct or plan to conduct activities to encourage public-private partnerships that promote private-sector involvement in meeting child care needs?

Yes. If yes, **describe** these activities or planned activities, including the results or expected results.

No.

New York State Afterschool Network (NYSAN): *OCFS is an active member of the Afterschool Network (NYSAN) which is a public-private partnership dedicated to promoting young people's safety, learning and healthy development outside the traditional classroom. NYSAN directs its activities toward building the capacity and commitment of communities by increasing the quality and availability of programs during non-school hours. OCFS staff participate on several NYSAN committees (Steering, Operations, Policy and Quality Assurance) that meet regularly throughout the year. Other members include:*

- *AfterSchool Works! New York*
- *The After-School Corporation*
- *Association of NYS Youth Bureaus*
- *The Children's Aid Society*
- *Coalition for After School Funding*
- *Cornell Cooperative Extension*
- *New York 21st CCLC Technical Assistance Center*
- *New York Center for School Safety*
- *NYS Student Support Services Center*
- *NYC Department of Education*
- *NYC Department of Youth and Community Development*
- *Partnership for After School Education*
- *New York State Education Department*
- *YMCAs of Greater NY*

New York Welfare Fraud Investigators Association (NYWFIA): *OCFS has expanded its partnership with the New York Welfare Fraud Investigators Association (NYWFIA). This membership organization seeks to prevent, detect, eliminate, and promote the prosecution of welfare fraud within the State of New York by providing education, training and staff development, and communications between local and State officials statewide. Beginning at NYWFIA's 2008 annual conference, OCFS has sponsored social services district child care eligibility staff or other district representatives to attend NYWFIA conferences to get a better understanding about fraud and abuse control and how to apply it to the child care subsidy program. In addition, OCFS is working with NYWFIA to establish procedures and collaborative*

efforts when OCFS child care licensing representatives identify potentially fraudulent billing practices when conducting a site visit.

QUALITYstarsNY: *OCFS has participated in the development of a quality rating and improvement system for child care and early education programs in New York State. Partnerships with several private, non-profit organizations have been essential to the design and development of the system. The planning effort has been supported by a group of private foundations, including the Robert Sterling Clark Foundation, the A.L. Mailman Family Foundation, the Rauch Foundation, and the New York Community Trust. The Center for Women in Government and Civil Society at the State University of New York has served as our administrative partner in this endeavor. Going forward, over the next 14 to 17 months, as the application process, standards and assessment process of QUALITYstarsNY are field tested, a number of private foundations from across the state have committed to fund the field test in partnership with OCFS, which will use federal ARRA money for this purpose.*

PART 3
CHILD CARE SERVICES OFFERED

3.1 Description of Child Care Services

3.1.1 Certificate Payment System. **Describe** the overall child care certificate process, including, **at a minimum**:

- a) a description of the form(s) of the certificate (§98.16(k)):
- b) a description of how the certificate permits parents to choose from a variety of child care settings by explaining how a parent moves from receipt of the certificate to choice of the provider; (658E(c)(2)(A)(iii), 658P(2), §98.2, §98.30(c)(4) & (e)(1) & (2))
- c) if the Lead Agency is also providing child care services through grants and contracts, **estimate** the **proportion of §98.50 services available through certificates versus grants/contracts** (this may be expressed in terms of dollars, number of slots, or percentages of services), and **explain** how the Lead Agency ensures that parents offered child care services are given the option of receiving a child care certificate. (§98.30(a) & (b)).
- d) **Attach** a copy of your eligibility worker's manual, policy handbook, administrative rules or other printed guidelines for administering the child care subsidy program as **Attachment 3.1.1**.

Note: If these materials are available on the web, the Lead Agency may provide the appropriate Web site address in lieu of attaching hard copies to the Plan.

The child care certificate takes the form of a voucher or letter at the option of the social services district. Policies and procedures for the certificate program were developed by modifying existing voucher forms and systems support in the Welfare Management System and the Benefits Issuance Control System. All local departments of social services, with the exception of New York City, use the child care certificate program developed by OCFS that interacts with OCFS eligibility authorization and payment systems. New York City has a local equivalent child care certificate voucher which has been approved by OCFS.

Districts must inform parents applying for child care that they may:

- a) *Choose to have care provided by one of the child care providers with which the district has contracted for the provision of child care services; or*
- b) *Request a child care certificate which enables families to select from a wide range of child care arrangements. The child care arrangements include care by licensed child care centers, registered family child care providers, licensed group family child care providers, registered school-age child care programs, legally-exempt family child care*

PLAN FOR CCDF SERVICES IN: **New York State**
FOR THE PERIOD 10/1/09 – 9/30/11

providers, legally-exempt in-home child care providers, and legally-exempt group child care programs.

Districts inform families of the full range of child care options, the types of care that are eligible for payment, and factors to consider when selecting child care. This information is provided verbally or in writing, as appropriate.

Families must be given full discretion in selecting and arranging for the purchase of child care services from eligible providers. However, the district may disapprove a provider chosen by a recipient in a child protective or preventive case if there is reason to believe that it would be contrary to the health, safety or welfare of the child. When a family elects to use a provider with which the district has a contract, the child must be enrolled with the provider selected by the family to the maximum extent practical.

When a family elects to use a child care certificate to self-arrange care, the district is responsible for preparing the certificate. The certificate and instructions for the provider must be issued directly to the family. A child care certificate is valid for a 30-day period commencing on the date of issue. During this period, the family may present the certificate to any eligible provider. If the family is unable to locate care during the 30 days, the family may request another certificate in order to continue to try to self-arrange care or may ask the district to arrange care with one of the child care providers with which it contracts.

When a child care provider with whom the family has arranged care agrees to provide services to an eligible child, the family is responsible for signing the child care certificate and giving the certificate and the instruction sheet to the provider. The provider is responsible for completing the provider sections of the certificate and returning it to the district by the date specified. Once returned to the local department of social services, the approval is valid as long as the child is enrolled with the provider or until re-certification for the service is required, whichever occurs first.

Upon return of a child care certificate, the district reviews all submitted items to determine whether the provider selected by the family is eligible to receive payment. The district will notify the family or provider immediately if additional information is needed in order to determine that the provider is eligible to be paid from subsidy funds. Payment will be authorized for services that the provider has claimed. In order to facilitate on-going payment for services, the districts will send information about on-going billing processes to all eligible providers as soon as possible after return of the child care certificate.

In the New York State Child Care and Development Fund (CCDF) Annual Report (ACF-800) for the period October 1, 2007 through September 30, 2008, OCFS estimated that out of 212,073 children funded under CCDF, 172,165 children (81.2 percent) received child care services through certificates and/or cash, and 39,908 children (18.8 percent) through grants or contracts.

The enacted State budget provides funding for the Facilitated Enrollment Child Care Subsidy Demonstration Projects ("facilitated enrollment projects"). The purpose of the facilitated enrollment projects, which are funded by TANF resources transferred to the CCDF, is to expand

PLAN FOR CCDF SERVICES IN: **New York State**
FOR THE PERIOD 10/1/09 – 9/30/11

eligibility for child care subsidies to working families with incomes up to 275 percent of the State Income Standard, adjusted for family size. The demonstration projects identify families with work-related child care needs who are income-eligible for child care subsidies. A facilitated enrollment agency seeks to make the process of applying for child care subsidies and enrolling in child care services easier for working parents in their communities. In SFY 2008-09, the following organizations were funded:

- *Children’s Institute, Inc. for the Child Care Facilitated Enrollment Project in Monroe County*
- *Consortium for Worker Education, Inc. in New York City*
- *The Workforce Development Institute, Inc. for the Child Care Facilitated Enrollment Project for the counties of Albany, Rensselaer, Schenectady, and Oneida*

3.1.2 In addition to offering certificates, does the Lead Agency also have grants or contracts for child care slots?

- Yes, and **describe** the type(s) of child care services available through the grant or contract, the process for accessing grants or contracts, and the range of providers that will be available through grants or contracts: (658A(b)(1), 658P(4), §§98.16(g)(1), 98.30(a)(1) & (b))
- No.

Social services districts, as well as the agencies identified in Section 1.5.1 with which OCFS maintains a Memorandum of Understanding (the State University of New York, the City University of New York and the New York State Department of Agriculture and Markets), may enter into contracts with licensed day care centers and group family day care homes and registered family day care homes and school-age child care programs to provide child care services to families receiving a child care subsidy.

3.1.3 Are child care services provided through certificates, grants and/or contracts offered throughout the State/Territory? (658E (a), §98.16(g) (3))

- Yes.
- No, and **identify** the localities (political subdivisions) and services that are not offered:

Social services districts provide child care services through certificates, grants and/or contracts. However, in order to meet the needs of the category of families served, as described in Section 1.5, the State University of New York, the City University of New York, and the New York State Department of Agriculture and Markets provide subsidies for child care services through a network of child care agencies and programs rather than through a child care certificate.

3.1.4 The Lead Agency must allow for in-home care (i.e., care provided in the child's own home) but may limit its use. Does the Lead Agency limit the use of in-home care in any way?

- (1) (iv): Yes, and the limits and the reasons for those limits are (§§98.16(g) (2), 98.30(e))
 No.

The child's family is responsible for giving the in-home provider all employment benefits required by State and/or Federal law and must pay the provider at least the minimum wage.

For families served by sub-grantees such as SUNY, CUNY and the New York State Department of Agriculture and Markets, in-home care is not an option. Rather, subsidies are provided for child care services through a network of child care agencies and programs.

3.2 Payment Rates for the Provision of Child Care

The statute at 658E(c)(4) and the regulations at §98.43(b)(1) require the Lead Agency to establish payment rates for child care services that ensure eligible children equal access to comparable care.

3.2.1 Provide a copy of your payment rates as Attachment 3.2.1. The attached payment rates were or will be effective as of:

October 1, 2009

3.2.2 Are the attached payment rates provided in Attachment 3.2.1 used in all parts of the State/Territory?

- Yes.
 No.

3.2.3 Provide a summary of the facts relied on by the State to determine that the attached rates are sufficient to ensure equal access to comparable child care services provided to children whose parents are not eligible to receive child care assistance under the CCDF and other governmental programs. Include, at a minimum:

a) The month and year when the local market rate survey(s) was completed (§98.43(b) (2)): *June 2009*.

b) A copy of the **Market Rate Survey instrument** and a **summary of the results** of the survey are provided as Attachment 3.2.3. At a minimum, this summary should include a description of the sample population, data source, the type of methodology used, response rate, description of analyses, and key findings.

3.2.4 Does the Lead Agency use its **current** Market Rate Survey (a survey completed no earlier than 10/1/07) to set payment rates?

Yes

No.

3.2.5 At what percentile of the **current** Market Rate Survey is the State payment rate ceiling set?

The child care market rates are set at the 75th percentile.

Note: If you do not use your current Market Rate Survey to set your rate ceilings or your percentile(s) varies across categories of care (e.g., type of setting, region, or age of children), **describe** and provide the range of variation in relation to your current survey.

3.2.6 Describe the relationship between the attached payment rates and the market rates observed in the current survey, including at a minimum how payment rates are adequate to ensure equal access to the full range of providers based on the results of the above noted local market rate survey: (§98.43(b))

Child care market rates effective October 1, 2009 are based upon a sample of licensed and regulated providers that were surveyed by telephone over an eight week periods (April 7, 2009 to June 12, 2009). The sample of providers was drawn so that there was an adequate representation of the full range of providers within geographic areas. A Request for Application was issued to secure bids to conduct the telephone survey. The contractor was provided written materials and conducted the telephone survey in English and Spanish and had resources available to assist providers in other languages as needed.

The contractor collected the rate data by type of provider, age of the children in care, and length of time of the care. Data from the survey were analyzed and market rates were determined according to the following methodology that was used in the previous market rate survey. The rates from the survey were clustered into five distinct groupings of districts based on similarities of the rate data. Market rates were then established for each cluster at the 75th percentile. The rates established reflect variations in the cost of care for family child care homes, group family child care homes, child care centers, and school-age child care programs.

The market rate structure for providers of legally-exempt family child care and legally-exempt in-home child care reflects a standard market rate and an enhanced market rate. The standard market rate is set at 65 percent of the market rate established for registered family child care providers. This differential reflects the higher costs associated with meeting the higher regulatory standards to become a registered family child care provider. Effective May 15, 2009, the enhanced market rate was revised to be set at 70 percent of the maximum reimbursement rate given to registered family child care providers. To receive the enhanced market rates, legally-exempt family child care providers and legally-exempt in-home child care providers must complete ten or more hours of training annually in the subject areas specified for licensed and

PLAN FOR CCDF SERVICES IN: **New York State**
FOR THE PERIOD 10/1/09 – 9/30/11

registered providers which are set forth in Section 390-a(3)(b) of the Social Services Law. The State has not experienced reluctance from legally-exempt family child care providers and legally-exempt in-home child care providers to provide child care services to subsidized families at these rates.

Social services districts, which so choose in their Child and Family Services Plans, have the flexibility to increase the enhanced market rate to up to 75 percent of the applicable registered family child care market rate for: all legally-exempt family child care providers and legally-exempt in-home child care providers; those legally-exempt family child care providers and legally-exempt in-home child care providers who were receiving the enhanced rate prior to May 15, 2009 but only for the remainder of their current one-year enrollment period; or those legally-exempt family child care providers and legally-exempt in-home child care providers who were receiving the enhanced rate prior to May 15, 2009 for the remainder of the time they remain enrolled and continue to meet the ten-hour annual training requirement.

Districts are required to make payments based on the actual cost of care up to the applicable market rate. Districts may establish in their Child and Family Services Plan, subject to approval by OCFS, differential payment rates for child care services provided by a regulated child care provider that has been accredited by a nationally recognized child care organization and/or for child care services provided during the week-end, the night, or evening hours. The rate of payment established must not exceed 15 percent of the appropriate market rate. A district may request approval from OCFS for a differential greater than 15 percent for non-traditional and/or accredited programs upon showing that the 15 percent differential is not sufficient to provide access.

3.2.7 Does the Lead Agency consider any additional facts to determine that its payment rates ensure equal access? (§98.43(d))

Yes.

No.

3.2.8 Does the State have any type of tiered reimbursement or differential rates?

Yes. If yes, **describe:**

No.

Districts may establish in its Child and Family Services Plan, subject to approval by OCFS, differential payment rates for child care services provided by a regulated child care provider that has been accredited by a nationally recognized child care organization and/or for child care services provided during the week-end, the night, or evening hours. The rate of payment established must not exceed 15 percent of the appropriate market rate. A district may request approval from OCFS for a differential greater than 15 percent for non-traditional and/or accredited programs upon a showing that the 15 percent differential is not sufficient to provide access.

Additionally, the rate of reimbursement to a provider caring for a child with special needs is the actual cost of care up to the statewide limit which is set at the highest weekly, daily, part-day, or hourly market rate for child care services in the State.

The market rate structure for providers of legally-exempt family child care and legally-exempt in-home child care reflects a standard market rate and an enhanced market rate. The standard market rate is set at 65 percent of the market rate established for registered family child care providers. This differential reflects the higher costs associated with meeting the higher regulatory standards to become a registered family child care provider. The enhanced market rate is set at 70 percent of the maximum reimbursement rate given to registered family child care providers. Social services districts, which so choose in their Child and Family Services Plans, have the flexibility to increase the enhanced market rate to up to 75 percent of the applicable registered family child care market rate. To receive the enhanced market rates, legally-exempt family child care providers and legally-exempt in-home child care providers must complete ten or more hours of training annually in the subject areas specified for licensed and registered providers which are set forth in Section 390-a(3)(b) of the Social Services Law.

3.2.9 Describe how the Lead Agency ensures that payment rates do not exceed the amount paid by the general public for the same service. (§98.43(a))

State regulation requires that child care payments must not exceed the actual cost of care, the amount the provider charges to the general public for equal care, or the applicable market rate, whichever is lower. Social services districts establish their own policy and procedures to establish that providers do not charge subsidized families more than the general public.

3.3 Eligibility Criteria for Child Care

3.3.1 Age Eligibility

a) Does the Lead Agency allow CCDF-funded child care for children above age 13 but below age 19 who are physically and/or mentally incapable of self-care? (658E(c) (3) (B), 658P (3), §98.20(a) (1) (ii))

Yes. If yes, **define** physical and mental incapacity in Appendix 2, and **provide** the upper age limit

No.

The age limit is under 18 years of age if the child has special needs; or is under 19 years of age if the child has special needs and is a full-time student in a secondary school or in an equivalent level of vocational or technical training.

b) Does the Lead Agency allow CCDF-funded child care for children above age 13 but below age 19 who are under court supervision? (658P (3), 658E(c) (3) (B), §98.20(a) (1) (ii))

Yes

PLAN FOR CCDF SERVICES IN: **New York State**
FOR THE PERIOD 10/1/09 – 9/30/11

No.

The upper age is under 18 years of age if the child is under court supervision; or under 19 years of age if the child is under court supervision and is a full-time student in a secondary school or in an equivalent level of vocational or technical training.

3.3.2 Income Eligibility

Complete columns (a) and (b) in Table 3.3.2 below based upon initial entry into the CCDF program. Complete Columns (c) and (d) **ONLY IF** the Lead Agency is using income eligibility limits lower than 85 percent of the SMI.

Chart 1 indicates the income level for the New York State child care subsidy program which is set at 200 percent of the federal poverty level. As indicated in column (d), the eligibility level for family size one through five is less than 85% of the state median income.

Family Size	(a) 100% of State Median Income (SMI) (\$/month)	(b) 85% of State Median Income (SMI) (\$/month) [Multiply (a) by 0.85]	IF APPLICABLE	
			Income Level if lower than 85% SMI	
			(c) \$/month	(d) % of SMI [Divide (c) by (a), multiply by 100]
1	\$3,383	\$2,875	\$1,805	53%
2	\$4,423	\$3,760	\$2,428	55%
3	\$5,464	\$4,645	\$3,052	56%
4	\$6,505	\$5,529	\$3,675	56%
5	\$7,546	\$6,414	\$4,298	57%

Note: Table 3.3.2 should reflect maximum eligibility upon initial entry into the CCDF program.

PLAN FOR CCDF SERVICES IN: **New York State**
FOR THE PERIOD 10/1/09 – 9/30/11

Chart 2 indicates the income level for the New York State facilitated enrollment demonstration projects which is set at 275 percent of the federal poverty level. As indicated in column (d), the eligibility level for family size one through five is less than 85% of the state median income.

Family Size	(a) 100% of State Median Income (SMI) (\$/month)	(b) 85% of State Median Income (SMI) (\$/month) [Multiply (a) by 0.85]	IF APPLICABLE	
			Income Level if lower than 85% SMI	
			(c) \$/month	(d) % of SMI [Divide (c) by (a), multiply by 100]
1	\$3,383	\$2,875	\$2,482	73%
2	\$4,423	\$3,760	\$3,339	75%
3	\$5,464	\$4,645	\$4,196	77%
4	\$6,505	\$5,529	\$5,053	78%
5	\$7,546	\$6,414	\$5,910	78%

The income level stated in the above charts is effective June 1, 2009, based on the poverty guidelines published in the Federal Register Volume 74, Number 14 dated January 23, 2009. The State Median Income estimates for 2010 as published in the Federal Register Volume 74, Number 48 dated March 13, 2009.

Some social services districts are supporting demonstration projects that increase financial eligibility levels up to 275% of the poverty guidelines. This is being done in the following sites: the Bronx, Brooklyn, Queens, and Liberty Zone in New York City; and Albany, Monroe, Oneida, Rensselaer and Schenectady Counties.

a) Does the Lead Agency have “tiered eligibility” (i.e., a separate income limit for remaining eligible for the CCDF program)?

Yes.

No.

b) If the Lead Agency does not use the SMI from the most current year, **indicate** the year used:

Not applicable

c) These eligibility limits in column (c) became or will become effective on:

June 1, 2009

d) How does the Lead Agency define “income” for the purposes of eligibility?

Provide the Lead Agencies definition of “income” for purposes of eligibility determination. (§§98.16(g) (5), 98.20(b))

PLAN FOR CCDF SERVICES IN: **New York State**
FOR THE PERIOD 10/1/09 – 9/30/11

The gross family income is used to determine eligibility for child care. Sources of income that are included in the financial eligibility determination are listed in Attachment 3.3.2.

e) Is any income deducted or excluded from total family income (e.g., work or medical expenses; child support paid to, or received from, other households; Supplemental Security Income (SSI) payments)?

Yes. If yes, **describe** what type of income is deducted or excluded from total family income.

No.

Exclusions from gross income are provided in Attachment 3.3.2.

f) **Describe** whose income is excluded for purposes of eligibility determination.

Income of all members of the child care services unit is included. Child care services unit means those adults and/or children residing in the same household who will be considered for the purposes of determining a family's eligibility for child care services. The district may elect to include 18-, 19-, or 20-year-old individuals in the same child care services unit as their parent by indicating such option in the district's Child and Family Services Plan.

For families where the child's caretaker is receiving public assistance, the child care services unit will comprise the caretaker, his or her children and any other member of the public assistance unit. For families where no adult family member is in receipt of public assistance, the child care services unit will comprise as follows:

- *when adults, other than spouses, reside together and do not have a child in common, each adult along with his or her child(ren) will be considered a separate child care services unit;*
- *when adults, other than spouses, reside together and have at least one child in common, the child care services unit will comprise the adults who have child(ren) in common, the child(ren) those adults have in common, and the other child(ren) of each such adult;*
- *when a custodial parent who is under the age of 21 years is residing with his or her parent(s), or has established his or her own household, or resides with an individual other than his or her parent(s), the child care services unit will comprise the custodial parent who is under 21 years of age, his or her child(ren), and any other individual in the household with legal responsibility for the custodial parent's child(ren);*
- *when an eligible child(ren) resides only with individuals who are not the child(ren)'s parent, step-parent, adoptive parent or legal guardian with financial responsibility for the child(ren), the child care services unit will comprise the eligible child(ren) only; and*
- *individuals who would otherwise be included in the child care services unit but who are temporarily absent from a household who meet the following criteria will be considered part of the child care services unit:*
- *individuals whose needs are partially or fully being met by members of the household, such as children or minors attending school away from home; provided, however, that a*

child away from home due to a foster care placement will not be considered part of the child care services unit; and

- *individuals who are required to contribute to the needs of the household.*

3.3.3 Work/Job Training or Educational Program Eligibility

a) How does the Lead Agency define “working” for the purposes of eligibility? **Describe** the specific activities that are considered “working” for purposes of eligibility determination, including minimum number of hours. (§§98.16(f) (6), 98.20(b))

An individual is considered working when, in accordance with the regulations of OCFS or the New York State Office of Temporary and Disability Assistance (OTDA) as applicable, if he or she is engaged in work. For an individual receiving public assistance, ‘engaged in work’ is defined by the district in its employment plan submitted to and approved by OTDA. For an individual who is not receiving public assistance, ‘engaged in work’ means that the individual:

1. *is earning wages at a level equal to or greater than the minimum amount required under federal and State labor law for the type of employment; or*
2. *is self-employed and is able to demonstrate that such self-employment produces personal income equal to or greater than the minimum wage or has the potential for growth in earnings to produce such an income within a reasonable period of time.*

b) Does the Lead Agency provide CCDF child care assistance to parents who are attending job training or an educational program?

Yes. If yes, how does the Lead Agency define “attending job training or educational program” for the purposes of eligibility? **Describe**, the specific activities that are considered “job training and/or educational program”, including minimum number of hours. (§§98.16(f) (3), 98.20(b))

No.

Job training includes job search activities; job skills training; job development and placement; vocational education training and job readiness activities when authorized for the particular client under the regulations of OCFS or OTDA.

Educational activities include but are not limited to secondary and other education when authorized for the particular client under the regulations of OCFS or OTDA. Secondary education and post secondary education are defined as including:

- a) *An approved program of vocational training or rehabilitation, which, for purposes of this section, includes enrollment in a two-year undergraduate college program with a specific*

PLAN FOR CCDF SERVICES IN: **New York State**
FOR THE PERIOD 10/1/09 – 9/30/11

vocational objective. Under this requirement child care services shall be authorized only for the following programs:

- i) those which have a specific occupational goal and are conducted by an institution licensed or approved by the State Education Department other than a college or university. Enrollment in more than two such consecutive training programs is not allowable;*
 - ii) those undergraduate or community college programs with a specific vocational sequence leading to an associate degree or certificate of completion within a determined time frame which shall not exceed 30 consecutive calendar months;*
 - iii) those pre-vocational skill training programs such as basic education and literacy training;*
 - iv) those demonstration projects designed for vocational training or others as approved by the State Department of Labor;*
 - v) those programs leading to a high-school diploma or high-school equivalency diploma;*
 - vi) notwithstanding the potential of some vocational training programs, as detailed above, to allow for the eventual attainment of a bachelor's degree or like certificate of completion for a four-year college program, this regulation does not permit the renewal of such vocational training program enrollment for any additional period.*
- b) A two-year program other than one with a specific vocational sequence leading to an associate's degree or certificate of completion, or a four-year college or university program leading to a bachelor's degree provided:*
- i) the program is reasonably expected to improve the earning capacity of the caretaker;*
 - ii) the caretaker is, and continues to, participate in non-subsidized employment whereby the caretaker works at least 17 ½ hours per week and earns wages at a level equal to or greater than the minimum amount required under federal and State labor law while pursuing the course of study; and*
 - iii) the caretaker can demonstrate his or her ability to successfully complete the course of study.*
- c) A program to train workers in an employment field that currently is or is likely to be in demand in the near future, if the caretaker documents that he or she is a dislocated worker and is currently registered in such a program, provided that child care services are only used for the portion of the day the caretaker is able to document is directly related to the caretaker engaging in such a program. For the purposes of this provision, a dislocated worker is any person who: has been terminated or laid off from employment;*

has received a notice of termination or layoff from employment that will occur within six months of such notice; or was self-employed but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters.

3.3.4 Eligibility Based Upon Receiving or Needing to Receive Protective Services

a) Does the Lead Agency provide child care to children in protective services? (§§98.16(f) (7), 98.20(a) (3) (ii) (A) & (B))

* Yes If yes, **provide** a definition of “protective services” in Appendix 2. Does the Lead Agency waive, on a case-by-case basis, the co-payment and income eligibility requirements for cases in which children receive, or need to receive, protective services? (658E(c) (3) (B), 658P (3) (C) (ii), §98.20(a) (3) (ii) (A))

* Yes

No.

** New York State waives these requirements on a case-by-case basis for a family with an open child protective services case when it is determined that child care services are needed to protect the child.*

b) Does the Lead Agency provide CCDF-funded child care to children in foster care whose foster care parents are not working, or who are not in education/training activities? (§§98.20(a) (3) (ii), 98.16(f) (7))

Yes.

No.

3.3.5 Additional Conditions for Determining CCDF Eligibility

Has the Lead Agency established any additional eligibility conditions for determining CCDF eligibility? (658E(c) (3) (B), §98.16(g) (5), §98.20(b))

Yes, and the additional eligibility conditions are:

No.

(a) Seeking employment –

For an individual who is not receiving public assistance, seeking employment means making in-person job applications, going on job interviews, registering with the New York State Department of Labor’s Division of Employment Services Office to obtain job listings, and participating in such other job seeking activities that are approved by the

district. Districts can opt to pay for child care for low-income families who are seeking employment by including such families in their Child and Family Services Plans.

(See Appendix 2)

3.4 Priorities for Serving Children and Families

3.4.1 At a minimum, CCDF requires Lead Agencies to give priority for child care services to children with special needs, or in families with very low incomes. **Complete** Table 3.4.1 below regarding eligibility priority rules. For columns (a) through (c), **check** only one box if reply is “Yes”. Leave blank if “No”. **Complete** column (e) only if you check column (d).

Table 3.4.1 Priorities for Serving Children

	How does the Lead Agency prioritize the eligibility categories in Column 1?			CHECK ONLY IF APPLICABLE	
	CHECK ONLY ONE			(d)	(e)
Eligibility Categories	(a) Priority over other CCDF-eligible families	(b) Same priority as other CCDF-eligible families	(c) Guaranteed subsidy eligibility	Is there a time limit on the priority or guarantee?	How long is time limit?
Children with special needs*	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Children in families with very low incomes*	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Families receiving Temporary Assistance for Needy Families (TANF)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Families transitioning from TANF	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	12 mos.
Families at risk of becoming dependent on TANF	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

* **Required**

3.4.2 Describe how the Lead Agency prioritizes service for the following CCDF-eligible children: (a) children with special needs, (b) children in families with very low incomes, and (c) other. Terms must be defined in Appendix 2. (658E(c) (3) (B))

PLAN FOR CCDF SERVICES IN: **New York State**
FOR THE PERIOD 10/1/09 – 9/30/11

New York State prioritizes service for families with children with special needs and children in families with very low income by identifying these children as federally mandated priorities and requiring districts to give these populations priority for services. Each social services district is required to prepare and submit to OCFS for approval a Child and Family Services Plan that includes a comprehensive overview of the district's plan to provide child care services, including those funded under CCDF. In preparing its Plan, the district must adhere to the State-issued guidelines which identify the federally mandated priorities of children with special needs and children of families with very low incomes. Each district establishes its own definition of "very low income" at or below 200 percent of the State Income Standard. The Plan submitted by districts must include an explanation of how children who are members of the federal priority categories will be targeted and given priority for services. Districts may elect to reserve funding for serving the priority categories.

The State mandates that districts provide child care assistance to families receiving public assistance with children under 13 years of age who need child care to engage in work or to participate in required work activity programs, to families transitioning from public assistance for a 12-month period, and to certain families that are working who chose child care in lieu of public assistance. In addition to these federal and State priorities, districts also may establish their own local priorities.

OCFS reviews each district's Child and Family Services Plan, and evaluates whether the district has established adequate measures to implement these priorities. If a district's Plan is inadequate, OCFS works with the district to make necessary changes. A Plan cannot be approved until all sections are determined to be adequate.

3.4.3 Describe how CCDF funds will be used to meet the needs of: (a) families receiving Temporary Assistance for Needy Families (TANF), (b) those attempting to transition off TANF through work activities, and (c) those at risk of becoming dependent on TANF. (658E(c) (2) (H), Section 418(b) (2) of the Social Security Act, §§98.50(e), 98.16(g) (4))

New York State employs an integrated approach to coordinate child care under TANF and the Child Care and Development Fund. New York State has created a seamless funding stream for supporting child care subsidies through the New York State Child Care Block Grant (NYSCCBG). The NYSCCBG comprises funds received under the federal Child Care and Development Fund (CCDF), funds that may be transferred by the State from the federal Temporary Assistance to Needy Families Block Grant, and State funds appropriated for child care. The portion of the NYSCCBG used for child care subsidy payments is allocated to social services districts. Additionally, in order to assist those most impacted by the economic recession, OCFS will use its entire allocation of American Recovery and Reinvestment Act of 2009 (ARRA) Discretionary Funds (excluding Targeted Funds) for local district allocations. Further, New York State has established the Flexible Fund for Family Services (FFFS) that incorporates TANF funding into a flexible allocation for districts to fund a broad array of TANF eligible services. The FFFS allows districts to make individual decisions about the level of funds to be directed among allowable services, including child care subsidy. To the extent that a district chooses to direct FFFS funds to child care, the funds will be formally transferred from TANF to the NYSCCBG.

PLAN FOR CCDF SERVICES IN: **New York State**
FOR THE PERIOD 10/1/09 – 9/30/11

The following families are guaranteed child care services:

- *A family that has applied for or is receiving public assistance when such services are needed for a child under 13 years of age in order to enable the child's parent(s) or caretaker relative(s) to participate in required activities.*
- *A family that has applied for and would otherwise be eligible for public assistance benefits, or was receiving public assistance and voluntarily closed its public assistance case while still eligible for public assistance, when such services are needed for a child under 13 years of age in order to enable the child's parent(s) or caretaker relative(s) to engage in work.*
- *A family that is receiving public assistance when such services are needed for a child under 13 years of age in order to enable the child's parent/caretaker relative to engage in work.*
- *A family whose public assistance case has closed or a family who chose child care in lieu of public assistance and is no longer financially eligible for public assistance for a period of up to 12 consecutive months, provided certain programmatic requirements are met.*

A social services district must provide child care services to the following families to the extent that the district continues to have funds available under either the district's allocation from the NYSCCBG or any local funds appropriated for such program subject to any priorities and set asides established by the district in its Child and Family Services Plan:

- *A family that has applied for or is receiving public assistance when such services are needed for an eligible child aged 13 or older, who has special needs or is under court supervision, in order to enable the child's parent(s) or caretaker relative(s) to participate in activities required by social services official including orientation, assessment, or work activities defined in 12 NYCRR Part 1300.*
- *A family receiving public assistance when such services are needed for a child aged 13 or older, who has special needs or is under court supervision, in order to enable the child's parent(s) or caretaker relative(s) to engage in work as defined by the social services district.*
- *A family receiving public assistance when child care services are necessary:*
 - (a) to enable a teenage parent to attend high school or an equivalency program; or*
 - (b) for the child to be protected because the child's parent(s) or caretaker relative(s) is physically or mentally incapacitated or has family duties away from home necessitating his or her absence.*
- *A family with income up to 200 percent of the State income standard when the family is at risk of becoming dependent on public assistance and child care services are needed:*
 - (a) for the child's caretaker(s) to be engaged in work as defined in section 415.1(o)(1) of this Part; or*
 - (b) to enable a teenage parent to attend high school or an equivalency program.*

The following families are eligible if funds are available under this program and if the social services district has listed such families as eligible in the district's consolidated services plan or integrated county plan to the extent that the district continues to have funds available under either the district's allocation for the NYSCCBG or any local funds appropriated for such program subject to any priorities and set asides established by the district, provided the district has listed such families as eligible families in its Child and Family Services Plan:

PLAN FOR CCDF SERVICES IN: **New York State**
FOR THE PERIOD 10/1/09 – 9/30/11

- *A family receiving public assistance when child care services are necessary for a parent or caretaker relative to participate in an approved activity in addition to his or her required work activity.*
- *A family receiving public assistance when child care services are necessary for a sanctioned parent or caretaker relative to participate in unsubsidized employment whereby the parent or caretaker relative receives earned wages at a level equal to or greater than the minimum amount required under Federal and State labor law.*
- *A family receiving public assistance, or with income up to 200 percent of the State income standard, when child care services are needed for the child to be protected because the child's caretaker:*
 - (a) is participating in an approved substance abuse treatment program, or in screening for or an assessment of the need for substance abuse treatment;*
 - (b) is homeless or receiving services for victims of domestic violence and needs child care in order to participate in an approved activity, or in screening for or an assessment of the need for services for victims of domestic violence; or*
 - (c) is in an emergency situation of short duration including, but not limited to, cases where the caretaker's absence from the home for a substantial part of the day is necessary because of extenuating circumstances such as a fire, being dispossessed from the home, seeking living quarters, or providing chore/housekeeper services for an elderly or disabled relative.*
- *A family is receiving public assistance or has income up to 200 percent of the State income standard and child care services are needed for the child's caretaker to attend a two- year program other than one with a specific vocational sequence leading to an associate's degree or a certificate of completion, or a four-year college or university program leading to a bachelor's degree provided:*
 - (a) the program is reasonably expected to improve the earning capacity of the caretaker;*
 - (b) the caretaker is and continues to participate in non-subsidized employment whereby the caretaker works at least 17½ hours per week and earns wages at a level equal to or greater than the minimum amount required under Federal and State labor law while pursuing the course of study; and*
 - (c) the caretaker can demonstrate his or her ability to successfully complete the course of study.*
- *A family with an open child protective services case when it is determined on a case-by-case basis that such child care is needed to protect the child.*
- *A family with income up to 200 percent of the State income standard when child care services are needed for the child to be protected because the child's caretaker is physically or mentally incapacitated or has family duties away from home necessitating his or her absence.*
- *A family with income up to 200 percent of the State income standard when child care services are needed for the child's caretaker to participate in one of the following activities provided such activity is an allowable activity set forth in the social services district's consolidated services plan or integrated county plan and the district determines that the activity is a necessary part of a plan for the family's self-support:*
 - (a) actively seeking employment for a period of up to six months as established by the social services district in its Child and Family Services Plan, if the caretaker documents*

that he or she is currently registered with a New York State Department of Labor's Division of Employment Services Office, provided that child care services will be available only for the portion of the day the family is able to document is directly related to the parent or caretaker engaging in such activities;

(b) educational or vocational activities including attendance in one of the following secondary or post-secondary programs;

(1) a public or private educational facility providing a standard high school curriculum offered by or approved by the local school district;

(2) an education program that prepares an individual to obtain a New York State high school equivalency diploma;

(3) a program providing basic remedial education in the areas of reading, writing, mathematics and oral communications for individuals functioning below the ninth month of the eighth-grade level in those areas;

(4) a program providing literacy training designed to help individuals improve their ability to read and write;

(5) an English as a second language (ESL) instructional program designed to develop skills in listening, speaking, reading and writing the English language for individuals whose native or primary language is other than English;

(6) a two-year full-time degree granting program at a community college, a two-year college, or an undergraduate college with a specific vocational goal leading to an associate's degree or certificate of completion within a determined time frame which must not exceed 30 consecutive calendar months;

(7) a training program which has a specific occupational goal and is conducted by an institution licensed or approved by the State Education Department other than a college or university;

(8) a prevocational skills training program such as a basic education and literacy training program; or

(9) a demonstration project designed for vocational training or other projects approved by the Department of Labor.

Notwithstanding the potential for some of these educational or vocational training programs to allow for the eventual attainment of a bachelor's degree or like certificate of completion for a four-year college program, NY State regulation does not permit the renewal of such educational or vocational training program enrollment for any additional period in excess of 30 consecutive calendar months, except as authorized in the above paragraph related to a four-year college or university program, nor does it permit enrollment in more than one such program.

(c) a program to train workers in an employment field that currently is or is likely to be in demand in the near future, if the caretaker documents that he or she is a dislocated worker and is currently registered in such a program, provided that child care services are only used for the portion of the day the caretaker is able to document is directly related to the caretaker engaging in such a program. For the purposes of this provision, a dislocated worker is any person who: has been terminated or laid off from employment; has received a notice of termination or layoff from employment that will occur within six months of such notice; or was self-employed but is unemployed as a result of general

economic conditions in the community in which the individual resides or because of natural disasters.

A social services district must provide NYSCCBG services to families receiving public assistance, during breaks in activities, for a period of up to two weeks when the parent or caretaker relative is: engaged in work; participating in work activities or performing community service; a teen parent attending high school or other equivalent training; physically or mentally incapacitated; or absent from the home due to family duties. Such child care services may be authorized for up to one month if child care arrangements would be lost if the services were not continued, and the program or employment is scheduled to begin within that one-month period.

3.4.4 Has the Lead Agency established additional priority rules that are not reflected in the table completed for Section 3.4.1? (658E(c) (3) (B), §98.16(g) (5), §98.20(b))

Yes.

No.

3.4.5 Does the Lead Agency serve all eligible families that apply?

Yes.

No.

3.4.6 Does the Lead Agency have a waiting list of eligible families that they are unable to serve?

Yes.

No.

3.5 Sliding Fee Scale for Child Care Services

3.5.1 The statute and regulations require Lead Agencies to establish a sliding fee scale that varies based on income and the size of the family to be used in determining each family's contribution (co-payment) to the cost of child care (§98.42).

a) **Attach** the sliding fee scale as Attachment 3.5.1.

b) **Describe** how the sliding fee scale is administered, including how the family's contribution is determined and how the co-payment is assessed and collected:

New York State assesses a family fee towards the cost of child care based on income. The family fee is a single fee, not dependent on the number of children in care or whether full- or part-time care is needed.

Due to the wide disparity of per capita income, consumer price levels, and the cost, availability, and accessibility of child care among the geographic jurisdictions within New York State, each of 58 social services districts is allowed to select a percentage, between 10 percent and 35

PLAN FOR CCDF SERVICES IN: **New York State**
FOR THE PERIOD 10/1/09 – 9/30/11

percent, to calculate the family fee. Each district submits its selection of fee percentage in its Child and Family Services Plan, which is subject to the approval of OCFS. Each district calculates the fee for the family on a weekly basis by applying the fee percentage to the excess of the family's gross annual income over the State Income Standard for that family size and divide by 52. The State Income Standards (SIS), effective June 1, 2009, are based on the poverty guidelines by family size published in the Federal Register Volume 74, Number 14 dated January 23, 2009. The SIS is updated each year when federal poverty levels are adjusted. There is a minimum family share of \$1 per week for other than PA recipients.

OCFS believes that districts should be allowed flexibility in establishing a family share policy that meets the needs of their communities and has approved waivers to the state fee methodology. Waivers that have been approved include a cap on the amount of the family share at 12 percent of the family's gross income, a minimum family share at \$5 per week, and the establishment of a pro-rated family share for part-time child care.

The district determines who collects the family share. Typically, the provider collects the family share from the parent.

c) The attached sliding fee scale was effective as of *June 1, 2009*

d) Does the Lead Agency use other factors in addition to income and family size to determine each family's contribution to the cost of child care? (658E(c) (3) (B), §98.42(b))

Yes.

No.

3.5.2 Is the sliding fee scale provided as Attachment 3.5.1 used in all parts of the State? (658E(c) (3) (B))

Yes.

No.

3.5.3 The Lead Agency may waive contributions from families whose incomes are at or below the poverty level for a family of the same size, (§98.42(c)), and the poverty level used by the Lead Agency for a family of 3 is:

\$18,130

The Lead Agency must **select ONE** of these options:

ALL families with income at or below the poverty level for a family of the same size ARE NOT required to pay a fee.

ALL families, including those with incomes at or below the poverty level for families of the same size, ARE required to pay a fee.

PLAN FOR CCDF SERVICES IN: **New York State**
FOR THE PERIOD 10/1/09 – 9/30/11

- SOME families with income at or below the poverty level for a family of the same size ARE NOT required to pay a fee. **Describe** these families:

OCFS, with the agreement of the New York State Office of Temporary and Disability Assistance (OTDA), categorically waives the family fee for recipients of temporary assistance. The federal Welfare Reform Act imposed a Poverty Level Income Test for eligibility for the Temporary Assistance to Needy Families (TANF) program that requires a household's total gross earned and unearned income to be at or below the federally established poverty level by family size. This provision applies only to recipients living in housing for which a shelter allowance is provided to people renting an apartment, living in their own home, living in Section 8 Housing, living in public housing and certain types of room and board arrangements. In relation to the poverty level test, circumstances may occur in which a temporary assistance recipient is placed in specialized housing, such as a domestic violence shelter or AIDS housing, and the cost of that housing may exceed the normal shelter allowance, and, in combination with the temporary assistance cash benefit and earned or unearned income, may put that family above the poverty level. In this specialized circumstance, the family remains eligible for TANF. Note that this process for TANF eligibility determination is detailed by the OTDA in its State Plan for TANF and has been approved by the federal Department of Health and Human Services.

The eligibility levels used by OTDA in determining eligibility for temporary assistance is effective June 1, 2009, based on the poverty guidelines published in the Federal Register Volume 74, Number 14 dated January 23, 2009.

3.5.4 Does the Lead Agency allow providers to charge parents the difference between the maximum reimbursement rate and their private pay rate?

- Yes
 No.

Note: If a provider, which does not enter into a contract with the social services district, has a private pay rate that is higher than the child care market rate, the provider may ask the parent to pay the amount over the market rate. If the provider enters into a contract with the district and the negotiated rate is lower than the provider's private pay rate, then the provider cannot ask the parent for the amount of the private rate over the negotiated rate.

3.5.5 Describe how the co-payments required by the Lead Agency's sliding fee scale(s) are affordable: (§98.43(b) (3))

Due to the wide disparity of per capita income, consumer price levels and the cost, availability and accessibility of child care among geographic jurisdictions within New York State, each social services district selects, with the approval of OCFS, its own family fee percentage between 10 percent and 35 percent. The family share of child care costs is calculated by applying the family fee percentage against the amount of the family's annual gross income that is in excess of 100 percent of the State Income Standard, and must be applied equally to all families receiving child care services in the district.

PLAN FOR CCDF SERVICES IN: **New York State**
FOR THE PERIOD 10/1/09 – 9/30/11

The following chart illustrates the distribution of districts by family fee percentage as of March 1, 2009 and the percent of the average monthly number of subsidized children served (not receiving temporary assistance) during the period July 2007 through June 2008.

Family Fee Percentage	Number of Districts	Percent of Subsidized Children
10%-14%	5	2.4%
15%-19%	3	10.5%
20%-24%	10	3.9%
25%-29%	18	18.4%
30%-34%	2	5.1%
35%	20	59.7%
Total	58	100%

The chart below provides examples of the percent of family income that goes toward meeting the family share when calculated at several income amounts. Since each district establishes its own fee percentage, the chart illustrates the percentage of income at the lowest and the highest allowable fee percentage standards for a family of three.

Annual Family Income	Family Share as Percentage of Family Income* at:		
	<u>Lowest allowable fee percentage (10 %)</u>	<u>25% fee percentage</u>	<u>Highest allowable fee percentage (35 %)**</u>
\$18,000	Less than 1 %	Less than 1 %	Less than 1 %
\$23,000	2.1%	5.3%	7.4%
\$28,000	3.5%	8.8%	12.3%
\$33,000	4.5%	11.3%	15.8%
\$36,260	5.0%	12.5%	17.5%

**The family share values are based on the New York State Income Standard in effect on June 1, 2009 for a family of three, \$18,130. The State Income Standard is based on the poverty guidelines published in the Federal Register Volume 74, Number 14 dated January 23, 2009.*

***This includes New York City, which places a cap on the family share at 12 percent of the annual gross income.*

PART 4
PARENTAL RIGHTS AND RESPONSIBILITIES

4.1 Application Process / Parental Choice

4.1.1 Describe the process for a family to apply for and receive child care services (658D (b) (1) (A), 658E(c) (2) (D) & (3) (B), §98.16(k), 98.30(a) through (e)). At minimum, describe:

- a) How parents are informed of the availability of child care services under CCDF (i.e., parental choice of child care services through a certificate or grant of contract)

Parents are informed of available child care services when they contact their social service district seeking child care assistance and when they are working with a child care resource and referral agency (CCR&R) to locate care. At that time, information is provided on the types of child care providers for which payment can be made; the assistance available to parents in selecting a provider; the process for making application for financial assistance in paying for child care; the parent's right to choose the child care provider; and the parent's right to receive a child care certificate.

Additionally, OCFS maintains a website, www.ocfs.state.ny.us/main/childcare, which provides information for parent/caretakers about financial assistance, including links to local districts and CCR&Rs for more assistance. Also, families can conduct a search for licensed and registered providers by county and zip code.

- b) How parents can apply for CCDF services

Applications for child care services are submitted to the district in the county in which the applicant lives. Applicants for child care services must apply in writing on the Common Application LDSS-2921, or local equivalent approved by OCFS. The district must permit applicants to submit their applications by mail. The parent with whom an eligible child resides is the applicant for child care services. The applicant is responsible for providing accurate, complete and current information regarding the family's circumstances, including the family's income, composition and child care arrangements. The applicant must notify the district immediately of any change in this information. Recipients of temporary assistance (TA) and "child care in lieu of TA" must not be required to complete a new application for transitional child care assistance, although districts may contact the family to update the case information. The district must determine whether a family is eligible for transitional child care prior to closing a TA case or a "child care in lieu of TA" case.

Eligibility determinations are made by staff of the district. The district is required to determine eligibility within 30 days of receiving an application. A notice of eligibility or ineligibility must be sent to applicants or recipients within 15 calendar days after the determination has been made. When the service is authorized to be delivered, the district is required to make provision for the delivery of such services within 15 calendar days after notification of eligibility.

c) What documentation parents provide as part of their application to determine eligibility

The parent must provide documentation that supports all aspects of the eligibility determination for each applicant or recipient, including programmatic, financial, family composition, and family and child eligibility.

Factors that must be documented by the parent include but are not limited to:

- *Income;*
- *Household composition;*
- *The hours the child care is needed, including the work or education/training schedule of the parent/caretaker, if applicable;*
- *The reason child care is needed;*
- *The non-custodial parent's or other legally responsible relative's availability to provide care;*
- *Ages of children needing care and documentation of any special needs to support the determination that a child has special needs; and,*
- *Active pursuit of child support or good cause exception.*

d) How parents who receive TANF benefits are informed about the exception to individual penalties as described in 4.4

All TA applicants and recipients are informed that their TANF benefits cannot be reduced or terminated if they are not participating in work requirements due to a lack of suitable child care through the LDSS-4148A, "What You Should Know About Your Rights and Responsibilities." An optional notice, LDSS-4647, "Important Information About Child Care" is available for districts that want to provide an additional notice for this purpose.

e) What steps the Lead Agency has taken to reduce barriers to initial and continuing eligibility for child care subsidies

New York State has taken steps to reduce barriers to initial and continuing eligibility for child care subsidies. These efforts include:

- *Recognizing the limited time that parents can take off from work, applicants and recipients for child care assistance are allowed to submit applications or re-certifications by mail.*
- *Child care assistance must be guaranteed by social services districts, even when federal and State funds are not available, for a family who has applied for and would otherwise be eligible for TA benefits, or was in receipt of TA benefits and voluntarily closed its TA case while still eligible for TA, provided certain financial and programmatic are met. This guarantee provides families below the poverty level with an opportunity to accept employment and remain independent from receiving TA benefits.*

PLAN FOR CCDF SERVICES IN: **New York State**
FOR THE PERIOD 10/1/09 – 9/30/11

- *Child care assistance must be guaranteed for 12 months by social services districts, even when Federal and State funds are not available, for a family whose TA case is closed or is no longer financially eligible for child care in lieu of TA provided certain financial and programmatic needs are met. In order to maintain the continuity of child care services, districts are required to determine a family's eligibility for transitional child care benefits concurrently with closing the TA case, or a case in which child care is being received in lieu of TA. The recipient is not required to complete a new application for child care benefits.*
- *The OCFS website informs families that financial assistance may be available and how to obtain additional information. Additionally, it provides information on how to get help in finding child care.*
- *OCFS has approved the use of a child-care-only application that was developed by a social services district. This application simplifies the collection of information for families that are applying only for child care benefits. Districts that opt to use this form or develop a local equivalent must obtain OCFS approval.*
- *Some social services districts are supporting demonstration projects that facilitate the application process. Contracted agencies assist applicants by providing applications, information and assistance. They review completed applications and gather supportive documentation prior to passing the application package to the district for determination of eligibility. This is being done in the following sites: the Bronx, Brooklyn, Queens, and Liberty Zone in New York City; and Albany, Monroe, Oneida, Rensselaer and Schenectady Counties.*

f) **Attach** a copy of your parent application for the child care subsidy program as Attachment 4.1.1.

4.1.2 Is the application process different for families receiving TANF?

Yes, and **describe** how the process is different

No

The basis of eligibility for a child care subsidy for a recipient of TA is solely the status of that individual for the TA program. An individual who has applied for TA benefits is determined financially and programmatically eligible for the TA program under the federally mandated requirements of that program. An additional application for child care subsidy and further financial determination are not required for the child care subsidy program. The TA parent must meet the work and training requirements under the TA program and provide documentation to the social services district concerning qualifying care, provider arrangement, provider requirements, and payment amount.

4.1.3 What is the length of eligibility period upon initial authorization of CCDF services?

Programmatic and financial eligibility must be re-determined periodically but not less frequently than every 12 months for child care services. Social services districts select the eligibility determination period to be applied in their district.

In response to the flooding caused by Hurricane Irene and Tropical Storm Lee, Local Social Services Districts could request to amend the child care services portion of its Child and Family Services Plan and request a waiver of the applicable plan submission requirements under Part 407 and child care services regulations under Part 415 of Title 18 of the Official Compilation of Codes, Rules and Regulations of the State of New York for the duration of the disaster recovery period to extent that the district continued to have funds available under either the district's allocation for the State Child Care Block Grant Program or any local funds appropriated to permit families that are not receiving public assistance that would otherwise need to have their eligibility for child care assistance re-determined within the period of the disaster recovery an additional 30 days to complete such redetermination and continue to provide child care services to such families during the extended redetermination period.

For TA families, child care eligibility is tied to the family's eligibility for and participation in work activities as required or approved for the TA program. Income eligibility for the temporary assistance program is reassessed periodically via mailers. Participation in required or approved activities is monitored on an ongoing basis.

a) Is the initial authorization for eligibility the same for all CCDF eligible families?

Yes.

No.

4.1.4 Describe how the Lead Agency ensures that parents are informed about their ability to choose from among family child care and group home child care, center-based care and in-home care, including faith-based providers in each of these categories.

NYS has issued and distributed, as part of its "Think About Child Care" family education campaign, brochures to help all parents, not just those who are receiving a child care subsidy, in selecting quality child care to meet the needs of their children. Parents are provided with information on all types of child care settings, including legally-exempt child care. This publication is available on-line at the OCFS website (<http://www.ocfs.state.ny.us/main/publications/Pub1115A.pdf>), at child care resource and referral agencies, and at social services districts.

The parent is provided at the time of application with the LDSS-4148A, "What You Should Know About Your Rights and Responsibilities", which advises the parent of his/her rights and responsibilities regarding child care. These include the following: the right to receive information about how to locate a child care provider, and the right to choose the child care

provider, who may be licensed or registered or legally-exempt from OCFS licensing and registration requirements such as a relative, friend, or neighbor. The parent is also informed that it is his/her responsibility to look for and choose a child care provider and that he or she must pay any family share of the cost of child care services.

A parent who is interested in arranging care with a legally-exempt provider is informed on the enrollment form that the parent is responsible for choosing the child care provider. The enrollment form contains a certification which the parent/caretaker must sign stating: “I certify that I have selected this provider to care for my children. I understand that it is my responsibility to monitor the quality of care furnished to my children.”

4.1.5 Describe how the Lead Agency reaches out and provides services to eligible families with limited English proficiency, including how the Lead Agency overcomes language barriers with families and providers.

The State reaches out and provides services to families and providers with limited English proficiency by providing several forms in six languages. Most forms are available in both English and Spanish. The following is a list of such forms with additional forms in the process of being translated.

- *Common Application - (available in Haitian-Creole, Arabic, Chinese, Russian, Spanish and English)*
- *“What You Should Know About Your Rights and Responsibilities” - (available in Haitian-Creole, Arabic, Chinese, Russian, Spanish and English)*
- *“Think About Child Care” - (available in Arabic, Chinese, Russian, Spanish and English)*

The following forms are available in English and Spanish:

- *Notices to parents regarding actions on their child care subsidy case*
- *Legally-exempt child care provider enrollment forms*

Social services districts use a variety of approaches to assist families with limited English proficiency. For example, one district uses a Language Poster and Language Cards to allow an individual to point to the language that they speak. The district contracts with an organization for interpreter services. The district also has Spanish speaking clerical staff in all its offices as well as in its child care subsidy unit. Another district sub-contracts with an organization that provides translation/interpretation services in over 75 languages for all program areas.

Many community organizations throughout the State offer translation and interpreter services and are often located near or within the same building as the social services district offices. Additionally, several of the CCR&Rs offer translation services to families applying for services. Finally, family members and friends often serve as the applicant/recipient’s most trusted translator/interpreter.

4.2 Records of Parental Complaints

Describe how the Lead Agency maintains a record of substantiated parental complaints about providers and makes substantiated parental complaints available to the public on request. (658E(c) (2) (C), §98.32))

OCFS maintains a toll free telephone number: (800) 732-5207, which parents and other individuals may use to file complaints about child care providers. Calls are routed automatically to the appropriate Regional Office that has responsibility for licensing and registration in the area from which the call is being placed. The complaint line is staffed by OCFS personnel.

Whenever a complaint is taken, it is immediately registered in the Child Care Facility System (CCFS) complaint tracking system. As the complaint is investigated and a determination is made, this system is updated, thus providing a record of the status of all complaints that have been filed.

OCFS Regional Offices, local districts of social services and CCR&Rs have access to CCFS and are authorized to inform parents about the compliance history of any child care provider. Information about complaints, as well as other investigations, is available to parents upon request. In most cases, such requests are verbal. It is OCFS's policy to respond verbally to verbal requests for information as clearly and completely as possible while maintaining appropriate confidentiality. If parents are requesting hard copy documents of complaint investigations, they are asked to request them in writing.

The most common type of information requested verbally involves the compliance history and current status of a child care provider; specifically whether there have been any complaints about the provider. When responding to such a request, OCFS assumes that the parent is interested in the compliance history and status of the provider in question, regardless of whether a violation came to light as the result of a complaint or some other inspection. Initially, OCFS staff will suggest to parents that, although more dated information may be available, it is usually most helpful to look at a program's compliance history over the past two years via the "child care search" section of the OCFS website. However, if the parents want information from a period prior to the last two years, that information will be provided.

4.3 Unlimited Access to Children in Child Care Settings

Provide a detailed description of the Lead Agency procedures for affording parents unlimited access to their children whenever their children are in the care of a provider who receives CCDF funds. (658E(c) (2) (B), §98.31))

OCFS' regulations require that the parent of a child receiving care must have:

- unlimited and on demand access to such child;*
- the right to inspect all parts of the building used for child care, or which could present a hazard to the health or safety of the child, whenever the parent requests, at any time during the hours of operation of the child care program;*
- unlimited and on-demand access to the provider whenever such child is in care or during the normal hours of operation;*

- *unlimited and on-demand access to written records concerning such child, except where access to such records is otherwise restricted by law.*

Caregivers of legally-exempt children are required to attest that they will provide such access before payments can be approved. Any provider who is unwilling to give parents unlimited and on-demand access is not eligible to receive payments for services provided to eligible children.

(New York State Social Services Law 390, sections 418-1.15(a)(8)(i), 414.15(a)(8)(i), 416.15(a)(9)(i), and 417.14(a)(9)(i).

4.4 Criteria or Definitions Applied by TANF Agency to Determine Inability to Obtain Child Care

The regulations at §98.33(b) require the Lead Agency to inform parents who receive TANF benefits about the exception to the individual penalties associated with the work requirement for any single custodial parent who has a demonstrated inability to obtain needed child care for a child under 6 years of age. In fulfilling this requirement, the following criteria or definitions are applied by the TANF agency to determine whether the parent has a demonstrated inability to obtain needed child care:

NOTE: The TANF agency, not the Child Care Lead Agency, is responsible for establishing the following criteria or definitions. These criteria or definitions are offered in this Plan as a matter of public record. The TANF agency that established these criteria or definitions is:

The criteria below are promulgated in regulation by the New York State Office of Children and Family Services and the criteria and definitions implemented by the New York State Office of Temporary and Disability Assistance.

- "appropriate child care":

Appropriate means the child care provider is open for the hours and days the parent or caretaker relative would need child care in order to comply with the applicable work requirements and the provider is able and willing to provide child care services to the applicable child(ren) including addressing any special needs of the applicable child(ren).

- "reasonable distance":

Reasonable distance means the child care provider is located within a reasonable distance from the parent or caretaker relative's home and work activity, based on locally accepted community standards as defined by the social services district in the child care portion of the district's Child and Family Services Plan.

- "unsuitability of informal child care":

Unsuitability of informal care means the physical condition of the home or the physical or mental condition of the informal provider would be detrimental to the health, welfare and/or safety of the applicable child(ren).

- "affordable child care arrangements":

PLAN FOR CCDF SERVICES IN: **New York State**
FOR THE PERIOD 10/1/09 – 9/30/11

Affordable means the parent or caretaker relative would have sufficient income to pay the family share for the child care services, if required according to State regulations, and/or to pay the cost of care above the market rate, if applicable. If the potential provider is a caregiver of informal child care who would be providing care in the child(ren)'s home, affordable also means that the parent or caretaker relative would have sufficient income to provide the caregiver with all the required federal and State employment benefits.

In addition, the following definition is applied to determine inability to obtain child care:

- “accessible child care”:

Accessible means the parent or caretaker relative is able, by available public or private transportation, to get the applicable child(ren) to and from the child care provider(s) taking into consideration the age and any special needs of the children.

PART 5
ACTIVITIES & SERVICES TO IMPROVE THE QUALITY AND AVAILABILITY OF
CHILD CARE

5.1 Quality Targeted Funds and Set-Asides

Federal appropriations law has targeted portions of the CCDF for quality improvement and for services for infants and toddlers, child care resource and referral (CCR&R) and school-age child care. For each targeted fund, provide the following information.

5.1.1 Infants and Toddlers:

Note: New York State child care regulations define an infant as a child up to 18 months of age; toddler means a child 18 months to 36 months of age. For purposes of this section, infant/toddler is any child 36-months-old or younger.

a) **Describe** the activities provided with these targeted funds
The Infant/Toddler (I/T) initiative is funded to address, on a statewide basis, the unique and special needs of the I/T population. The services include:

- *Providing enhanced technical assistance to providers on best practices in serving infant and toddlers, including assisting them in addressing issues they or regulatory staff have identified in their program;*
- *Working with established and potential providers as they develop new infant/ toddler care;*
- *Promoting and facilitating child care staffing, obtaining specialized training in serving this population, including the Infant/ Toddler Certificate;*
- *Making information available on best practices in various media to the provider community.*
- *Serving as a resource to all CCR&Rs in the region in the development of training and other mechanisms to share information on infant/ toddler care.*
- *Serving as a resource to regional licensing/ registration staff in responding to issues related to infant/toddler care.*
- *Other activities to promote an understanding of the importance of and strategies for improving the quality of care for infants and toddlers.*

b) **Identify** the entities providing the activities
The infant/toddler initiative began in 2002 to address the unique and special needs of the infant/ toddler population in response to our youngest children's needs. In 2007, OCFS engaged in a competitive procurement process to continue its support of the "Infant/Toddler (I/T) Initiative." There are seven lead CCR&R agencies, qualified not-for-profit organizations that were selected through the request for proposal process, to provide Infant/Toddler services in each of New York State's seven regions:

*Capital District Child Care Coordinating Council-Albany Region
Child Care Coalition of Niagara Frontier –Buffalo Region
Child Care Council Inc. –Rochester Region*

Child Care Solutions, Inc.-Syracuse Region
Child Care Council of Suffolk -Long Island Region
Child Care Council of Westchester –Spring Valley Region
Child Care, Inc.-New York City Region

Since its inception, the I/T initiative has provided a funding opportunity of \$125,000 annually per region, with the exception of New York City, which has received \$350,000 annually. OCFS will use some of the child care ARRA allocation to supplement funding to the seven infant/toddler resource centers. This investment will augment staff capacity in order to reach more Infant/Toddler programs and providers.

c) **Describe** the expected results of the activities

The expected results of these activities are to promote an understanding of the importance of, and strategies for, improving the quality of care for infants and toddlers.

5.1.2 Resource and Referral Services:

a) **Describe** the activities provided with these targeted funds

CCR&R services include referrals to child care providers and programs, information on what constitutes quality child care, and technical assistance to child care providers and programs. In New York State, CCR&Rs are a critical link between the State's efforts to oversee and strengthen the child care system and local child care market realities. In addition, federal ARRA funds will enable the state's CCR&Rs to seek national certification from the National Association of Child Care Resource and Referral Agencies (NACCRRA), which has developed a voluntary, national Quality Assurance certification program for the field of child care resource and referral, including state networks and CCR&Rs. The NACCRRA Quality Assurance process, which was developed and initially implemented with funding from the Child Care Bureau, guides CCR&Rs and state networks towards continuous quality assurance and excellence in service delivery.

b) **Identify** the entities providing the activities

In 2007, OCFS issued a request for proposal (RFP) for child care resource and referral services which requires state-wide coverage. This procurement sought to maximize efficiency by creating multi-county clusters in counties where there was interest. Effective October 1, 2007, the number of CCR&Rs, qualified not-for-profit organizations selected for funding, decreased from 41 to 36 contracts, in response to the 2007 RFP (See Attachment 1.5.1). For example, in NYC, there is now one primary CCR&R contractor with four CCR&R subcontractors.

c) **Describe** the expected results of the activities

The expected results are that CCR&R agencies will help the child care market work more effectively and provide both better services to families and higher-quality developmental experiences to children.

After completing NACCRRA's Quality Assurance process, it is expected that at least half of the state's CCR&Rs will be certified. This, in turn, will be related to the provision of higher quality technical assistance, training, mentoring and community engagement by "Quality-Assured" CCR&Rs.

OCFS, in partnership with the CCR&Rs, developed a performance-based contract to foster greater accountability of the publicly funded programs that required a fundamental restructuring of the contract and monitoring process for the CCR&R network during this reporting period. The contract milestones and associated unit costs were based on a Functional Cost Analysis of CCR&R services undertaken in July 2003. The CCR&R milestone services include information and referral services directed at educating parents who contact the agency regarding early childhood services, technical assistance to child care providers and programs, efforts to expand the number of family child care providers, developing and maintaining provider databases to determine service utilization and unmet needs for additional early childhood services, and providing written materials and conducting outreach to the community and employers to encourage support of all child care services. Using data from a statewide functional cost analysis, programs are assigned a unit of service cost for specific services such as number of referral contacts, technical assistance, and consultation (by phone and in person). Milestones are established during the contract development process and data are collected on a quarterly basis. The new CCR&R performance-based contract format created quantitative standards that enhanced the service deliverables by creating a more efficient identifying funding process for mandated services. The new contract format included a revision of the milestone definitions to clarify services and accurately identify and align community need and cost analysis.

It is anticipated that the most recent Functional Cost Analysis of the New York State Child Care Resource and Referral system, which was completed in 2008, will be used to adjust unit milestone costs, where applicable, for the 2009-2010 contract renewals, beginning in October 2009. In addition, the 2009-2010 CCR&R contracts will have some content-based milestone revisions as well (e.g., with a change in fingerprinting technology on the horizon, the fingerprinting milestone will likely be removed; the family home-based strategies will become more prescribed; and so on).

*The CCR&Rs, under the direction of the Early Care and Learning Council (formerly the New York State Child Care Coordinating Council), will partner with OCFS to create an outcome framework that will enable CCR&Rs to perform at their highest level by focusing on performance targets. For example, beginning in 2010, the Early Care and Learning Council will utilize the functional cost analysis to attach unit costs to enhanced milestones such as provider trainings for professional development (this, in order to strengthen the quality of child care environments so as to secure better outcomes for children in care). Moreover, the restructuring of the CCR&R contract format will be focused on establishing an outcome framework that will support early care and education programs such as *QUALITYstarsNY*.*

5.1.3 School-Age Child Care:

a) **Describe** the activities provided with these targeted funds

The DCCS regional office staff provides support to all identified modalities of care, including school-aged child care programs, and completes the licensing and registration activities for new applicants and providers renewing their applications. The activities include technical assistance, inspections, notification of compliance and non-compliance, approval of corrective action,

complaint investigations and, when necessary, initiation of enforcement actions. Specific to school-aged child care, the responsibilities of the staff assigned to these regional offices provide the following:

- *Technical assistance to organizations considering the establishment of school-age child care programs;*
- *The actual registration and monitoring of these programs; and*
- *Targeted work with family child care providers that elect to take advantage of a special provision in law to expand their capacity by two additional slots if those slots are used exclusively for school age children.*

Other activities include:

- *participating as an active member of the New York State School Age Network (a public-private collaborative to develop a comprehensive policy agenda for the promotion and availability of quality school-age child care services)*
- *helping develop and provide oversight to a credentialing program called the New York State School Age Care Credential (SAC), designed for staff in school age child care programs.*

b) Identify the entities providing the activities

- *NYS OCFS staff in Home Office and regional offices*
- *New York State School Age Network, a public private collaborative to develop a comprehensive policy agenda for the promotion and availability of quality school-age child care services*
- *Cornell University*
- *New York School Age Care Alliance*
- *AfterSchool Works! New York*
- *New York State Afterschool Network*
- *Early Care & Learning Council*
- *New York State Department of Education*
- *New York State Council on Children and Families*
- *Schuyler Center for Analysis and Advocacy*

c) Describe the expected results of the activities

The New York State SAC Credential promotes quality services to children by providing specific standards, training and evaluation of school age providers. It provides an opportunity for adults working with school-age children to gain professional recognition for demonstrating competence in their on-the-job skills. The SAC Credential requires 120 hours of coursework in support of seven competency goals across 14 functional areas. In an effort to assist programs interested in accreditation, OCFS has recruited and trained a cadre of Quality Advisors who are ready to provide technical assistance to programs interested in accreditation.

5.1.4 The law requires that not less than 4 percent of the CCDF be set aside for quality activities. (658E(c) (3) (B), 658G, §§98.13(a), 98.16(h), 98.51) The Lead Agency estimates that the following amount and percentage will be used for the quality activities

PLAN FOR CCDF SERVICES IN: **New York State**
FOR THE PERIOD 10/1/09 – 9/30/11

(not including targeted funds) during the 1-year period: October 1, 2009 through September 30, 2010:

\$51.9M (6 percent)

5.1.5 Check each activity in Table 5.1.5 that the Lead Agency will undertake to improve the availability and quality of child care (include activities funded through the 4 percent quality set-aside as well as the targeted funds for quality activities). (658D (b) (1) (D), 658E(c) (3) (B), §§98.13(a), 98.16(h)). CHECK ALL THAT APPLY.

Table 5.1.5 Activities to Improve the Availability and Quality of Child Care

Activity	Check if undertaking/ will undertake	Name and type of entity providing activity	Check if non-governmental entity
Comprehensive consumer education	<input checked="" type="checkbox"/>	OCFS	<input type="checkbox"/>
		Children and Family Trust Fund	<input type="checkbox"/>
		NY Consumer Protection Board	<input type="checkbox"/>
Grants or loans to providers to assist in meeting State and local standards	<input checked="" type="checkbox"/>	OCFS 36 CCR&Rs serving 58 counties & NYC	<input type="checkbox"/> <input checked="" type="checkbox"/>
Monitoring compliance with licensing and regulatory requirements	<input checked="" type="checkbox"/>	OCFS NYCDOHMH 36 CCR&Rs serving 58 counties	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>
Professional development, including training, education, and technical assistance	<input checked="" type="checkbox"/>	SUNY CUNY 36 CCR&Rs serving 58 counties	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>
Improving salaries and other compensation for child care providers	<input type="checkbox"/>		<input type="checkbox"/>
Activities to support a Quality Rating System	<input checked="" type="checkbox"/>	QUALITYstarsNY Design Group <i>(Attachment 5.1.5)</i>	<input checked="" type="checkbox"/>

PLAN FOR CCDF SERVICES IN: **New York State**
FOR THE PERIOD 10/1/09 – 9/30/11

Activity	Check if undertaking/ will undertake	Name and type of entity providing activity	Check if non-governmental entity
Activities in support of early language, literacy, pre-reading, and early math concepts development	<input type="checkbox"/>		<input type="checkbox"/>
Activities to promote inclusive child care	<input checked="" type="checkbox"/>	OCFS	<input type="checkbox"/>
Healthy Child Care America and other health activities including those designed to promote the social and emotional development of children	<input checked="" type="checkbox"/>	Council for Children and Families submitted a proposal to the Center for the Social and Emotional Foundations of Early Learning (CSEFEL) on behalf of multiple child-serving state agencies.	<input type="checkbox"/>
Other quality activities that increase parental choice, and improve the quality and availability of child care. (§98.51(a)(1) and (2))	<input checked="" type="checkbox"/>	SUNY CUNY NYS Ag & Markets Children and Family Trust Fund	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

5.1.6 For each activity checked in Table 5.1.5, a) **describe** the expected results of the activity. b) If you have conducted an evaluation of this activity, **describe the results**. If you have not conducted an evaluation, **describe** how you will evaluate the activities.

Comprehensive Consumer Education

Child Care Resource and Referral: *New York State contracts with 36 CCR&Rs that serve 58 counties and the five boroughs of New York City and play a major role in educating the public about the availability and quality of child care. One of the core functions of a CCR&R is information and referral of families to quality care. CCR&Rs produce written materials, provide telephone technical assistance, and conduct outreach to the community and employers to encourage support of all child care services.*

New York Loves Safe Babies Committee: *The OCFS Children and Family Trust Fund, established in 1984, is a program dedicated to family violence prevention in all its forms, including child abuse, domestic violence and elder abuse. The New York Loves Safe Babies Committee, supported by the Children and Family Trust Fund and led jointly by OCFS and the NYS Department of Health, works to improve the safety and health of young children. Activities*

include: child safety tip sheets, brochures on safe sleeping practices, “Keeping Infants and Young Children Safe” DVD, “Plan what to do when a baby can’t stop crying” magnets and diaper bag tags, emergency contact sheets for caregivers, and an annual public awareness event. NY Loves Safe Babies materials are used by professionals working with young families during home visits and parenting education workshops; public education events; training for child care providers and other opportunities to connect with caregivers.

Members of the NY Loves Safe Babies Committee include other New York State agencies such as the Office of Temporary and Disability Assistance and community-based organizations working with families of young children such as Healthy Families Schenectady County, Brain Injury Association of New York, and WMHT Public Television.

Babies Sleep Safest Alone Campaign: *The OCFS Public Information Office launched this public awareness campaign in May 2008. This campaign is designed to prevent infant deaths that occur when sharing sleep space with adults. Materials originally developed by the New York City Administration for Children’s Services were adapted for a state-wide audience and include public service announcements, website, posters, brochures and bibs in English and Spanish. Brochures are also available electronically in a wider variety of languages.*

Over 107,000 items were ordered by organizations in 49 New York State counties, 10 other states and Canada as of March 1, 2009. A wide range of organizations share the materials including local health and social services departments, homeless shelters, mental health agencies, New York City agencies, child advocacy centers, high school family educators, Head Start programs, town clerks who send materials with birth certificates, hospitals, child care providers, prenatal and pediatric clinics, and community-based social service agencies. (See Attachments 5.1.6a and b)

NYS Consumer Protection Board: *OCFS coordinated with the NYS Consumer Protection Board to distribute copies of the “Champ’s Toy Safety” coloring books to parents and child care providers, using the CCR&Rs’ state-wide network. The coloring books contain important safety information on toy safety. OCFS is also posting the coloring book on its child care website soon.*

Expected results: *The expected results of the consumer education programs just described are that parents and providers will gain knowledge about important child safety issues, and act on that knowledge so that children are protected and kept safe.*

Evaluation: *All CCR&Rs report on progress toward the performance-based milestones regularly. OCFS tracks the distribution of materials and the continuing demand for additional information.*

Grants or loans to providers to assist in meeting State and local standards

OCFS Health and Safety Grants: *OCFS recognizes the need to improve the health and safety of regulated center-based child care in New York State. Health and Safety grants are designed to assist organizations to remediate serious health and safety issues such as asbestos/lead paint removal, boiler repair or replacement, leaks repaired, floors replaced or repaired. OCFS has*

given preference to those programs that cannot afford to address these projects without additional resources. As a result, 422 programs throughout New York State have received \$6.7 million in funding to address Health and Safety issues since October, 2005.

Expected results: *The expected result of these projects is to keep programs safe and healthy. Many of these programs, without these funds, would have had to close their doors or greatly reduce their capacity.*

Evaluation: *100 percent of all projects that are funded by OCFS Health & Safety grants are inspected after completion by OCFS or NYC DOHMH licensor's/registrars or OCFS fire safety staff. Most of our Health and Safety grant recipients also get an on site monitored visit by the OCFS staff that developed and executed the contract.*

CCR&R Health and Safety Grants: *OCFS funds CCR&Rs to provide start-up grants to potential providers for health and safety items and other expenditures that will enable them to meet the regulatory requirements in order to become registered. In addition, OCFS funds CCR&Rs to provide health and safety grants to legally-exempt providers who care for children whose families receive child care subsidies. The health and safety items and expenditures are intended to help legally-exempt providers provide a safe and healthy home setting for the children in their care.*

Expected results: *OCFS funds CCR&Rs to provide health and safety grants to child care providers to address health and safety issues and help create a quality child care environment.*

Evaluation: *The stipulations of the performance-based contracts require CCR&Rs to report the number and type of grants provided.*

Accreditation grant opportunities to improve the quality of child care: *Grants have been available to center-based child care programs to become accredited. The accreditation process is an arduous one, involving self-assessment and often requiring upgrades to the program and resources, changes in staffing and enhancement of staff skills. To increase the number of accredited programs, grants have been provided to cover actual application fees and onsite visits. Providers have been reimbursed for expenses after having completed an accreditation program. Successful applicants also receive a \$200 incentive above the actual accreditation cost.*

Expected results: *Programs that have received Accreditation reimbursement grant funds are expected to perform at a higher standard of care than those programs that have not been accredited.*

Evaluation: *All accreditation reimbursement recipients must provide a copy of the accreditation certification in order to be reimbursed. This requirement provides us the documentation needed to verify all Accreditation requirements have been satisfied.*

Monitoring compliance with licensing and regulatory requirements

OCFS has seven regional offices that oversee the licensing and registration of child care providers and the issuing of licenses. These regional offices function to protect the health and

PLAN FOR CCDF SERVICES IN: **New York State**
FOR THE PERIOD 10/1/09 – 9/30/11

safety of children by verifying that child care providers comply with certain minimum standards established by OCFS' regulations (e.g., safety, sanitation, nutrition, prevention of child abuse and maltreatment). They are responsible for the licensing of all child care centers (except those in New York City) and group family home providers state-wide, and are directly responsible for the registration services for family child care and school-age child care programs in 22 counties. These regional offices also monitor the contracted registration services in the remaining counties for family child care and school-age child care programs.

Registration and inspection of family child care and school-age child care programs: *OCFS enters into Memoranda of Understanding (MOUs) with each local social services district on an annual basis, of which 30 LDSS subcontract with CCR&Rs, with the exception of the City of New York and Monroe County. In these two social services districts, OCFS contracts directly with the New York City Department of Health and Mental Hygiene (NYCDOHMH), and Child Care Council, Inc., respectively, to provide registration and inspection services to family child care and school-age child care programs, as part of a federal mandate to regulate child care in New York State (with the exception of child care centers in NYC).*

The core functions of the registration programs include the following activities:

- *Registration, initial and renewal applications*
- *Complaint investigations*
- *Regulatory compliance monitoring*
- *Training compliance monitoring*
- *Enforcement monitoring*
- *Fingerprinting and criminal history reviews*
- *State Central Registry database checks*
- *Enforcement actions: suspensions, revocations, denials, fines, limitations, restrictions, stipulations and settlements*
- *Testifying at hearings*
- *Responding to inquiries from parents regarding regulatory compliance by child care providers*

Expected results: *It is expected that registrars perform their functions accurately and in a timely fashion.*

Evaluation: *The registration MOUs are evaluated through a performance-based contract process that analyzes data pulled from the New York State CCFS system, which is the system of record for all licensing and registration functions. In addition, the DCCS regional offices perform quarterly case file reviews of the registration activities.*

Enrollment of legally-exempt child care providers: *OCFS has contracted with 36 legally-exempt caregiver enrollment agencies to enroll legally-exempt child care providers who care for children receiving a child care subsidy. The enrollment agencies conduct sex offender background checks and conduct annual inspections of 20 percent of legally-exempt family child care providers that do not participate in the federal Child and Adult Care Food Program. They also review the Child Care Facility System to determine if the provider has a history of having a child care license or registration denied, suspended or revoked. In addition, the Local Social*

Services Districts check each legally-exempt family and in-home child care provider against its child welfare database to determine if the provider has had his/her parental rights terminated or had a child removed from his/her care. As an incentive to promote the quality of care provided in informal subsidized child care settings, those informal child care providers who attend at least ten hours of training annually receive a higher reimbursement rate.

Expected results: *The process for enrollment of legally-exempt providers is expected to be completed in an accurate manner within specified timeframes.*

Evaluation: *The legally-exempt enrollment agency contracts are evaluated through a performance-based contract process. The CCFS system is currently being expanded in 2009 to record and analyze data and will become the system of record for all legally-exempt enrollment functions. Twenty per cent of all legally-exempt providers (that are not currently receiving assistance from the Child and Adult Care Food Program) are inspected on-site annually.*

Conversion to Tablet PCs for field staff

The child care system of record in New York State is the Child Care Facility System (CCFS), an electronic database that includes information related to regulatory compliance and other program/provider-specific data. Presently, all regulatory staff must manually enter the results of their inspections, which they initially record on hard-copy forms. In an effort to increase the amount of time that staff are able to spend doing on-site monitoring and technical assistance, OCFS is mounting an initiative which will be piloted using funds made available through the American Recovery and Reinvestment Act. This initiative, which will involve the use of notepad-sized tablet computers, will provide live connection to CCFS for licensing and registration staff.

Expected Results: *The initiative is intended to improve efficiency and effectively reduce timelines from field inspection to follow-up generation of letters. In addition, the Tablet PC's will allow licensing representatives to inspect, process, and begin mandated timelines for correction of various violations and issues on the spot, removing the possibility of a three- to four-day lag in processing inspection findings. In extreme cases, findings will be available to be viewed and acted upon by licensing/registration supervisors for immediate action without the licensing representatives leaving the site.*

Evaluation: *It will be possible to generate reports on staff productivity and the time between site inspections and when results are communicated to providers. In addition, supervisors will be able to determine whether, in fact, licensors/registrars are able to spend more time monitoring and providing technical assistance than they do now.*

Professional development, including training, education, and technical assistance

Videoconference Training: *Videoconferences are broadcast statewide throughout the year. Training topics emphasize the state-mandated content for child care providers which incorporates requirements for the operation of safe, healthy and developmentally-appropriate programs for children, for example: Safety and Security Procedures, How Children Learn and*

How We Teach, Fostering Communication Skills, Cognitive Development of Children, Children's Social and Emotional Development, Good Nutrition, Appropriate Learning Materials, Physical Development of Young Children, Fostering Friendships and Cooperation, Relationships with Families, and Using Effective Listening to Help Guide Young Children.

Expected results: *OCFS makes a substantial contribution to professional development in order to help providers achieve their mandated 30 hours of training every two years. That, in turn, is related to OCFS' primary objective for professional development, which is that providers better comply with State regulations and improve the quality of the child care they provide.*

Evaluation: *Each child care provider must complete and pass a test in order to receive credit and a training certificate. Aggregated data of all training topics and sessions is reviewed annually. CCFS records violations of the training requirement as well all other violations of State regulations. What it does not do is assess the overall quality of care. That evaluative goal will be achieved once New York State's quality rating and improvement system, QUALITYstarsNY, is fully implemented.*

Educational Incentive Program: *A voucher/scholarship program, administered by SUNY, was created to help child care providers pay for credit-bearing college courses, credentials, non-credit-bearing courses, conference fees, and education and training they need to provide quality care. Priority is given to low-income providers, providers serving low-income children and children with special needs, and providers who are taking college courses, training in a series, or seeking early childhood credentials. Providers must meet income guidelines in order to qualify for the program.*

Expected results: *OCFS makes a substantial contribution to professional development in order to help providers achieve their mandated 30 hours of training every two years. That, in turn, is related to OCFS' primary objective for professional development, which is that providers better comply with State regulations and improve the quality of the child care they provide.*

Evaluation: *Quarterly Reports documenting the distribution of the scholarship resources are submitted by SUNY. CCFS records violations of the training requirement as well all other violations of State regulations. The overall quality of care will be assessed once QUALITYstarsNY is fully implemented.*

Training Registry and Trainers Credential: *Working in partnership with the New York State Association for the Education of Young Children, the City University of New York (CUNY) is developing a trainer registry and credentialing system. Once it is fully implemented, it will include procedures for the purveyors of professional development and training to submit training portfolios for evaluation and assessment. Those that qualify will be awarded a trainer credential.*

Expected Results: *Ultimately, OCFS expects to require child care providers to choose training provided by credentialed trainers in order to have their training hours*

determined to be complying with the OCFS regulation that providers have 30 hours of training every two years.

Evaluation: *The Registry and Credentialing Pilot will be evaluated using the “Standard and Best Practices for Early Childhood and School Age/Afterschool Professional Registry Systems” tool. The tool was designed to assess the overall quality of the workforce data system and identify where the system needs to improve to meet the national standards. The assessment tool will evaluate the following categories: core data elements, data collection, the review and verification processes, and a wider range of applications and general administration and technology.*

Health and Safety Training: *An updated 15-hour competency-based Health and Safety curriculum continues to be successfully implemented statewide. Trainers are consistently monitored; providers can access the website for a list of certified trainers in each county. In response to requests from the field, a second curriculum for health and safety training for child care center staff is available as an optional training.*

Expected results: *The goal of health and safety training is a safe environment for children.*

Evaluation: *The numbers of training sessions and participants are monitored quarterly and necessary adjustments to the type and location of training are made. Compliance with health and safety regulations is assessed by reviewing the provider record in CCFS.*

Child Care Subsidy Training: *A training program is offered periodically for local district child care workers, supervisors, and contract staff to inform them of child care subsidy requirements, policies and procedures. A comprehensive resource manual is available online to assist workers. Telephone conferences are held to address new requirements and district implementation concerns.*

Expected results: *It is expected that local district staff will be accurate in their implementation of the subsidy program.*

Evaluation: *The numbers of training sessions and participants are monitored quarterly and necessary adjustments to the type and location of training are made.*

Training for Legally-Exempt Provider Enrollment Agencies: *This training offers insight into the nature of legally-exempt care, the Enrollment Agency’s role in monitoring legally-exempt providers and the inspection process, which includes observation and documentation skills.*

Expected results: *It is expected that staff of the legally-exempt enrollment agencies will be timely and accurate in their work.*

Evaluation: *The numbers of training sessions and participants are monitored quarterly and necessary adjustments to the type and location of training are made.*

Infant Child Rescue Breathing, CPR, and First Aid: Adult first aid and CPR training to accommodate older children in school-age programs continues through a contract with the American Red Cross. OCFS is committed to continuing this critical health and safety training.

Expected results: Children in acute health crisis will receive the intervention they need from a competent, well-trained adult.

Evaluation: The numbers of training sessions and participants are monitored quarterly and necessary adjustments to the type and location of training are made. In addition, all health-related incidents are carefully assessed by OCFS staff.

Activities to support a Quality Rating and Improvement System

QUALITYstarsNY: Over the past four years, a group of early childhood experts from across New York State has been working cooperatively with various government organizations to design QUALITYstarsNY, a quality rating and improvement system for child care and early learning programs. In January, 2008, OCFS became the lead state agency in this work, committed to planning and implementing QUALITYstarsNY. The system will recognize programs that demonstrate quality above and beyond meeting New York's strong regulatory standards. QUALITYstarsNY is also designed to improve quality; supports such as technical assistance and professional development will be available.

The planning group explored how other states had approached quality rating systems, discussed the opportunities and challenges in developing a system in NYS and created work groups to delve deeper into four key areas: Quality Rating Scale and Assessment, Provider Support, Consumer Information and Financing the System. Draft standards for center-based and family-based programs have been vetted by a diverse group of experts in the field and are available for review at www.earlychildhood.org/QSNY.

QUALITYstarsNY is designed to be inclusive and statewide once funding permits. While participation will not be mandatory, any program that is regulated by the state of New York or the City of New York will be invited to apply for a Star rating. A one-star rating will be granted to regulated programs in good standing simply by completing an application. QUALITYstarsNY is being designed to align with and complement existing quality assessment systems. Several communities have such systems, including Rochester's RECAP (Rochester early Childhood Assessment Partnership), and New York City's program performance assessment system for publicly-funded programs.

A field test of QUALITYstarsNY (to be funded by a combination of private philanthropic resources and federal ARRA dollars) is being developed. The field test of QSNY will investigate:

- Orientation to QUALITYstarsNY
- Application process and required documentation
- Assessment (onsite and application review)
- Rating standards and their validity

PLAN FOR CCDF SERVICES IN: **New York State**
FOR THE PERIOD 10/1/09 – 9/30/11

- *Cost of proposed quality improvements, i.e. how much will it cost for a program to move from a One-Star to a Two-Star rating, from a Two-Star to a Three-Star program, etc.*
- *Satisfaction of programs with (hypothetical) financial awards and incentives of different types and amounts*
- *Use of existing program improvement supports*
- *Educational value of participating in QUALITYstarsNY*
- *The appropriate role for existing state resources and personnel (e.g., licensing staff)*

Following a competitive process, 10-20 communities in New York State will be selected as field test sites. Each community will include representation of the many early care and learning environments: family child care, group family child care, child care centers, Universal PreKindergarten programs, nursery schools, etc. Data from the field test will inform future decisions that will have significant implications as we plan to take QUALITYstarsNY to scale statewide. It is expected that the field test will be a 14- to 16-month process that will entail the creation of a modest number of jobs (including the coordination team, assessors, and evaluator[s]).

Expected results: *It is expected that the field test will:*

- *validate the standards and the rating scale used to assess them*
- *establish a baseline profile of current program quality in the pilot communities in New York State*
- *demonstrate the value/use of community supports for quality improvement*
- *gather information about what kinds of improvements programs plan to make to move up in the system*
- *estimate the cost of improving from one star level to another based on examining the cost of a sample of program quality improvement plans.*

Evaluation: *An external evaluator will manage quantitative data collection across multiple sites, administer the various on-site assessment instruments, carry out qualitative observation and interviewing activities, and conduct all data analysis.*

Activities to promote inclusive child care

As an incentive to providers to serve children with more diverse developmental needs, the rate of reimbursement is set at the actual cost of care up to the statewide limit which is set at the highest weekly, daily, part-day, or hourly market rate for child care services in the State.

Another activity related to the promotion of inclusive child care is the development by OCFS of a policy statement that addresses racial equity and cultural competence as a manifestation of its commitment to providing services that respect and embrace children's race, color, ethnicity, religion, national origin, cultural heritage, disability, special needs, gender, age, or sexual orientation. In addition, DCCS has established a work group to help promote this work throughout the DCCS home office, regional offices, and among registration staff and child care providers. Activities include introducing the OCFS Policy on Racial Equity and Cultural Competence, heightening the awareness of the need for staff to be culturally competent,

developing and implementing a training on cultural competence and racial disparity for DCCS staff, and reviewing planning and funding documents for bias-free language.

Expected results: *The expected result of efforts to promote inclusive child care is that all children, regardless of background or disability/special need status, receive the individualized care that they need for optimal growth and development.*

Evaluation: *The local social services districts report on differential subsidy payments that are made in order to support providers who serve children with special needs. OCFS has not yet developed a strategy for assessing the delivery of culturally competent services, but expects to do so once they are more widespread.*

Healthy Child Care America and other health activities including those designed to promote the social and emotional development of children

Center for Social and Emotional Foundations of Early Learning: *OCFS partnered with a number of other state agencies in applying to the Center to be included as a partner state. Additional resources were not included in the application, but the assistance and guidance will help our interagency planning team coordinate efforts. The infrastructure of OCFS professional development (videoconferences, train-the-trainers, CCR&Rs, regional offices) will be used to support the increased knowledge and skills of child care providers in dealing with the challenges of young children.*

Expected results: *The expected results of activities designed to promote the social and emotional development of children is sequential. The first expected result is awareness on the part of the provider, followed by increased knowledge, followed by enhanced skills, and finally changes in practice.*

Evaluation: *New York State was not successful in being awarded a grant from the Center for Social and Emotional Foundations of Early Learning, but OCFS has committed to incorporating more social and emotional development into the training that it funds for child care providers.*

Other quality activities that increase parental choice, and improve the quality and availability of child care

In order to increase parental choice and meet the needs of special categories of families such as students and migrant workers, SUNY, CUNY and the New York State Department of Agriculture and Markets provide subsidies for child care services through a network of child care agencies and programs. Quality promotion is part of the package of services that is provided.

SUNY: *The quality component of the program may include the following:*
Health and Safety. *Any cost associated with the health and safety of children in the center. This includes replacement of equipment that is worn as well as minor remodeling to include painting, carpet/vinyl tile replacement, repair and replacement of broken*

fixtures, children's bathrooms, and playground equipment. Costs for a health care consultant, playground inspection, gloves for diaper changing, etc. are also included.
Accreditation. Any cost associated with obtaining or maintaining NAEYC accreditation. These costs included classroom materials, curriculum materials, costs associated with preparing classroom and management portfolios, application fees to NAEYC, annual report fees.

Staff Training. Any cost associated with training staff who work directly with children in the center (teacher, teacher assistant, classroom aide) or training staff who are responsible for the management of the center (director, assistant director, program coordinator). Subsidy funds are used to pay the fees of trainers who come into the centers, as well as registration fees for staff to attend outside workshops and conferences.

CUNY: The quality component of the program may include the following:

Staff development and training/educational incentives
Obtain/maintain NAEYC Accreditation
Upgrade and maintenance of facilities to conform to health and safety standards
Upgrade equipment and office supplies
Educational supplies and materials

NYS Department of Agriculture & Markets: The quality component of the program may include the following:

Program Support and Enhancement: A portion of the funds may be used for one-time health and safety needs and miscellaneous items. These costs include such expenses as minor facilities repairs and maintenance, and small office equipment

Training Costs: The quality of care is closely linked to staff training and development. Therefore, there are statewide training sessions that will accommodate staff from the centers.

Expected results: Enhanced child care quality is the expected result of these activities, including meeting the health and safety needs of children.

Evaluation: Although there is no formal evaluation process in place for these three programs at this time, each entity provides monthly reporting. In addition, beginning this past year, submission of an annual report is required as well.

New York State Parenting Education Partnership: OCFS, in partnership with the New York State Council on Children and Families and Prevent Child Abuse New York, co-convenes the New York State Parenting Education Partnership (NYSPEP). NYSPEP is a network of colleagues from across the state, working together to promote, provide and improve parenting education. By increasing factors that protect against child abuse and maltreatment, parenting education can lead to improved health and safety for children. See the NYSPEP website at www.parentingeducationpartnership.org and the related NYS Parenting Resources page at www.nysfamilyresources.org.

NYSPEP activities include: professional development for parenting educators, web-based resources for parenting educators and families, promoting use of evidence and evaluation in parenting education activities, creating tools to promote value of parenting programs.

NYSPEP members represent a wide range of New York State agencies and community-based organizations. Governmental agencies include: NYS Department of Health, NYS Education Department, NYS Office of Temporary and Disability Assistance, NYS Office of Mental Health, NYS Department of Correctional Services, NYS Office of Alcoholism and Substance Abuse Services, New York City Administration for Children's Services, US Navy Fleet and Family Support Center, and a county probation department.

Community-based organizations and associations involved in NYSPEP include: local United Way, parenting education programs, homeless services, home visiting programs, prenatal services, child care programs, NYS Community Justice Forum, research organizations, NYS Association of Family and Consumer Science Educators, NY Center on Sudden Infant Death, and the National Parenting Education Network.

Expected results: *Investment in the NYSPEP is expected to lead to increased access to parenting education programs through the development of an on-line data base; increased availability of research-based parenting education through parenting educator professional development; and increased numbers of parents and other caretakers seeking parenting education through statewide efforts to support the importance of parenting education.*

Evaluation: *Efforts are underway to put together interagency funding support for the NYSPEP. In developing that funding package, decisions will be made as to how to proceed with evaluating the results of the initiative. Prior to this, evaluation activities were limited to measuring process objectives.*

Attendance & Tracking

Within the next two years, OCFS plans to establish a statewide automated time and attendance payment system.

Expected results: *Once fully implemented, it is expected that the system will improve the quality of child care by increasing the number of regulated providers willing to accept children whose care is subsidized, and improving the retention of regulated providers by increasing the timeliness and accuracy of payments, so that they have sufficient cash flow to stay in business.*

Evaluation: *Once the system is up and running, it will be possible to test the above hypotheses through OCFS' CCFS database.*

5.2 Early Learning Guidelines and Professional Development Plans

5.2.1 Status of Voluntary Early Learning Guidelines. Indicate which of the following best describes the current status of the State's efforts to develop, implement, or revise research-based early learning guidelines (content standards) for three-to-five year-olds. **NOTE: Check only one box that best describes the status of your State/Territory's three-to-five-year-old guidelines.**

- Planning.** The State is planning for the development of early learning guidelines. Expected date of plan completion: . If possible, respond to questions 5.2.2 through 5.2.4.
- Developing.** The State is in the process of developing early learning guidelines. Expected date of completion: .
New York State is in the process of developing **two** sets of standards for young children.
For children Birth Through Three: the "Early Learning Standards" are being developed by an interagency workgroup under the direction of the Council for Children and Families. The expected date of completion is September 1, 2009.
For Four-year-olds: the "PreK Standards" are being developed by the State Education Department with input and feedback from a diverse group of stakeholders and should be available for review during the 2009-2010 school year.
If possible, respond to questions 5.2.2 through 5.2.4.
- Developed.** The State has approved the early learning guidelines, but has not yet developed or initiated an implementation plan. The early learning guidelines are included as **Attachment 5.2.1, if available**.
- Implementing.** In addition to having developed early learning guidelines, the State has embarked on implementation efforts which may include dissemination, training or embedding guidelines in the professional development system. The guidelines are included as **Attachment 5.2.1**.
- Revising.** The State has previously developed early learning guidelines and is now revising those guidelines. The guidelines are included as **Attachment 5.2.1**.
- Other. Describe:**

a) Describe the progress made by the State/Territory in developing, implementing, or revising early learning guidelines for early learning since the date of submission of the 2008-2009 State Plan. Efforts to develop early learning guidelines for children birth to three or older than five may be described here.

Early Learning Standards – for Children Birth Through Three:

The Division of Child Care Services has been an active participant in an interagency effort to develop early learning standards for children birth through three years of age. The birth through three learning standards development effort is being led by the Head Start Collaboration Project, NYS Association for the Education of Young Children and the NYC Early Childhood Professional Development Institute. The learning standards are being written so that they align with PreK learning standards being developed by the State Education Department.

PLAN FOR CCDF SERVICES IN: **New York State**
FOR THE PERIOD 10/1/09 – 9/30/11

To establish the standards, a work group was established consisting of 12 people with expertise in infant/toddler and early childhood development. The group included two staff of the Division of Child Care Services.

The first steps in developing the standards was conducting a careful review of the birth through three and PreK standards (guidelines, in some instances) developed by several other states. Once the review was completed, a decision was made to base the New York Birth Through Three early learning standards on the Washington State Benchmarks. To develop the New York standards, the work group was asked to review the Washington State Benchmarks and suggest changes based on research or other compelling issues. Careful attention was given toward developing guidelines that reflect the geographic and cultural diversity that is such an important part of New York State. The suggested changes were then compiled and used for developing draft learning standards.

The draft standards are currently being prepared for a comprehensive review process that began during the spring of 2009 and will continue through the summer. An effort will be made to get as many people in the early care and education community to review and comment on the standards as possible. Once that review process is completed, steps will be taken to publish and disseminate the standards. A significant training program designed to support classroom staff to use the guidelines is being planned.

b) If developed, are the guidelines aligned with K-12 content standards or other standards (e.g., Head Start Child Outcomes, State Performance Standards)?

Yes. If yes, **identify standards:**

No.

Throughout the standards development process, steps are being taken to ensure that the Birth Through Three standards align with the PreK standards and the K-12 learning standards. This is being accomplished through our close working relationship with staff at the State Education Department that are working on the development of the PreK standards and the revision of the K-12 learning standards. Care has also been taken to align the Birth Through Three standards with Head Start Child Outcomes. The standards development work group included the NYS Head Start Collaboration Project Director a representative of Region II Office of Head Start Technical Assistance Network, and an Early Head Start program director who served to ensure alignment.

c) If developed, are the guidelines aligned with early childhood curricula?

Yes.

No.

d) Have guidelines been developed for children in the following age groups:

Birth to three. Guidelines are included as **Attachment 5.2.1**

Birth to five. Guidelines are included as **Attachment 5.2.1**

- Five years or older. Guidelines are included as *Attachments 5.2.1a, b and c*. If any of your guidelines are available on the web, provide the appropriate Web site address (guidelines must still be attached to Plan):
<http://www.emsc.nysed.gov/ciai/pub/standards.pdf>

5.2.2 Domains of Voluntary Early Learning Guidelines. Do the guidelines for three-to-five-year-olds address language, literacy, pre-reading, and early math concepts?

Yes.

No.

a) Do the guidelines for children three-to-five-year-olds address other domains such as social/emotional, cognitive, physical, health, or creative arts?

Yes. If yes, **describe**.

No.

The New York State PreK Standards (still in draft form) include the following domains:

Approaches to Learning

Social Studies

Math

Communication, Language and Literacy

Social/Emotional Development

The New York Early Learning Standards (still in draft form), for children ages birth through three, include the following domains:

Physical Well-being, Health, and Motor Development

Social and Emotional Development

Approaches to Learning

Cognition and General Knowledge

Language, Communication and Literacy

5.2.3 Implementation of Voluntary Early Learning Guidelines.

a) **Indicate** which strategies the State used, or expects to use, in implementing its early learning guidelines.

Check all that apply:

Disseminating materials to practitioners and families

Developing training curricula

Partnering with other training entities to deliver training

Aligning early learning guidelines with licensing, core competencies, and/or quality rating systems

Other. **Describe:** *Utilization of the Early Learning Standards and the PreK Standards will be included in QUALITYstarsNY. Child care programs and providers will receive increasing 'points' for fully*

PLAN FOR CCDF SERVICES IN: **New York State**
FOR THE PERIOD 10/1/09 – 9/30/11

implementing the standards, providing training to child care staff, and assessing child outcomes.

b) **Indicate** which stakeholders are, or are expected to, actively support(ing) the implementation of early learning guidelines:

Check all that apply:

- Publicly funded (or subsidized) child care
- Head Start
- Education/Public pre-k
- Early Intervention
- Child Care Resource and Referral
- Higher Education
- Parent Associations
- Other: Governor's Early Childhood Advisory Council

c) **Indicate** the programs that mandate or require the use of early learning guidelines

- Publicly funded (or subsidized) child care
- Head Start
- Education/Public pre-k
- Early Intervention
- Child Care Resource and Referral
- Higher Education
- Parent Associations
- Other. **Describe:** *As both sets of standards (Early Learning and PreK) are formally adopted and incorporated in QUALITYstarsNY, it is anticipated that different service providers will endorse them and ultimately require their use for programs and providers participating in the voluntary quality rating and improvement system.*

d) **Describe** how cultural, linguistic and individual variations are (or will be) acknowledged in implementation.

In addition to training efforts dedicated to the above, the standards for QUALITYstarsNY recommend child care provider self-assessment using the checklist for Promoting Cultural & Linguistic Competency for Early Childhood Personnel from the National Center on Cultural Competence and the Family Strengthening Self-Assessment tool from the Center for the Study of Social Policy.

e) Describe how the diversity of child care settings is (or will be) acknowledged in implementation.

Materials developed to support implementation of the guidelines are included as **Attachment 5.2.3**. If these are available on the web, provide the appropriate Web site address (guidelines must still be attached to Plan)

5.2.4 Assessment of Voluntary Early Learning Guidelines. As applicable, **describe** the State's plan for:

Early Learning Standards for children aged birth through three and the PreK Standards for four-year-olds are both in draft form. Once completed, efforts will be undertaken to address 5.2.4a-d below.

- a) Validating the content of the early learning guidelines
- b) Assessing the effectiveness and/or implementation of the guidelines
- c) Assessing the progress of children using measures aligned with the guidelines
- d) Aligning the guidelines with accountability initiatives

Written reports of these efforts are included as **Attachment 5.2.4**. If these are available on the web, **provide** the appropriate Web site address (reports must still be attached to Plan)

5.2.5 Plans for Professional Development. **Indicate** which of the following best describes the current status of the Lead Agency's efforts to **develop a professional development plan** for early childhood providers that includes all the primary sectors: child care, Head Start, and public education. **NOTE: Check ONLY ONE box that best describes the status of your State's professional development plan.**

Planning. Are steps underway to develop a plan?

Yes, and **describe** the entities involved in the planning process, the time frames for completion and/or implementation, the steps anticipated, and how the plan is expected to support early language, literacy, pre-reading and early math concepts.

In response to the requirement included in the Head Start Act of 2007, Governor Paterson has designated the Children's Cabinet and its Advisory Board as the New York State Early Childhood Advisory Council (ECAC).

Karen Schimke, President of Schuyler Center for Advocacy and Analysis, and Robert Frawley, Deputy Director of the Council on Children and Families and Director of the NYS Head Start Collaboration Project, co-chair the ECAC. Members of the ECAC include state staff, members of the Children's Cabinet Advisory Board, and a wide range of stakeholders including representatives from higher education, K-12 education, Head Start, Indian Head Start, special education, health, and mental health. The structure of the ECAC will allow members to reach across boundaries in state government and to encourage and assist with cross-systems communication and planning.

At the first meeting held on May 15, 2009, the ECAC focused on addressing structural issues that will lead to Healthy Children, Strong Families, and Early Learning. Four workgroups were established to address issues related to Financing, Quality Improvement, Workforce

PLAN FOR CCDF SERVICES IN: **New York State**
FOR THE PERIOD 10/1/09 – 9/30/11

Development and Capacity Building. Meetings of the full ECAC will be held quarterly, while the workgroups will meet more often. The Workforce Development sub-group will be responsible for the development and implementation of a statewide professional development plan.

In addition to resources already available for training, OCFS will commit ARRA funds to the expansion and enhancement of professional development opportunities (including materials), especially for home-based providers.

Specifically, funds will be used to:

- *conduct on-going training and assess professional development needs to identify statewide and regional training gaps, and develop and implement plans to address these gaps for both regulated and legally exempt child care providers;*
- *reimburse providers for the partial cost of attaining education and training that leads to early childhood credentials: CDA; AA and BA degrees;*
- *help providers have access to affordable training to maintain compliance with State regulations regarding training requirements;*
- *provide financial assistance and support so that providers can successfully complete training requirements linked to QUALITYstarsNY, and utilize research-based tools to self-evaluate their programs;*
- *administer grants to home-based child care providers to conduct self-assessments of their programs so that they can determine the need to upgrade educational materials, supplies and equipment to meet the QUALITYstarsNY standards;*
- *provide program grants of up to \$500 per provider per year to assist providers with meeting the QUALITYstarsNY standards; and*
- *award grants to providers to cover the cost of unforeseen capital improvement expenses.*

In addition to improving program quality, this investment will create jobs for the trainers/staff developers, and also help providers retain their own jobs as they gain skills that will make them more competitive in the marketplace.

- Developing.** A plan is being drafted. The draft or planning documents are included as **Attachment 5.2.5**, if applicable.
- Developed.** A plan has been written but has not yet been implemented. The plan is included as **Attachment 5.2.5**, if applicable.
- Implementing.** A plan has been written and is now in the process of being implemented, or has been implemented. The plan is included as **Attachment 5.2.5**.
- Revising.** The State previously developed a professional development plan and is now revising that plan, or has revised it since submitting the

PLAN FOR CCDF SERVICES IN: **New York State**
FOR THE PERIOD 10/1/09 – 9/30/11

2008-09 State Plan. The revisions or the revised plan are included as **Attachment 5.2.5.**

Other. Describe:

a) Describe the progress made by the State in planning, developing, implementing, or revising the professional development plan since the date of submission of the 2008-2009 State Plan.

b) If developed, does the plan include (Check EITHER yes or no for each item):

	Yes	No
Specific goals or desired outcomes	<input type="checkbox"/>	<input type="checkbox"/>
A link to Early Learning Guidelines	<input type="checkbox"/>	<input type="checkbox"/>
Continuum of training and education to form a career path	<input type="checkbox"/>	<input type="checkbox"/>
Articulation from one type of training to the next	<input type="checkbox"/>	<input type="checkbox"/>
Quality assurance through approval of trainers	<input type="checkbox"/>	<input type="checkbox"/>
Quality assurance through approval of training content	<input type="checkbox"/>	<input type="checkbox"/>
A system to track practitioners' training	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Assessment or evaluation of training effectiveness	<input checked="" type="checkbox"/>	<input type="checkbox"/>
State Credentials – Please state for which roles (e.g. infant and toddler credential, directors' credential, etc.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Specialized strategies to reach family, friend and neighbor caregivers	<input type="checkbox"/>	<input type="checkbox"/>

c) For each Yes response, reference the page(s) in the plan and briefly describe.

Although OCFS does not yet have a formal professional development plan, the unevenness in the quality of the training offerings available to providers has led to a multi-pronged effort to enhance both the quality and accountability of training.

1) Professional Development System Registry: *The New York City Professional Development Institute (PDI), which is based at the City University of New York (CUNY), is in the process of developing a professional development system (PDS) registry. PDI staff are establishing stakeholder workgroups to continue developing the components of the system. They will lead workgroups through development of parameters around:*

- *NYS Core Body of Knowledge*
- *Access and outreach*
- *Qualifications, credentials and career pathways*
- *Funding*
- *Quality assurance*

PLAN FOR CCDF SERVICES IN: **New York State**
FOR THE PERIOD 10/1/09 – 9/30/11

Over the next year, the stakeholder groups will advise OCFS and make recommendations about the infrastructure that would support a PDS registry. The recommendations will cover:

- *Leadership and decision-making*
- *Plan for the flow of work and information*
- *Role definition*
- *Reporting procedures*
- *Where the registry might be housed*

NYC PDI will revise and reformat the NYS Core Body of Knowledge to increase its accessibility and potential for use as a tool to guide assessment of knowledge and skills

2) Early Learning Trainer Registry and the Early Learning Trainer Credential: *Working in partnership with the New York State Association for the Education of Young Children, PDI is creating a trainer registry and written procedures for trainers to submit their portfolios for evaluation and assessment for a trainer credential, and evaluating the trainer credential process, including an opportunity for trainers to be evaluated. A pilot is currently underway.*

3) Training Approval: *NYC PDI will work on the standardization and evaluation of statewide early learning training. Tasks include developing guiding principles for a NYS Training Approval System, creating a rubric for evaluating training, collaborating with other organizations to create a standardized list of training organizations/entities in NYS, developing a comprehensive list of standardized curricula and agencies that would qualify as “pre-approved,” and developing criteria to approve consultant work within a NYS Training Approval System.*

d) For each **No** response, **indicate** any plans the Lead Agency has to incorporate these components.

e) Are the professional development opportunities described in the plan available?

Note: Check either yes or no for each item):

	Yes	No
Statewide	<input type="checkbox"/>	<input type="checkbox"/>
To Center-based Child Care Providers	<input type="checkbox"/>	<input type="checkbox"/>
To Group Home Providers	<input type="checkbox"/>	<input type="checkbox"/>
To Family Home Providers	<input type="checkbox"/>	<input type="checkbox"/>
To In-Home Providers	<input type="checkbox"/>	<input type="checkbox"/>
Other (describe):	<input type="checkbox"/>	<input type="checkbox"/>

f) **Describe** how the plan addresses early language, literacy, pre-reading, and early math concepts development.

g) Are program or provider-level incentives offered to encourage provider training and education?

NA

- Yes. **Describe**, including any connections between the incentives and training relating to early language, literacy, pre-reading and early math concepts.
- No. **Describe** any plans to offer incentives to encourage provider training and education, including any connections between the incentives and training relating to early language, literacy, pre-reading and early math concepts?

h) As applicable, does the State assess the effectiveness of its professional development plan, including the achievement of any specified goals or desired outcomes?

NA

- Yes. **Describe** how the professional development plan's effectiveness/goal is assessed.
- No. **Describe** any plans to include assessments of the professional development plan's effectiveness/goal achievement.

i) Does the State assess the effectiveness of specific professional development initiatives or components?

- Yes. **Describe** how specific professional development initiatives or components' effectiveness is assessed.
- No. **Describe** any plans to include assessments of specific professional development initiatives or components' effectiveness.

An annual evaluation of professional development and training activities is conducted by the State University of New York Research Foundation. Evaluation information is gathered and analyzed about the demographics of the participants (child care providers) and statistics about how many people met the minimum competencies of the training opportunities.

PLAN FOR CCDF SERVICES IN: **New York State**
FOR THE PERIOD 10/1/09 – 9/30/11

j) As applicable, does (or will) the State use assessment to help shape or revise its professional development plan?

NA

Yes. **Describe** how assessment informs the professional development plan.

No. **Describe** any plans to include assessment to inform the professional development plan.

PART 6
HEALTH AND SAFETY REQUIREMENTS FOR PROVIDERS

(Only the 50 States and the District of Columbia complete Part 6.)

The National Resource Center for Health and Safety in Child Care (NRCHSCC) of DHHS's Maternal and Child Health Bureau supports a comprehensive, current, on-line listing of the licensing and regulatory requirements for child care in the 50 States and the District of Columbia. **Note: This database typically contains information on licensing requirements for meeting State or local law to operate (§98.40). This database does not contain registration or certification requirements specific only to participation in the CCDF program.**

In lieu of requiring a State Lead Agency to provide information that is already publicly available, ACF accepts this compilation as accurately reflecting the States' licensing requirements.

The listing, which is maintained by the University of Colorado Health Sciences Center School of Nursing, is available on the World Wide Web at: <http://nrc.uchsc.edu/>.

CCDF regulations (§98.2) define the following categories of care:

- **Center-based child care provider:** Provider licensed or otherwise authorized to provide child care services for fewer than 24 hours per day per child in a non-residential setting, unless care in excess of 24 hours is due to the nature of the parent(s)' work.
- **Group home child care provider:** Two or more individuals who provide child care services for fewer than 24 hours per day per child, in a private residence other than the child's residence, unless care in excess of 24 hours is due to the nature of the parent(s)' work.
- **Family child care provider:** One individual who provides child care services for fewer than 24 hours per day per child, as the sole caregiver, in a private residence other than the child's residence, unless care in excess of 24 hours is due to the nature of the parent(s)'s work.
- **In-home child care provider:** Individual who provides child care services in the child's own home.

6.1 Health and Safety Requirements for Center-Based Providers (658E(c) (2) (F), §98.41, §98.16(j))

- 6.1.1** Are all center-based providers paid with CCDF funds subject to licensing under State law per the NRCHSCC's compilation? **Note:** Some States use the term

PLAN FOR CCDF SERVICES IN: **New York State**
FOR THE PERIOD 10/1/09 – 9/30/11

certification or registration to refer to their licensing regulatory process. Do not check “Yes” if center-based providers simply must *register* or *be certified* to participate in the CCDF program separate from the State regulatory requirements.

Yes.

No. **Describe** which center-based providers are exempt from licensing under State law and answer 6.1.2 and 6.1.3.

Center-based providers that are exempt from OCFS licensing requirements include, but are not limited to:

- *pre-kindergarten and nursery school programs for children three years of age or older, and programs for school-age children conducted during non-school hours, operated by public school districts or by private schools or academies which provide elementary or secondary education or both in accordance with the compulsory education requirements of the Education Law, provided that such pre-kindergarten, nursery school or school-age programs are located on the premises or campus where the elementary or secondary education is provided;*
- *nursery schools and programs for pre-school-aged children operated by non-profit agencies or organizations, or private proprietary agencies which provide services for three or less hours per day;*
- *summer day camps operated by non-profit agencies or organizations or private proprietary agencies in accordance with Subpart 7-2 of the State Sanitary Code;*
- *child care centers, family child care homes and other child care programs located on Federal property which are operated in compliance with the applicable Federal laws and regulations for such child care programs; and*
- *child care centers, family child care homes and other child care programs located on tribal property which are operated in compliance with the applicable tribal laws and regulations for such child care programs.*

6.1.2 Have center licensing requirements as relates to staff-child ratios, group size, or staff training been modified since approval of the last State Plan? (§98.41(a) (2) & (3))

Yes.

No.

6.1.3 For center-based care that is NOT licensed, and therefore not reflected in NRCHSCC's compilation, the following health and safety requirements apply to child care services provided under the CCDF for:

PLAN FOR CCDF SERVICES IN: **New York State**
FOR THE PERIOD 10/1/09 – 9/30/11

a) The prevention and control of infectious disease (including age-appropriate immunizations)

NY Public Health Law Sections 225-229 establish the State Sanitary Code which deals with matters affecting the security of life or health or the preservation and improvement of public health in New York State. With regard to the prevention and control of infectious diseases, the State Sanitary Code: specifies the communicable diseases which are dangerous to the public health; designates the communicable diseases which must be reported to the State or local departments of health; establishes procedures and responsibilities for the reporting of such diseases; and establishes protocols for the isolation, quarantine or other restrictions of persons with highly communicable diseases and the carriers of such diseases. To further assist in the prevention of such diseases, the hand washing and diapering protocols recommended by the Center for Disease Control are distributed to all caregivers who are exempt from State regulation.

Section 2164 of NY Public Health Law provides that persons in parental relationship to a child must have such child immunized against poliomyelitis, mumps, measles, diphtheria, rubella and haemophilus influenza type b (HIB), in accordance with a schedule approved by the New York State Department of Health. A schedule of immunizations is distributed to all child care providers, including those who are exempt from regulation. Section 2164 also provides that the parents or guardians who are unable to pay for the services of a private health practitioner must present their child(ren) to the county health department which will administer the needed immunizations at no charge. If a physician licensed to practice medicine in New York State certifies that an immunization may be detrimental to a child's health, the requirement is waived until it is determined that such immunization is no longer detrimental to the child's health. Further, parents or guardians who hold genuine and sincere religious beliefs which are contrary to the administration of immunizations cannot be compelled to have their child(ren) immunized.

b) Building and physical premises safety

NY Executive Law Sections 370-383 (State Uniform Fire Prevention and Building code). This code is found in 9 NYCRR Exec., Subtitle S, Chapters I and II and 19 NYCRR State Parts 441-444

c) Health and safety training

Providers of legally-exempt group child care must complete and submit enrollment forms in order to be paid for services provided to children who are receiving a child care subsidy. Upon receipt, review and verification of an enrollment form, the legally-exempt caregiver enrollment agency provides health and safety information. This includes information on: preventing child abuse and maltreatment; the New York State Department of Health recommended immunization schedule; building and physical premises safety checklist; emergency phone number list; exit drills; guidelines from the Center for Disease Control on hand washing and diaper changing; administration of medication, and where to get additional training and technical assistance.

d) Other requirements for center-based child care services provided under the CCDF

Child care subsidy regulations include health and safety requirements for legally-exempt family child care, legally-exempt in-home child care and legally-exempt group child care. These standards cover 6.1.3a, b and c (above) as well as other important aspects of care. They are included in Attachment 6.

6.2 Health and Safety Requirements for Group Home Child Care Providers (658E(c) (2) (F), §§98.41, 98.16(j))

6.2.1 Are all group home providers paid with CCDF funds subject to licensing under State law that is indicated in the NRCHSCC's compilation? **Note:** Some States use the term certification or registration to refer to their licensing regulatory process. Do not check “Yes” if group home child care providers simply must *register* or *be certified* to participate in the CCDF program separate from the State regulatory requirements.

Yes. Answer 6.2.2, skip 6.2.3, and go to 6.3.

No.

6.2.2 Have group home licensing requirements that relate to staff-child ratios, group size, or staff training been modified since the approval of the last State Plan? (§98.41(a)(2) & (3))

Yes.

No.

6.2.3 For group home care that is NOT licensed, and therefore not reflected in NRCHSCC's compilation, the following health and safety requirements apply to child care services provided under the CCDF for:

Not Applicable for New York State

- a) The prevention and control of infectious disease (including age-appropriate immunizations)
- b) Building and physical premises safety
- c) Health and safety training
- d) Other requirements for center-based child care services provided under the CCDF

6.3 Health and Safety Requirements for Family Child Care Providers (658E(c) (2) (F), §§98.41, 98.16(j))

6.3.1 Are all family child care providers paid with CCDF funds subject to licensing under State law that is indicated in the NRCHSCC's compilation? **Note:** Some States use the term certification or registration to refer to their licensing regulatory process. Do not check “Yes” if family child care providers simply must *register* or *be certified* to participate in the CCDF program separate from the State regulatory requirements.

PLAN FOR CCDF SERVICES IN: **New York State**
FOR THE PERIOD 10/1/09 – 9/30/11

Yes.

No. **Describe** which family child care providers are exempt from licensing under State law and answer 6.3.2 and 6.3.3.

Family child care that is legally-exempt from OCFS licensing and registration requirements include:

- *child care for one or two children provided outside the child's own home in a residence by a caregiver who is at least 18 years of age, or who is less than 18 years of age and meets the requirements for the employment of minors as set forth in Article 4 of the New York State Labor Law, and who is chosen and whose services are monitored by the child's caretaker; or*
- *child care for more than two children provided outside the child's own home in a residence by a caregiver who provides such care for less than three hours per day; or*
- *child care provided by a relative within the third degree of consanguinity of the parent(s) or step-parent(s) of the child or children except where such relative is a person legally responsible for, or the caretaker relative of, such child or children. Relatives within the third degree of consanguinity of the parent(s) or step-parent(s) of the child include: the grandparents of the child; the great-grandparents of the child; the great-great-grandparents of the child; the aunts and uncles of the child, including the spouses of the aunts and uncles; the great-aunts and great-uncles of the child, including the spouses of the great-aunts and great-uncles; the siblings of the child; and the first cousins of the child, including the spouses of the first cousins.*

6.3.2 Have family child care provider requirements that relate to staff-child ratios, group size, or staff training been modified since the approval of the last State Plan? (§98.41(a) (2) & (3))

Yes.

No.

6.3.3 For family care that is NOT licensed, and therefore not reflected in NRCHSCC's compilation, the following health and safety requirements apply to child care services provided under the CCDF for:

a) The prevention and control of infectious disease (including age-appropriate immunizations)

NY Public Health Law Sections 225-229 establish the State Sanitary Code which deals with matters affecting the security of life or health or the preservation and improvement of public health in New York State. With regard to the prevention and control of infectious diseases, the State Sanitary Code: specifies the communicable diseases which are dangerous to the public

PLAN FOR CCDF SERVICES IN: **New York State**
FOR THE PERIOD 10/1/09 – 9/30/11

health; designates the communicable diseases which must be reported to the State or local departments of health; establishes procedures and responsibilities for the reporting of such diseases; and establishes protocols for the isolation, quarantine or other restrictions of persons with highly communicable diseases and the carriers of such diseases. To further assist in the prevention of such diseases, the hand washing and diapering protocols recommended by the Center for Disease Control are distributed to all caregivers who are exempt from State regulation.

Section 2164 of NY Public Health Law provides that persons in parental relationship to a child must have such child immunized against poliomyelitis, mumps, measles, diphtheria, rubella and haemophilus influenza type b (HIB), in accordance with a schedule approved by the New York State Department of Health. A schedule of immunizations is distributed to all child care providers, including those who are exempt from regulation. Section 2164 also provides that the parents or guardians who are unable to pay for the services of a private health practitioner must present their child(ren) to the county health department which will administer the needed immunizations at no charge. If a physician licensed to practice medicine in New York State certifies that an immunization may be detrimental to a child's health, the requirement is waived until it is determined that such immunization is no longer detrimental to the child's health. Further, parents or guardians who hold genuine and sincere religious beliefs which are contrary to the administration of immunizations cannot be compelled to have their child(ren) immunized.

b) Building and physical premises safety

NY Executive Law Sections 370-383 (State Uniform Fire Prevention and Building code). This code is found in 9 NYCRR Exec., Subtitle S, Chapters I and II and 19 NYCRR State Parts 441-444.

c) Health and safety training

Providers of legally-exempt child care must complete and submit enrollment forms in order to be paid for services provided to eligible children. Upon receipt, review and verification of an enrollment form, the legally-exempt caregiver enrollment agency provides health and safety information. This includes information on: preventing child abuse and maltreatment; New York State Department of Health recommended immunization schedule; building and physical premises safety checklist; emergency phone number list; exit drills; guidelines from the CDC on hand washing and diaper changing; administration of medication, and where to get additional training and technical assistance.

In order to promote the quality of care, OCFS established an enhanced rate of reimbursement for those legally-exempt family and in-home providers who complete ten hours of child care training. A one-day course in medication administration is available for legally-exempt providers.

d) Other requirements for center-based child care services provided under the CCDF

Child care subsidy regulations include health and safety requirements for legally-exempt family child care, legally-exempt in-home child care and legally-exempt group child care. These

standards cover 6.3.3a, b and c (above) as well as other important aspects of care. They are included in Attachment 6.

6.4 Health and Safety Requirements for In-Home Child Care Providers (658E(c) (2) (F), §§98.41, 98.16(j))

Note: Before responding to Question 6.4.1, **check** the NRCHSCC's compilation of licensing requirements to verify if **in-home child care** as defined by CCDF and your State is covered. If not, **check** no for 6.4.1. Do not check "Yes" if in-home child care providers simply must *register* or *be certified* to participate in the CCDF program separate from the State regulatory requirements.

6.4.1 Are all in-home child care providers paid with CCDF funds subject to licensing under the State law reflected in the NRCHSCC's compilation?

Yes.

No. **Describe** which in-home child care providers are exempt from licensing under State law and answer 6.4.2 and 6.4.3.

Legally-exempt in-home child care means:

- *Child care furnished in the child's own home by a caregiver who is chosen and monitored by the child's caretaker.*

6.4.2 Have in-home health and safety requirements that relate to staff-child ratios, group size, or training been modified since the approval of the last State Plan? (§98.41(a) (2) & (3))

Yes.

No.

6.4.3 For in-home care that is NOT licensed, and therefore not reflected in NRCHSCC's compilation, the following health and safety requirements apply to child care services provided under the CCDF for:

a) The prevention and control of infectious disease (including age-appropriate immunizations)

NY Public Health Law Sections 225-229 establish the State Sanitary Code which deals with matters affecting the security of life or health or the preservation and improvement of public health in New York State. With regard to the prevention and control of infectious diseases, the State Sanitary Code: specifies the communicable diseases which are dangerous to the public health; designates the communicable diseases which must be reported to the State or local departments of health; establishes procedures and responsibilities for the reporting of such diseases; and establishes protocols for the isolation, quarantine or other restrictions of persons with highly communicable diseases and the carriers of such diseases. To further assist in the

prevention of such diseases, the hand washing and diapering protocols recommended by the Center for Disease Control are distributed to all caregivers who are exempt from State regulation.

Section 2164 of NY Public Health Law provides that persons in parental relationship to a child must have such child immunized against poliomyelitis, mumps, measles, diphtheria, rubella and haemophilus influenza type b (HIB), in accordance with a schedule approved by the New York State Department of Health. A schedule of immunizations is distributed to all child care providers, including those who are exempt from regulation. Section 2164 also provides that the parents or guardians who are unable to pay for the services of a private health practitioner must present their child(ren) to the county health department which will administer the needed immunizations at no charge. If a physician licensed to practice medicine in New York State certifies that an immunization may be detrimental to a child's health, the requirement is waived until it is determined that such immunization is no longer detrimental to the child's health. Further, parents or guardians who hold genuine and sincere religious beliefs which are contrary to the administration of immunizations cannot be compelled to have their child(ren) immunized.

b) Building and physical premises safety

NY Executive Law Sections 370-383 (State Uniform Fire Prevention and Building code). This code is found in 9 NYCRR Exec., Subtitle S, Chapters I and II and 19 NYCRR State Parts 441-444.

c) Health and safety training

Providers of legally-exempt child care must complete and submit enrollment forms in order to be paid for services provided to eligible children. Upon receipt, review and verification of an enrollment form, the legally-exempt caregiver enrollment agency provides health and safety information. This includes information on: preventing child abuse and maltreatment; New York State Department of Health recommended immunization schedule; building and physical premises safety checklist; emergency phone number list; exit drills; guidelines from the CDC on hand washing and diaper changing; administration of medication, and where to get additional training and technical assistance.

In order to promote the quality of care, OCFS established an enhanced rate of reimbursement for those legally-exempt family and in-home providers who complete ten hours of child care training. A one-day course in medication administration is available for legally-exempt providers.

d) Other requirements for child care services provided under the CCDF

Child care subsidy regulations include health and safety requirements for legally-exempt family child care, legally-exempt in-home child care and legally-exempt group child care. These standards cover 6.4.3a, b and c (above) as well as other important aspects of care. They are included in Attachment 6.

6.5 Exemptions to Health and Safety Requirements

At Lead Agency option, the following relatives: grandparents, great grandparents, aunts, uncles, or siblings (who live in a separate residence from the child in care) may be exempted from health and safety requirements. (658P (4) (B), §98.41(a) (1) (ii) (A))

Indicate the Lead Agency's policy regarding these relative providers:

* **All** relative providers are subject to the same requirements as described in sections 6.1 - 6.4 above, as appropriate; there are **no exemptions** for relatives or different requirements for them.

**Under New York State Education law, certain specified relatives are exempt from the regulations regarding administration of medication.*

6.6 Enforcement of Health and Safety Requirements

6.6.1 Each Lead Agency is required to certify that procedures are in effect to ensure that child care providers of services for which assistance is provided comply with all applicable health and safety requirements. (658E(c) (2) (E), §§98.40(a) (2), 98.41(d))

Describe how health and safety requirements are effectively enforced, including at a minimum:

a) Are child care providers subject to routine unannounced visits (i.e., not specifically for the purpose of complaint investigation or issuance/renewal of a license)?

- Yes, and **indicate** the provider categories subject to routine unannounced visits and the frequency of those visits:
 No.

Licensed and registered providers

Inspections can be unannounced, scheduled, or as a result of a complaint. All school-age programs and family child care homes must be part of a full program inspection prior to initial registration. While registered programs will not have to be inspected before renewal, OCFS inspects 50 percent of registered programs annually. Child care centers and group family child care home will continue to be part of a full program inspection before they receive a license for the first time and when their licenses are due for renewal.

Legally-exempt child care providers

OCFS regulations require legally-exempt caregiver enrollment agencies to conduct on-site inspections on an annual basis of at least 20 percent of the currently enrolled legally-exempt family child care providers that do not participate in the Child and Adult Care Food Program (CACFP). Providers who are participating in CACFP receive routine visits from the New York State Department of Health. Any concerns related to the provision of child care are shared with the local social services districts. Legally-exempt caregiver enrollment agencies will work with legally-exempt providers to assist them with meeting health and safety requirements.

PLAN FOR CCDF SERVICES IN: **New York State**
FOR THE PERIOD 10/1/09 – 9/30/11

Local districts may request approval from OCFS of additional standards for providers of legally-exempt child care. For example, unannounced visits to the home or facility have been approved by OCFS as an additional local standard.

b) Are child care providers subject to background checks?

Yes, and **indicate** the types of providers subject to background checks and when such checks are conducted:

No.

Licensed and registered providers

As part of its commitment to safe, quality child care programs, New York State has enacted legislation to require criminal background checks for all applicants, current operators and assistants in child care centers, school-age child care programs, group family child care homes and family child care homes. Volunteers who may have regular substantial contact with children and persons 18 years of age and older who live in family and group family homes also must be checked for criminal backgrounds.

Legally-exempt providers

Legally-exempt providers caring for children receiving a child care subsidy are required to attest whether they have their parental rights terminated; had a child removed from their care; have had their license or registration to operate a child care program suspended, denied, or revoked; or they, or their employees, volunteers, and, for care in a home other than the child's own home, household members age 18 years or older have been convicted of a crime. Further, providers must attest that they have informed the parents of children in their care whether they or their employees, volunteers, and, for care in a home other than the child's own home, household members age 18 years or older have been the subject of an indicated report of children abuse or maltreatment.

OCFS requires the following background checks for caregivers of legally-exempt family and legally-exempt in-home child care that are caring for a child receiving a child care subsidy:

- 1. A check against the New York State Sex Offender Registry maintained by the New York State Division of Criminal Justice Services, via the Registry's toll free telephone number, to determine if the caregiver; any employee of the caregiver; any volunteer who has the potential for regular and substantial contact with children in care; and, for caregivers of informal family child care, each household member age 18 or older are listed on the New York State Sex Offender Registry for committing a sex offense.*
- 2. A local child welfare database check to determine if the caregiver has ever had his or her parental rights terminated or had a child removed from his or her care by court order under Article 10 of the New York State Family Court Act.*
- 3. A check against the New York State Office of Children and Family Services Child Care Facility System to determine whether the caregiver has ever been denied a child care license or registration or had a child care license or registration suspended or revoked.*

PLAN FOR CCDF SERVICES IN: **New York State**
FOR THE PERIOD 10/1/09 – 9/30/11

Local districts may request approval of additional standards for providers of legally-exempt child care. For example, several districts have an approved additional standard to conduct a local criminal history background check of legally-exempt family child care providers.

c) Does the State require that child care providers report serious injuries that occur while a child is in care? (Serious injuries are defined as injuries requiring medical treatment by a doctor, nurse, dentist, or other medical professional.)

Yes, and **describe** the State's reporting requirements and how such injuries are tracked (if applicable):

No.

Licensed, registered and legally-exempt providers are required to report any errors in the administration of medication to the OCFS regional office, or in New York City, the Department of Health and Mental Hygiene.

The New York State Code of Rules and Regulations (NYCRR) Title 18 includes the requirement for providers to report to OCFS any fatality, serious injury or infectious illness of an enrolled child which occurred while the child was in care or being transported by the provider. Refer to 18 NYCRR sections: 414.15 (14), 416.15 (14), 417.15 (14), 418-1.15 (14), 418-2.15 (14).

d) Other methods used to ensure that health and safety requirements are effectively enforced:

OCFS allocates funds to cover the fingerprinting charges and subsequent safety assessment workload that has been generated as a result of the mandates. The fingerprinting requirement promotes child care as a professional service, employing responsible and safe caregivers and strengthens parental confidence in the safety and quality of care.

OCFS maintains a toll free telephone number, 800-732-5207, which parents and other individuals may use to file complaints about child care providers. Through the use of computer automation, calls are routed immediately to the appropriate Regional Office which has responsibility for licensing and registration in the area from which the call is being placed. The complaint line is staffed by OCFS personnel.

Local departments of social services and child care resource and referral agencies inform parents that information about the compliance history of any child care provider can be obtained by contacting the appropriate Regional Office. OCFS makes information about complaints, as well as other investigations, available to parents upon request. In most cases, such requests are verbal.

Both regulated and legally-exempt child care providers are required to report any errors in the administration of medication to the OCFS regional office, or in NYC, the Department of Health and Mental Hygiene (DOHMH).

In addition to the requirement that providers, staff, volunteers and household members living in family-based programs undergo data base checks through the New York State Child Abuse And Maltreatment Register (SCR), the SCR sends an alert to Child Care Regional Offices when a child abuse or maltreatment report is made on a child care provider. Report information is then immediately entered into the CCFS system and assessed by a child care licensor. County Child Protective Services workers investigate allegations of child abuse and maltreatment with child care licensors.

6.7 Exemptions from Immunization Requirements

The State assures that children receiving services under the CCDF are age-appropriately immunized, and that the health and safety provisions regarding immunizations incorporate (by reference or otherwise) the latest recommendations for childhood immunizations of the State public health agency. (§98.41(a) (1))

The State exempts the following children from immunization (check all that apply):

- Children who are cared for by relatives (defined as grandparents, great grandparents, siblings (if living in a separate residence), aunts and uncles).
- Children who receive care in their own homes.
- Children whose parents object to immunization on religious grounds.
- Children whose medical condition contraindicates immunization.

APPENDIX 1
CCDF PROGRAM ASSURANCES AND CERTIFICATIONS

The Lead Agency, named in Part 1 of this Plan, assures (§98.15) that:

- (1) upon approval, it will have in effect a program that complies with the provisions of the Plan printed herein, and is administered in accordance with the Child Care and Development Block Grant Act of 1990 as amended, Section 418 of the Social Security Act, and all other applicable Federal laws and regulations. (658D (b), 658E (a))
- (2) the parent(s) of each eligible child within the State who receives or is offered child care services for which financial assistance is provided is given the option either to enroll such child with a child care provider that has a grant or contract for the provision of the service; or to receive a child care certificate. (658E(c) (2) (A) (i))
- (3) in cases in which the parent(s) elects to enroll the child with a provider that has a grant or contract with the Lead Agency, the child will be enrolled with the eligible provider selected by the parent to the maximum extent practicable. (658E(c) (2) (A) (ii))
- (4) the child care certificate offered to parents shall be of a value commensurate with the subsidy value of child care services provided under a grant or contract. (658E(c) (2) (A) (iii))
- (5) with respect to State and local regulatory requirements, health and safety requirements, payment rates, and registration requirements, State or local rules, procedures or other requirements promulgated for the purpose of the Child Care and Development Fund will not significantly restrict parental choice among categories of care or types of providers. (658E(c)(2)(A), §98.15(p), §98.30(g), §98.40(b)(2), §98.41(b), §98.43(c), §98.45(d))
- (6) that children receiving services under the CCDF are age-appropriately immunized, and that the health and safety provisions regarding immunizations incorporate (by reference or otherwise) the latest recommendation for childhood immunizations of the State public health agency. (§98.41(a)(1))
- (7) that CCDF Discretionary funds are used to supplement, not supplant, State general revenue funds for child care assistance for low-income families. (P.L. 109-149)

The Lead Agency also certifies that:

- (1) it has procedures in place to ensure that providers of child care services for which assistance is provided under the Child Care and Development Fund afford parents unlimited access to their children and to the providers caring for their children during the normal hours of operations and whenever such children are in the care of such providers. (658E(c) (2) (B))

PLAN FOR CCDF SERVICES IN: **New York State**
FOR THE PERIOD 10/1/09 – 9/30/11

- (2) it maintains a record of substantiated parental complaints and makes information regarding such complaints available to the public on request. (658E(c) (2) (C))
- (3) it will collect and disseminate to parents of eligible children and the general public consumer education information that will promote informed child care choices. (658E(c) (2) (D))
- (4) it has in effect licensing requirements applicable to child care services provided in the State. (658E(c) (2) (E))
- (5) there are in effect within the State (or other area served by the Lead Agency), under State or local law, requirements designed to protect the health and safety of children; these requirements are applicable to child care providers that provide services for which assistance is made available under the Child Care and Development Fund. (658E(c)(2)(E))
- (6) procedures are in effect to ensure that child care providers of services for which assistance is provided under the Child Care and Development Fund comply with all applicable State or local health and safety requirements. (658E(c)(2)(G))
- (7) payment rates under the Child Care and Development Fund for the provision of child care services are sufficient to ensure equal access for eligible children to comparable child care services in the State or sub-State area that are provided to children whose parents are not eligible to receive assistance under this program or under any other Federal or State child care assistance programs. (658E(c)(4)(A))

**APPENDIX 2:
ELIGIBILITY AND PRIORITY TERMINOLOGY**

For purposes of determining eligibility and/or priority for CCDF-funded child care services, Lead Agencies must **define** the following *italicized* terms. (658P, 658E(c) (3) (B))

- *in loco parentis* –

A person standing in loco parentis means a guardian, caretaker relative or any other person with whom a child is living who has assumed responsibility for the day-to-day care and custody of the child.

- *physical or mental incapacity* (if the Lead Agency provides such services to children age 13 and older) –

Physical or mental incapacity of a child exists when the child is a special needs child as defined below.

- *protective services*

Families who need child care in order for their children to be protected include:

- a) A family, including a foster family, with a child in a case with a child protective services component when it is determined on a case-by-case basis that such child care is needed to protect the child. Note that social services districts may select in their Child and Family Services Plans to use the New York State Child Care Block Grant funds to provide child care services for these families.
- b) A family receiving public assistance when child care services are needed for the child to be protected because the child's parent(s) or caretaker relative(s) is physically or mentally incapacitated or has family duties away from home necessitating his or her absence.
- c) A family receiving temporary assistance or with income up to 200 percent of the State income standard when child care services are needed for the child to be protected because the child's caretaker is:
 - participating in an approved substance abuse treatment program, or in screening for or an assessment of the need for substance abuse treatment;
 - homeless or receiving services for victims of domestic violence and needs child care in order to participate in an approved activity, or in screening for or an assessment of the need for services for victims of domestic violence; or
 - in an emergency situation of short duration including, but not limited to, cases where the caretaker's absence from the home for a substantial part of the day is necessary because of extenuating circumstances such as a fire, being dispossessed from the home, seeking living quarters, or providing chore/housekeeper services for an elderly or disabled relative.

PLAN FOR CCDF SERVICES IN: **New York State**
FOR THE PERIOD 10/1/09 – 9/30/11

d) In response to the flooding caused by Hurricane Irene and Tropical Storm Lee, Local Social Services Districts could request to amend the child care services portion of its Child and Family Services Plan and a waiver of the applicable plan submission requirements under Part 407 and child care services regulations under part 415 of Title 18 of the Official Compilation of Codes, Rules and Regulations of the State of New York for the duration of the disaster recovery period to the extent that the district continued to have funds available under either the district's allocation for the State Child Care Block Grant Program or any local funds appropriated to provide child care services to families that need such services for a child to be protected because the family has been displaced from its home as a result of the effects of the hurricane and tropical storm to enable the child's parent or caretaker to clean-up or repair the home or find a new home.

- *residing with* –

For purposes of provision of child care services under the Child Care and Development Fund, a child must live with a parent, legal guardian, caretaker relative, or person standing in loco parentis.

- *special needs child* –

A child with special needs means a child who is incapable of caring for himself or herself and who has been diagnosed as having one or more of the following conditions to such a degree that it adversely affects the child's ability to function normally: visual impairment; deafness or other hearing impairment; orthopedic impairment; emotional disturbance; mental retardation; learning disability; speech impairment; health impairment; autism; or multiple handicaps. Any such diagnosis must be made by a physician, licensed or certified psychologist or other professional with the appropriate credentials to make such diagnosis.

- *very low income* –

Social service districts define the income level, which constitutes "very low income" in their districts. Very low income must be established at or below 200 percent of the State Income Standard. Currently, levels at which local districts have established "very low income" range from 100 percent -200 percent of the State Income Standard

- additional terminology:

- (a) Seeking employment –

- For an individual who is not receiving public assistance, seeking employment means making in-person job applications, going on job interviews, registering with the New York State Department of Labor's Division of Employment Services Office to obtain job listings, and participating in such other job seeking activities that are approved by the district. Districts can opt to pay for child care for low income families who are seeking employment by including such families in their Child and Family Services Plans.

**APPENDIX 3:
ADDITIONAL CERTIFICATIONS**

CCDF Regulations 45 CFR §98.13(b) (2)-(6) require the following certifications.

- 1. Assurance of compliance with Title VI of the Civil Rights Act of 1964:**
<http://www.hhs.gov/forms/HHS690.pdf>
- 2. Certification regarding debarment:**
<http://www.acf.hhs.gov/programs/ofs/grants/debar.htm>
- 3. Definitions for use with certification of debarment:**
<http://www.acf.hhs.gov/programs/ofs/grants/debar.htm>
- 4. HHS certification regarding drug-free workplace requirements:**
<http://www.acf.hhs.gov/programs/ofs/grants/drugfree.htm>
- 5. Certification of Compliance with the Pro-Children Act of 1994:**
<http://www.acf.hhs.gov/programs/ofs/grants/tobacco.htm>
- 6. Certification regarding lobbying:**
<http://www.acf.hhs.gov/programs/ofs/grants/lobby.htm>

These certifications were obtained in the 1997 Plan and need not be collected again if there has been no change in Lead Agency. If there has been a change in Lead Agency, these certifications must be completed and submitted with the Plan.