

**Report to the Governor and Legislature
on Family Day Care and School Age Child Care Registration:
April 1, 2003 – March 31, 2006
(Pursuant to Chapter 750 of the Laws of 1990)**

**New York State Office of Children and Family Services
Division of Child Care Services
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1. Executive Summary

There have been pronounced improvements in child day care in New York State resulting from the passage of *The Quality Child Care and Protection Act* of 2000, which mandated pre-licensure and pre-registration inspections for child day care programs as well as stronger training requirements and criminal history checks for prospective child care providers, and the statewide implementation (in 2001) of the *Child Care Facility System* (CCFS), the state's database of record for regulated child care. Many of those changes owe their existence, ultimately, to Chapter 750 of the Laws of 1990 which helped to enable all of the improvements in monitoring, accountability and child health and safety protection that were to come, by mandating a consistent system of registration for family day care (FDC) and school age child care (SACC) programs. Chapter 750 of the Laws of 1990 also required annual reporting on key indicators of the new system's implementation – including registrant numbers, complaint handling and administrative activities such as inspections – the focus of this report, compiled from CCFS data.

For the three years ending March 31, 2006, those indicators showed the following:

Registered Providers

- Over the entire period, registered FDC provider counts¹ *decreased* in New York City (33%), the balance of the state (8%) and statewide (21%).
- In contrast, SACC provider counts *increased* statewide (10%), driven largely by New York City gains (17% vs. 3% elsewhere).
- Tightened quality standards and economic pressures encouraging FDC conversions to more lucrative Group Family Day Care (GFDC) programs contributed to the changes.

Complaint Handling

- Complaint counts decreased modestly for most of seven DCCS regions (< 10% over three years) but increased 151% for New York City, probably due more to changes in reporting in the City during these years than to increases in complaints.
- Complaint counts in and outside of New York City appeared disproportionate, with roughly one complaint filed in the City for every four elsewhere; standardized complaint *rates* for New York City were less than one-third of those in the balance of the state as a whole, each year, but within the latter region, clear differences in rates also appeared.
- Complaint categorizations also differed across the state: 1) New York City showed a marked shift toward "imminent danger" designations of complaints during the third year of the reporting period, while the balance of the state showed a more consistent mix of predominantly less serious ratings; 2) Compared with the balance of the state, New York City reported about half as many complaints, proportionately, involving violations of regulations, each year of the reporting period.
- Both New York City and the balance of the state showed pronounced, usually steady improvements in timeliness in initiating and completing complaint investigations over these years; New York City's performance at the start of the period was far less timely

¹ Counts here are based on providers registered *at any point during the respective intervals* (see report body).

than elsewhere, but the gap had narrowed substantially or been reversed by the end of the reporting period; between the first and last years of the period, the City registered timeliness gains of 24 and 40 percentage points for initiating and determining investigations, respectively, while the balance of the state reported corresponding gains of 14 and 20 percentage points, respectively.²

- Larger proportions of complaints (generally between 10 and 15 percentage points) were reported substantiated outside of New York City than in the City, both overall and for specific complaint categories (i.e., level of seriousness).

Application Processing

- Application counts grew over the reporting period for New York City (44%) but declined in the balance of the state (13%), driven largely by sharper declines in two regions: the Rochester region (53%) and the adjoining Buffalo region (15%).
- FDC applications decreased during the reporting period (3%), while SACC applications increased (122%), statewide.
- Statewide, *the proportion of applications processed in timely fashion rose impressively over the report period, by almost 20 percentage points*, including gains of 14 points outside of New York City, 35 points within the City, 20 points for FDC applications, 7 points for SACC applications and double-digit percentage point improvements within most DCCS regions. Timeliness improvements relating to FDC applications drove New York City gains, primarily (38 percentage points, versus 6 points for SACC).
- While posting strong gains, New York City still reported a rate of 20% fewer applications processed in timely fashion than elsewhere in the state (72% vs. 92%) for 2005-6, the last year of the reporting period.

"50% Inspections"

Section 390(4)(a) of Social Services Law requires annual inspections of at least 50% of all registered providers of each modality per county, in order to maintain compliance with regulatory and statutory quality-of-care requirements.

- Counts for these "50% inspections" in New York City climbed precipitously these years (due to staffing increases and improvements in service delivery, oversight and reporting), accounting for virtually all of the net statewide gain (86%) in such inspections. *By the end of the reporting period, both New York City and the balance of the state reported making far more 50% inspections than required.*
- Each year of the reporting period, a substantial but consistently declining percentage of these inspections (ranging from 55% - 70%) identified violations of applicable statutes or regulations, both statewide and for each modality of care, suggesting that the process in place for identifying and then correcting quality-of-care issues was working.

² For New York City, timeliness rose from 59% to 83% for initiations, and from 56% to 96% for determinations, and for the balance of the state, from 76% to 90% for initiations and from 70% to 90% for determinations. (See the section, *Background* [under Complaints] for details on complaint timeliness calculations for this review.)

1. Introduction and Background

a) Purpose and Focus of the Study

Chapter 750 of the Laws of 1990 (SSL 390) established a system of mandatory registration for family day care (FDC) and school age child care (SACC) programs in New York State. It replaced a patchwork system marked by varying rules and authorities for registration with a single consistent system that was more capable of exerting strong emphases on training, support services and the protection of children's health and safety.³ The legislation included the following reporting requirements:

"The commissioner of social services shall prepare an annual report to the Governor and legislature on the implementation of this act. Such report shall include information on

1. the number and types of child care providers registered and licensed,
2. the number and types of orientation sessions offered,
3. the number and types of complaints received and a summary of the department's responses to and resolution of the same, and
4. the number of registrants and applicants for licensing awaiting inspection or other administrative action.⁴"

This report is a continuation of the series of registration reports previously submitted to comply with the above statutory requirement for the years through March 31, 2003. Throughout, the focus of reporting is on FDC and SACC providers – those to whom the legislation's registration mandate applied – rather than other types of providers already subject to more regulation prior to 1990.⁵ For readers' convenience, the present study presents information on the *three years from April 1, 2003 through March 31, 2006*, with each year broken out separately in the analysis, consistent with the Law's annual reporting requirement.

This and subsequent reports in the series will depart from the original reporting charge as described above, due to legislative changes made after 1990. Effective early in 2001, the *Quality Child Care and Protection Act* lifted the 1990 legislation's requirement of mandatory orientation sessions by the New York State Office of Children and Family Services (OCFS) or contracted entities as a condition for new registrations of FDC and SACC programs in favor of mandatory pre-registration inspection as well as health and safety training for such registrants.⁶ Because orientation is no longer a prerequisite for registration, that topic cannot remain a focus for

³ Under the prior system, e.g., SACC programs operating relatively few hours were exempt from registration, while FDC programs were regulated through a confusing joint state–county system.

⁴ *McKinney's 1990 Session Laws of New York* (West Publishing Co.), V. 1, pg. 1531. Numbering added.

⁵ See *Background ...*, below, for an overview of different modalities of care and the corresponding regulatory framework.

⁶ Chapter 416 (S. 7837-A), amending Section 390 of SSL, approved 9/6/2000, in *McKinney's 2000 Session Laws of New York* (West Publishing Co.), V. 1, pg. 1028. The requirement of pre-registration health and safety training applied to FDC, but not to SACC, registrants.

reporting. Instead, readers will find substituted, beginning with this report, detailed information on the analogous, equally critical process of handling registration applications

Following the Introduction, then, this Review includes three major sections, corresponding to the legislative requirements above:

- a) Registered Providers – the number and types of child care providers registered and licensed;
- b) Complaints – the number and types of complaints received and a summary of the department's responses to and resolution of the same; and
- c) Administrative Actions – the number of registrants and applicants for licensing awaiting inspection or other administrative action.

b) Background on Child Care And Registration

In New York State, persons caring for fewer than three children within home settings are considered “license-exempt” and are not subject to regulation. When persons provide care for more than three children for more than three hours a day in a home setting, that care *is* regulated by the state and is categorized as either “family day care” (FDC; up to eight children, depending on the ages of the children) or “group family day care” (GFDC; up to 14 children, depending on the ages of the children). Programs in which children receive care outside of a home setting include “day care centers” (DCC; seven or more children) and “school age child care” (SACC; six or more school-age children receiving care during non-school hours, holidays or school vacations). Both DCC and GFDC programs are regulated by the state through a process known as *licensing*, while FDC and SACC programs are regulated through the analogous process of *registration*, the focus of this study.

Whether through licensing or registration, regulation of child care providers in New York State entails an array of detailed activities including application processing, background checks, safety and facility inspections, documentation of mandated and other training, ongoing monitoring and supervision – all aimed at protecting the health and safety of children in care by requiring that providers comply with minimum standards for care established in regulation (e.g., safety, sanitation, nutrition, prevention of child maltreatment). For FDC and SACC programs, these “registration services” have been provided under one of several arrangements, depending on local department of social services (LDSS) preferences. As of 2003, **New York State** – through OCFS' seven regional child care offices⁷ – provided registration services directly in 17 counties.⁸ The same year, OCFS contracted with LDSS's that chose to subcontract with **not-for-profit agencies, primarily Child Care Resource and Referral (CCR&R) agencies**, to provide these services in 32 other counties.⁹ OCFS contracted with **LDSS's that chose to provide registration services directly** in another 8 counties,¹⁰ and OCFS contracted with the **New York City Department of Health & Mental Hygiene (NYCDOHMH)** to provide the services in

⁷ Figure 1, below (repeated in Appendix A.1), maps the seven regions of the Division of Child Care Services (DCCS) whose offices oversee the regulation of child care providers in New York.

⁸ See Figure 2, pg. 5 (green cross-hatch).

⁹ *Ibid.* (light blue hatch).

¹⁰ *Ibid.* (dark blue hatch).

New York City.¹¹ By 2005, New York State provided registration services directly for three additional counties.¹² *Figure 1 maps and defines the seven DCCS regions, while Figure 2's green and dark blue areas depict the growing state role and declining LDSS role, respectively, in providing registration services during this reporting period.*

One possible consequence of these variations in who provides registration services could be differences (e.g., number of workers and/or skill-levels) among the workforces performing registration services in different geographic areas. For example, if disparities in wages, credentials, technology, or resources exist among New York State, CCR&R, LDSS or other employees charged with this work, performance of registration activities and the resulting statistics summarizing that performance could be affected, making comparisons that ignore such factors ill-advised. In order to mitigate this issue and provide the most equitable comparisons, this review emphasizes comparisons among larger areas (e.g., New York City versus the balance of the state), rather than county-level contrasts.¹³

Other consequences of these different registration service arrangements flow from DCCS' implementation of performance-based contracting for this work late in the current three-year period. Effective January 1, 2005 and continuing into 2006 and beyond, all contracts for the provision of registration services by non-State entities such as CCR&R's, NYCDOHMH or LDSS's were converted into performance-based arrangements in an effort to maximize accountability and oversight by conditioning payments for services on localities' attainment of a variety of accepted standards in completing the work. Integral to this change, all contractors were required to use a common reporting system of record, described below, and DCCS developed a series of automated "performance standards," keyed to that reporting system, to enable rigorous, routine monitoring (on an as-needed, usually quarterly, basis) of all key registration activities by those performing the services.

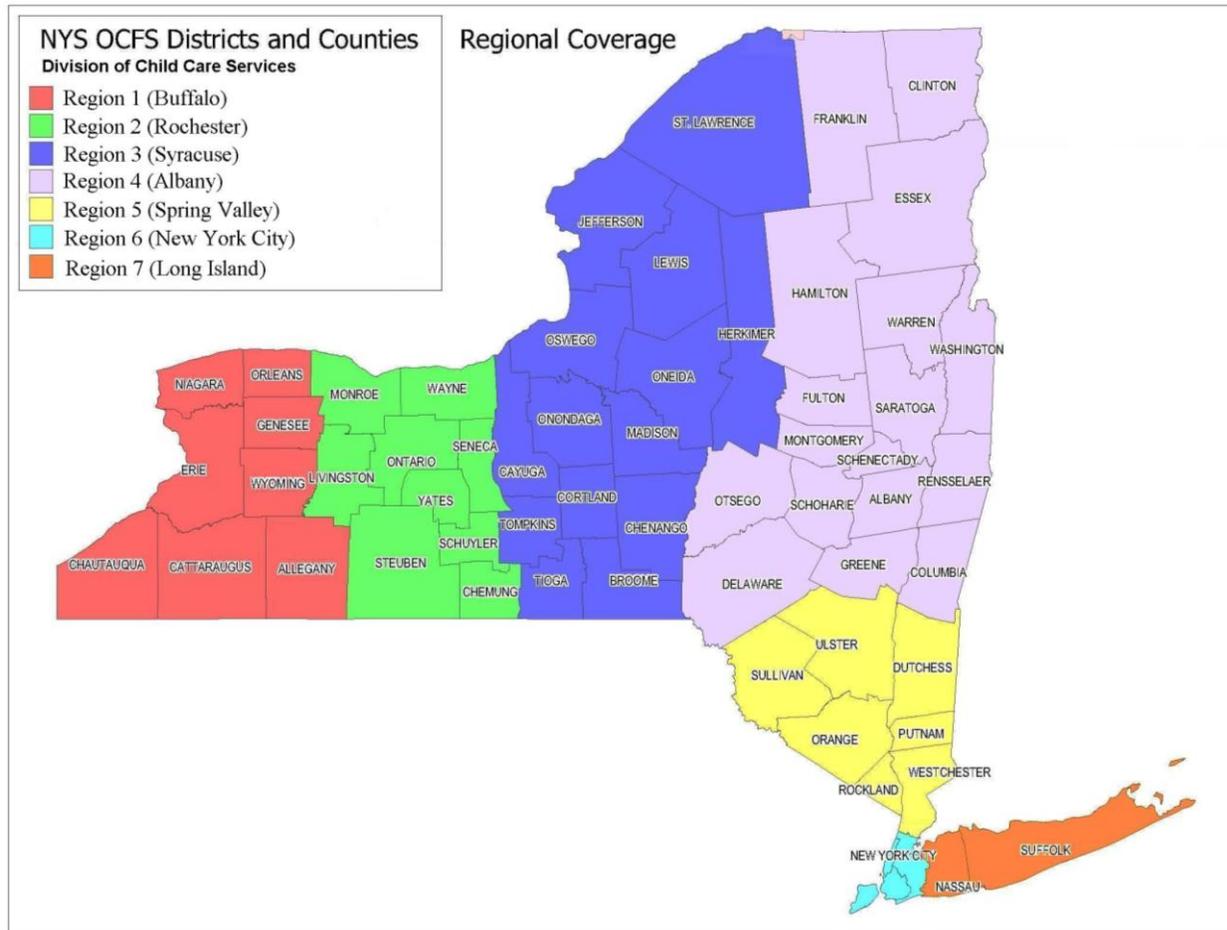
The transition to performance-based contracting probably had both *direct* and *indirect* effects on registration statistics, potentially contributing to differences in performance between those counties with and those without performance-based contracts (e.g., counties with NYCDOHMH, LDSS or CCR&R-provided services and those with New York State-provided services, respectively). Almost certainly, this shift in administration produced direct salutary effects on the performance of key registration activities in those locales affected, by improving oversight. But performance-based contracting probably also influenced registration activities indirectly, such as by contributing to gains in staff skills and/or counts and thereby to better caseload management and presumably better performance by those registration workers affected. Whether it was a result of the shift to performance-based contracting or not, it remains a fact that as of 2001 (just after passage of the *Quality Child Care and Protection Act*), 327 workers were

¹¹ *Ibid.* (orange cross-hatch).

¹² Two (Orleans and Wyoming) previously covered by LDSS's and one (Montgomery) by CCR&R.

¹³ Where informative for policy purposes, DCCS Regional results – typically referred to by abbreviation, as detailed in *Figure 1 and Appendix A.1* – are also offered, but illustrate the difficulty. For 2003, e.g., the percent of each DCCS Region's counties which involved New York State-provided registration services ranged from 0% (Spring Valley Region) to 50% (Long Island and Syracuse Regions); for CCR&R-provided services, the corresponding proportions ranged from 43% (Syracuse Region) to 86% (Spring Valley Region). As a result, the role of potential staffing differences always warrants consideration when weighing certain comparisons.

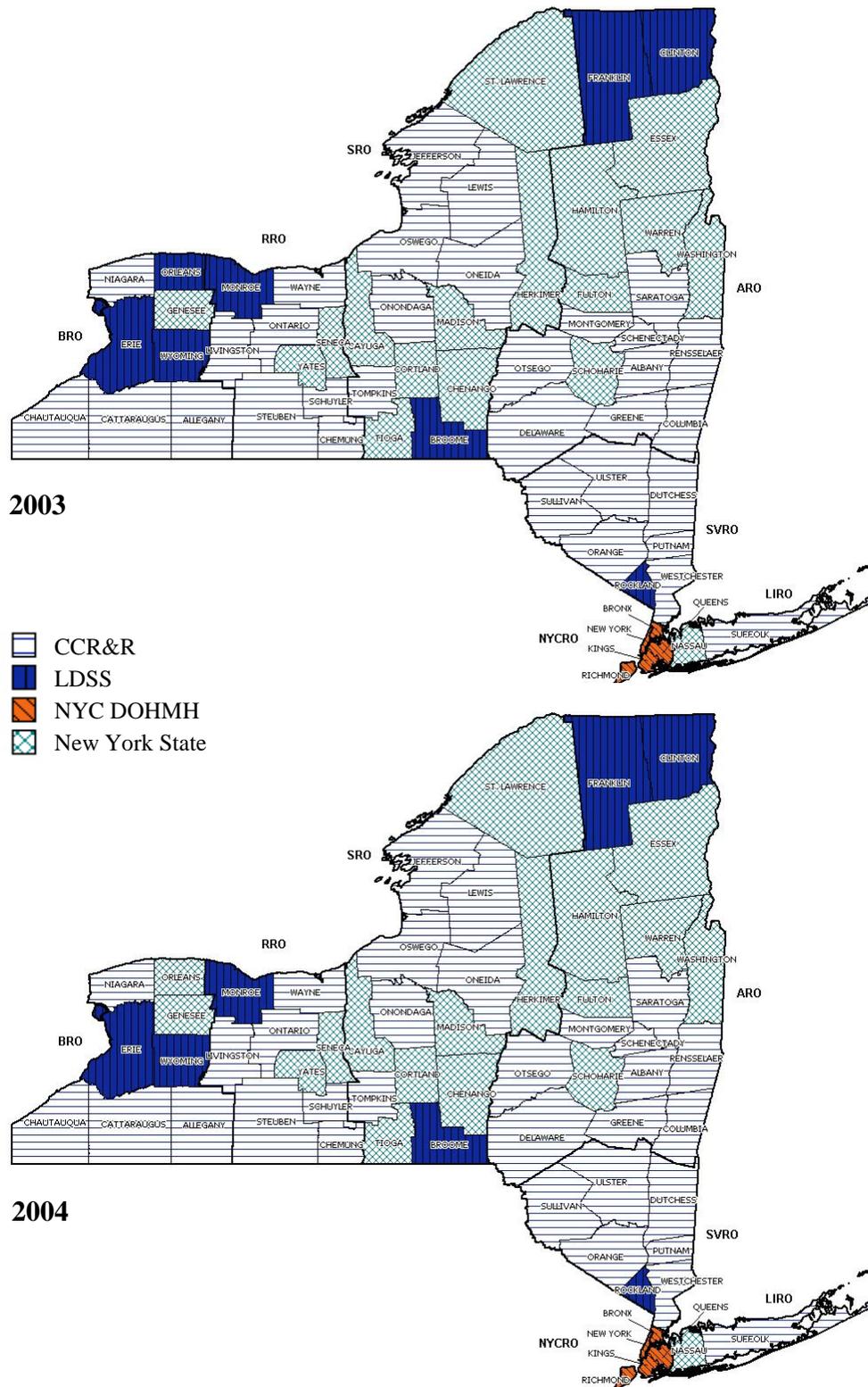
Figure 1. OCFS Division of Child Care Services Regions and Constituent Counties¹⁴



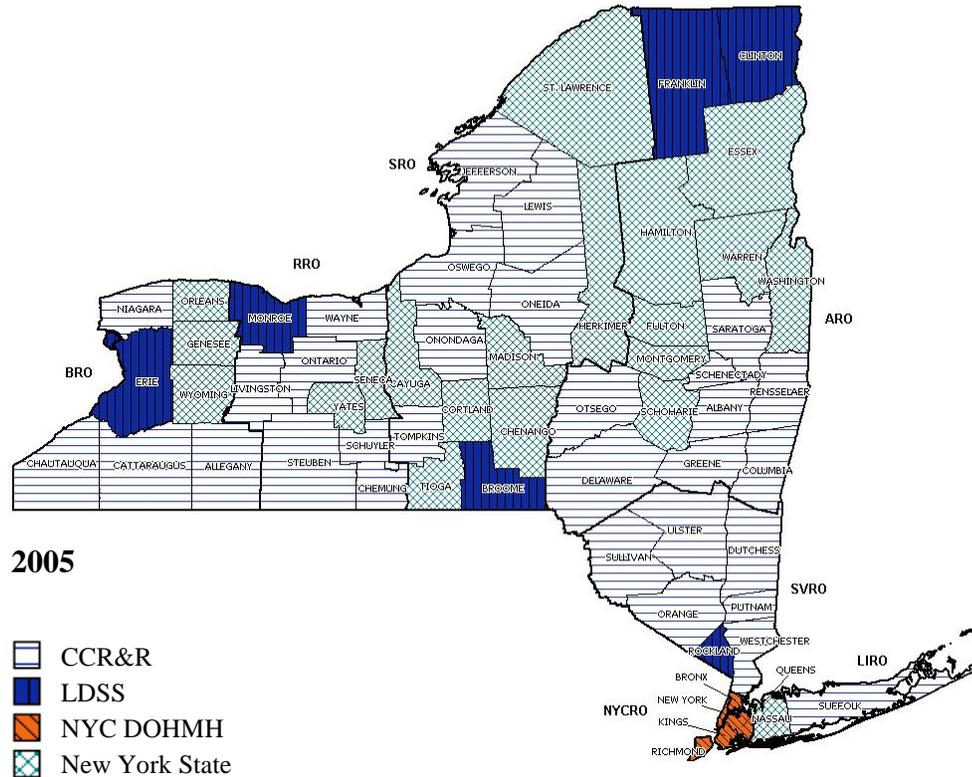
DCCS Regions / Counties	
Albany Region	Rochester Region
Albany	Chemung
Clinton	Livingston
Columbia	Monroe
Delaware	Ontario
Essex	Schuyler
Franklin	Seneca
Fulton	Steuben
Greene	Wayne
Hamilton	Yates
Montgomery	Westchester-
Otsego	Lower-Hudson*
Rensselaer	Dutchess
Saratoga	Orange
Schenectady	Putnam
Schoharie	Rockland
Warren	Sullivan
Washington	Ulster
Buffalo Region	Westchester
Allegany	Syracuse Region
Cattaraugus	Broome
Chautauqua	Cayuga
Erie	Chenango
Genesee	Cortland
Niagara	Herkimer
Orleans	Jefferson
Wyoming	Lewis
Long Island Region	Madison
Nassau	Oneida
Suffolk	Onondaga
New York City Region	Oswego
Bronx	St. Lawrence
Kings	Tioga
New York	Tompkins
Queens	* Also known as
Richmond	DCCS Spring Valley Region

¹⁴ Throughout this report, DCCS Regions, which are named for the location of the DCCS regional offices, are referred to by abbreviation – ARO (Albany Regional Office), BRO (Buffalo ...), LIRO (Long Island ...), NYCDOHMH (New York City’s registration service provider; see *Background on Child Care and Registration*), RRO (Rochester ...), SVRO (Spring Valley ...) and SRO (Syracuse ...).

Figure 2. Changes in Registration Service Provider by County: 2003 – 2006¹⁵



¹⁵ Status at the end of each year. Since no changes had occurred by early in 2006, the 2005 map also applies to the end of the current report period (March, 2006). See Appendix A.2 for note on maps, and for larger map versions.

Figure 2. (Cont.) Changes in Registration Service Provider by County: 2003 – 2006

employed statewide providing registration services, both in State and contracted agencies, compared with 471 such workers by 2005 – a 44% increase. It seems reasonable to conclude, however, that these contracting changes during the period contributed to the other changes, and expectations of progress on key performance indicators for registration activities now required for FDC and SACC providers under the law.

c) Methodology and Data Sources

Compared with prior reviews, this report places much greater emphasis on quantitative data from the database of record for child care services in New York State – the *Child Care Facility System* (CCFS) – in order to provide clear, replicable measurements addressing the specific reporting requirements at issue (above), for each year of the present report period. In turn, this will enable clearer comparisons of progress in future reports.

For each topic reviewed, this involved either creating new reports keyed to CCFS data or modifying DCCS' existing performance standards, when feasible, to produce measures analogous to the originals, but customized and sometimes enhanced to fit the descriptive task at hand. For example, the analysis of "response to complaints" in this report closely resembles – with some distinctions – the methodology used to assess the timeliness of complaint investigations in DCCS' corresponding "performance standard," but also includes: a) all counties

throughout the state and; b) only FDC and SACC programs, and c) enhanced detail to facilitate regional comparisons, viz., standardized rates of complaints received.¹⁶ (For readers' reference, each chapter below overviews any computational details pertinent to understanding the respective chapter findings, while Appendix A.3 provides narrative descriptions of all rules and calculations employed for measures featured throughout the report.)

Although first operational in 2000 in New York City, CCFS only went statewide as New York's child care database of record in April 2001. As late as the middle of the present reporting period, reporting in CCFS remained incomplete, especially for certain topics and time-frames. However, performance-based contracts required the use of CCFS as the data system of record, effective on January 1, 2005, and this seems to have had a big effect on reporting before and after. For example, the number of complaints CCFS showed for New York City FDC and SACC providers grew by over 150% between the years ending March 31 for 2003 and 2006, respectively,¹⁷ probably due more to a combination of reporting changes and the requirement to use CCFS than to any actual surge in complaint activity during this reporting period.¹⁸ Even by the end of the present report period, the number of complaints CCFS showed for New York City versus the balance of the state appeared somewhat disproportionate, with smaller counts for the City than might be expected based on its 40%-50% share of the population of providers. Given CCFS' status as the database of record for child care in New York, this report necessarily relies on that data set, but calls attention to such findings, where potentially useful. For other data fields, such as registered provider and registration applications counts, reporting under CCFS was more complete relatively soon after implementation of CCFS.

¹⁶ Two standardized "complaint rate" measures are provided in this report: a "one-year" rate relating the number of complaints in one year to the number of providers *ever registered* during that year, and a "three-year" rate relating complaints received during a three-year period to providers ever registered during that period, with each measure expressed as the number of complaints "per 100" such providers. Aside from such refinements, the three major differences between measures presented here and DCCS' existing ones are: a) the inclusion of all counties (rather than just those with performance contracts, as in the original measures); b) the restriction to just FDC and SACC settings; and c) the focus on annual report periods here. Readers should note that this makes results here look decidedly different from performance measures typically published by DCCS.

¹⁷ From 158 in the year ending March 31, 2003 to 396 in that ending March 31, 2006, respectively; see Table 3.1.

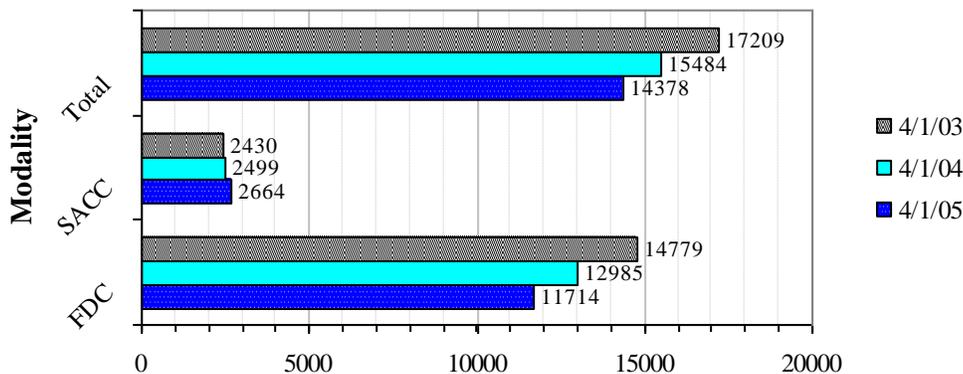
¹⁸ In addition to the January 1, 2005 contractual requirement mentioned, New York City faced other changes during this reporting period including redefined staffing responsibilities related to data entry, improved access to the system through web-enabled technology (only effective in 2005), and coordination issues relating to a parallel reporting system, the City's *Child Care Automated Tracking System* (CCATS).

2. Registered Providers

a) Overview

Continuing a trend reported in the review for April, 2001 – March, 2003, the statewide total number of FDC or SACC providers who were registered at any point during the year decreased each year of the period from April, 2003 through March, 2006. Underlying the overall trend (16% total decline), however, were sharply different patterns for FDC providers (21% decline) and SACC providers (10% increase). Figure 2.1 details the corresponding changes in numbers of providers ever registered during the three-year period, by modality:¹⁹

Figure 2.1
Total (FDC/SACC) Providers Registered at Any Point
During Reporting Period, By Modality, For Year Beginning:



As described in the prior report in this series,²⁰ several major factors probably continue to contribute to the overall net declines in registered providers in recent years. Between 2001 and 2003, especially, New York City's incorporation into CCFS was initially reflected by increases in registration counts – followed by sharp declines – after data cleaning that saw thousands of regulated providers inactive for substantial periods of time eventually culled from the database. Another factor involved, surely, was the increased oversight and quality standards set by the *Quality Child Care and Protection Act of 2000* – leading to the closing of numerous registered providers who either chose not to meet the new standards or whose registrations were revoked. Still another factor (not directly demonstrable here due to the focus on FDC and SACC providers) has been the transition of many registered FDC programs into licensed GFDC programs, as a calculated business and economic strategy. That is, since regulatory requirements for these two modalities of care have grown so similar, with the exception of capacity, many experienced registered FDC providers have moved to increase their earning power by hiring

¹⁹ For both this and the following Figure, each year's counts represent those registered during that same year. Also, note the distinction between the "ever registered" counts cited and *point in time* counts, such as at the end of a year. The former counts usually – but not always – exceed the latter. Table 2.1 provides both types of counts, also revealing the consistent decline in FDC providers "within" individual years (compare the "first day" and "last day" counts shown).

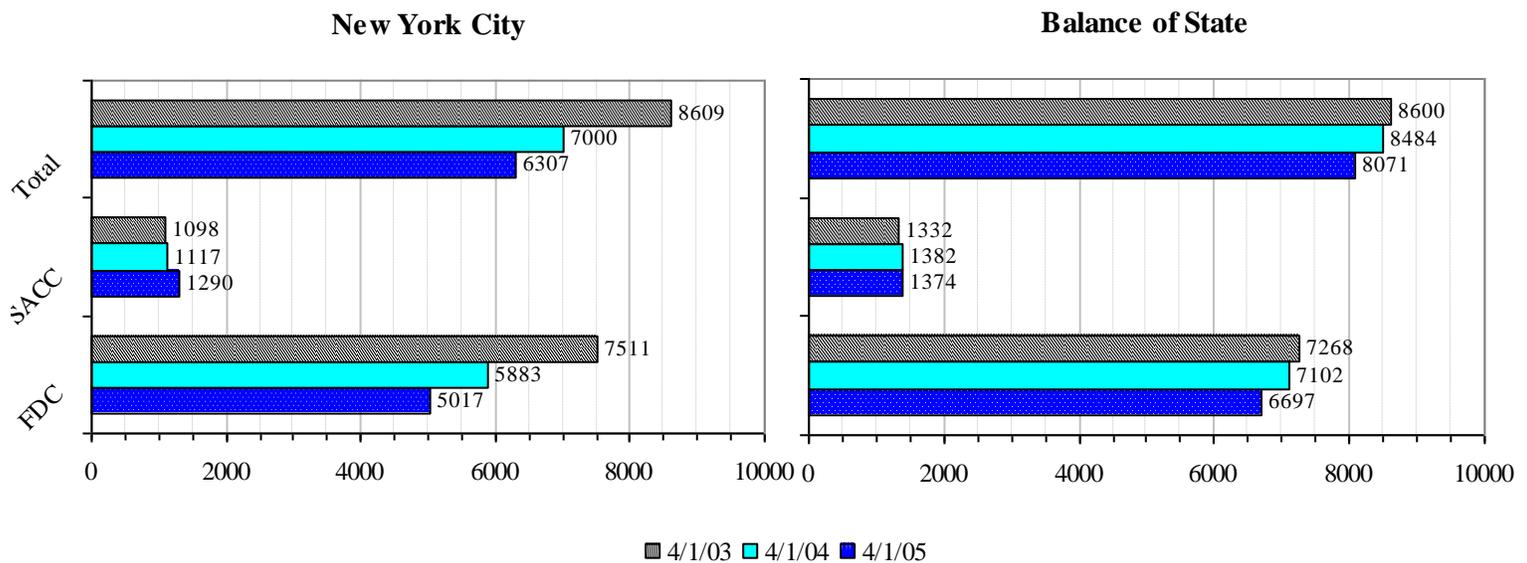
²⁰ *Report to the Governor and the Legislature on the Family Day Care Registration: April 1, 2001 to March 31, 2003* (DCCS, April, 2004).

assistants and expanding capacity, increasingly making FDC a "stepping stone" to expansion for those entering the industry.²¹ Taken together with this review's clear findings of improving performance in key registration activities, below, these trends appear to reflect the emergence, over time, of a smaller and more closely regulated population of registered programs.

b) Regional Detail

When broken down further by region (New York City versus the balance of the state), these patterns of decline or growth among FDC and SACC programs, respectively, were driven especially by New York City. That is, the percentage declines in total FDC/SACC programs and in FDC programs alone were each far steeper in New York City than elsewhere (-27% vs. -6% and -33% vs. -8%, respectively), while the percentage increase in school age programs was also greater in New York City than elsewhere (+17% vs. +3%).²² Figure 2.2 displays the corresponding changes in counts of providers by modality for the two regions for each year of the reporting period, as summarized more completely in Table 2.1.²³

Figure 2.2
Total (FDC/SACC) Providers Registered at Any Point During Reporting Period,
By Major State Region and Modality, For Year Beginning:



²¹ In illustration, the prior report submitted (*Ibid.*, pg. 4) cited GFDC programs as increasing by approximately 6% between 2000 and 2003 – the same period in which marked decreases in FDC programs occurred.

²² According to NYCDOHMH, some of the apparent "declines" in New York City FDC providers during these years actually represented effects of the continuation of data cleaning (described above) begun prior to the present period – e.g., the removal of providers still listed in CCFS early in 2005 but discovered no longer in business.

²³ Appendix A.4 documents a generally similar pattern of more modest changes (declines in registered FDC programs and inconsistent increases in registered SACC programs) for specific DCCS regions outside of New York City, than within the City.

Table 2.1. Number of Registered Providers (FDC/SACC), By Major State Region and Modality: As of Any Point, As of the First Day and as of the Last Day, For Three Years, 4/1/03 – 3/31/06										
Region	Year Starting April 1,	Any Point During Year			First Day			Last Day		
		FDC	SACC	FDC + SACC	FDC	SACC	FDC + SACC	FDC	SACC	FDC + SACC
New York City	2003	7,511	1,098	8,609	6,638	977	7,615	5,066	1,014	6,080
	2004	5,883	1,117	7,000	5,068	1,016	6,084	4,261	1,023	5,284
	2005	5,017	1,290	6,307	4,257	1,023	5,280	3,895	1,190	5,085
Balance of State	2003	7,268	1,332	8,600	5,939	1,204	7,143	5,774	1,228	7,002
	2004	7,102	1,382	8,484	5,780	1,233	7,013	5,537	1,265	6,802
	2005	6,697	1,374	8,071	5,530	1,269	6,799	5,200	1,250	6,450
Total	2003	14,779	2,430	17,209	12,577	2,181	14,758	10,840	2,242	13,082
	2004	12,985	2,499	15,484	10,848	2,249	13,097	9,798	2,288	12,086
	2005	11,714	2,664	14,378	9,787	2,292	12,079	9,095	2,440	11,535

3. Complaints

a) Background

In New York State, complaints about child care are received through a variety of channels by a variety of staff ranging from those in OCFS' central and regional offices, to local or subcontracted staff responsible for registration services in particular localities,²⁴ to individual child care programs, but in every instance, are required to be immediately entered into CCFS to ensure appropriate handling. Under its authority for implementing the Law and regulation in this area, OCFS categorizes complaints into three types corresponding to their degree of "seriousness": non-emergency, serious and imminent danger. The classification of a complaint determines how quickly it must be investigated. As detailed in the Appendix, both the measurements of timeliness in initiating, and in determining, investigations, conducted for this review, are conservative in the sense of slightly *understating* the timeliness of performance involved, as compared with the corresponding OCFS performance standards.²⁵ The findings on timeliness of complaint "determinations," in particular, address a broader sphere of agency performance (were complaints *closed* within 60 days?) than that involved in OCFS' compliance monitoring (were complaint allegations *judged substantiated or not* within 60 days?), but for convenience are referenced throughout this report under the abbreviation, "determination."

Based on an investigation, a complaint is found to be: 1) either substantiated or unsubstantiated, and 2) either involving or not involving regulatory violation(s) requiring corrective action in order for the program to continue operating.

Two audits by the New York State Comptroller's Office looked at the handling of complaints during the period covered by this review, with findings that may be pertinent to, but which were formulated too late to have affected the present review's data. Where useful for interpreting specific trends or analyses, very limited references to those audits are included in this report.²⁶

b) Types of Complaints Received

Except for New York City, the total number of complaints received for FDC and SACC programs in each DCCS region showed only modest changes (small declines or, less often, small increases) during the three years ending March 31, 2006. Figure 3.1 details the counts of total complaints received, showing changes of less than 10% for all regions except New York City – which showed a 151% increase (158 versus 396) – between the first and last years of this reporting period. Rather than a surge in complaint activity in the City, a combination of

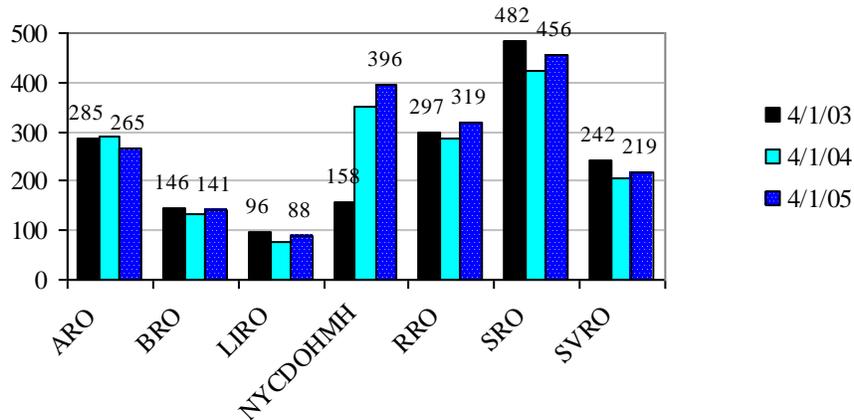
²⁴ See the section, *Background on Child Care and Registration*, for a discussion of the entities responsible for registration services in different locales.

²⁵ Appendix A.3 details the specific timeframes applicable for initiating and completing complaint investigations, as used in OCFS' performance standards and as implemented for the *Response to Complaints* section, below. See pg. 35, especially, for details on the (slight) understatement of timeliness in relation to complaints, in this review.

²⁶ *New York City Day Care Complaints* (Office of the New York State Comptroller [OSC], Report 2005-S-40) covered the period, January, 2004 – September, 2005; *Day Care Complaints Outside of New York City* (OSC, Report 2005-S-55) covered the period, January, 2005 – February, 2006. Due to the release date of these audits, they were far less likely to have influenced reporting concerning the present period than the next report period (2006 – 2009).

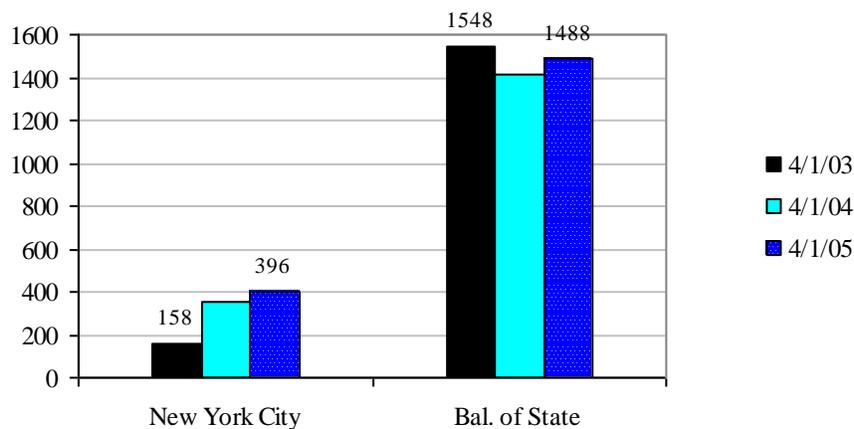
reporting changes and the contractual requirement setting up CCFS as the data system of record mid-way through the reporting period, as already discussed, probably contributed to this finding.²⁷

Figure 3.1
Total Complaints (FDC/SACC), By Region, for Year Beginning:



Another finding concerns the relative numbers of complaints by major state region (New York City versus the balance of the state) reported for this reporting period. Even for the latest year of the period, presumably reflecting more complete New York City data, Figure 3.2 shows almost four (3.75) complaints filed outside of New York City for every one reported within the City for registered providers – somewhat out of proportion to New York City's approximate 40%-50% share of the statewide population of providers.

Figure 3.2
Total Complaints (FDC/SACC), By Major State Region, for Fiscal Year Beginning:



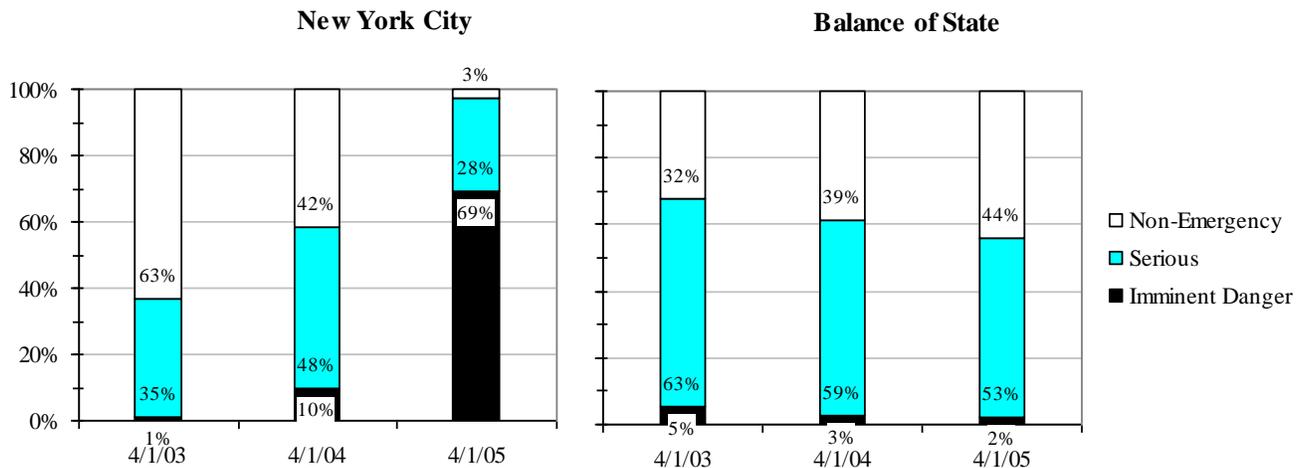
²⁷ See the discussion under *Methodology and Data Sources*.

In addition to the differing complaint counts reported in New York City and the balance of the state during this report period, the two regions also reported different mixes of "seriousness" among complaint categorizations and – once investigations had occurred – different rates of complaints found to involve one or more regulatory violations. Table 3.1 details the numbers of complaints during this reporting period, by initial seriousness ratings and eventual violation status, for New York City and the balance of the state. Figure 3.3 reveals relative consistency in the mix of seriousness ratings reported for complaints filed outside of New York City, but a sharp shift over time toward more "severe" ratings reported for those filed within New York City.²⁸ Figure 3.4 shows relatively much greater (and, often, growing) proportions of complaints judged to involve regulatory violations for regions outside of New York City, as contrasted with far lower, and declining, proportions reported within the City during this reporting period.

Table 3.1. Number of Complaints by Seriousness and Whether Regulatory Violation(s) Involved, By Major State Region, For Years, 4/1/03 – 3/31/06

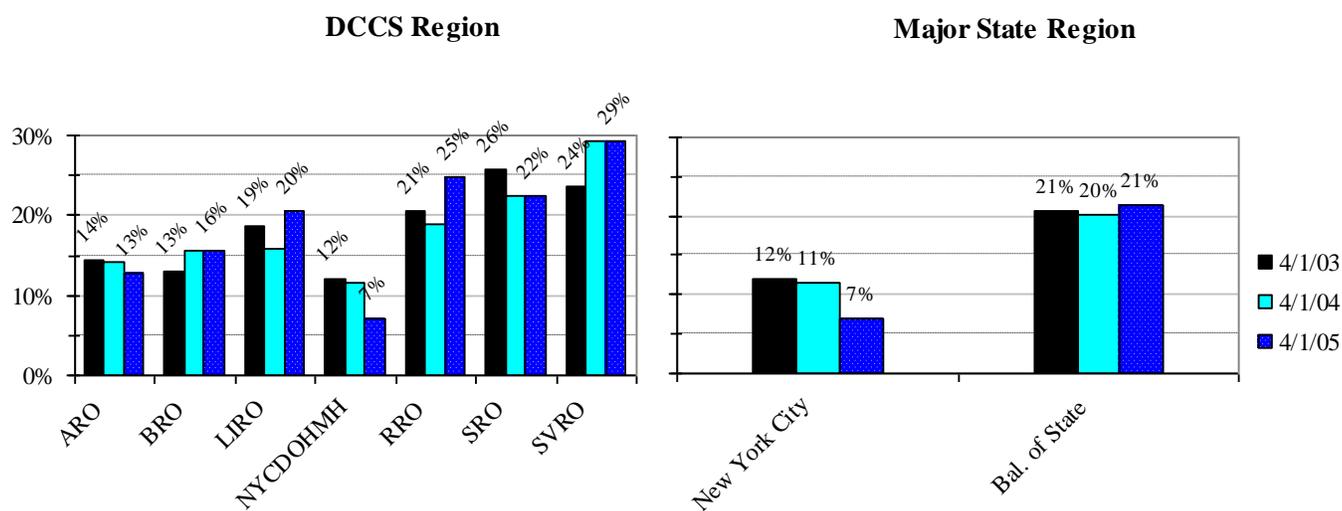
Region	Year Starting April 1,	Number of Complaints					Percent of Total Complaints				
		By Seriousness			With Violation(s)	Total	By Seriousness			With Violation(s)	
		Non-Emergency	Serious	Imminent Danger			Non-Emergency	Serious	Imminent Danger		
New York City	2003	100	56	2	19	158	63%	35%	1%	12%	
	2004	146	169	34	40	349	42%	48%	10%	11%	
	2005	11	112	273	28	396	3%	28%	69%	7%	
Balance of State	2003	496	971	81	320	1,548	32%	63%	5%	21%	
	2004	546	828	38	283	1,412	39%	59%	3%	20%	
	2005	659	795	34	319	1,488	44%	53%	2%	21%	
Total	2003	596	1,027	83	339	1,706	35%	60%	5%	20%	
	2004	692	997	72	323	1,761	39%	57%	4%	18%	
	2005	670	907	307	347	1,884	36%	48%	16%	18%	

Figure 3.3. Percent Distribution of Complaints (FDC/SACC) By Seriousness, For Major State Regions, For Year Beginning:



²⁸ Rather than encountering a shift in the characteristics of complaints appearing, NYCDOHMH reports a policy shift to emphasize imminent danger categorizations.

Figure 3.4. Percent of Complaints (FDC/SACC) with Regulatory Violation(s) Reported, By DCCS and Major State Regions, for Year Beginning:²⁹



c) Rate of Complaints and Department Response to Complaints

Once a complaint is received, it is classified and investigated according to the timeframes for initiating and completing investigations set for the classification (see *Background*, pg. 11). Table 3.3 provides information (by major state region) on the number of complaints received, the timeliness of response to those complaints, and standardized rates of complaints (number of complaints per 100 providers registered at any point during an interval) that facilitate comparisons among geographic areas and over time.³⁰ Figure 3.5 and Figure 3.6 then summarize the information relating to timeliness of response and rate of complaints received for the 2003 – 2006 report period, respectively.

Major Region	Year Starting April 1,	Number of Complaints			Percent of Complaints:		Rate of Complaints	
		Total	Investigation Initiated Late	Investigation Determination Late	Investigation Initiated Timely	Investigation Determination Timely	Total Providers	Complaints Per 100 Providers
New York City	2003	158	64	70	59%	56%	8,609	2
	2004	349	144	82	59%	77%	7,000	5
	2005	396	66	15	83%	96%	6,307	6

²⁹ See Appendix A.5 for the underlying numbers of complaints by individual DCCS region, seriousness and violation status (Table 3.2).

³⁰ As already noted, see Appendix A.3 for the specific timeframes for initiating and completing complaint investigations pertinent to each complaint category (non-emergency, etc.) used in all calculations in this section. Also, note that Table 3.3 groups all complaints relating to FDC or SACC providers (with calculations specific to the category of complaint), while the complaint rates shown are based on combined numbers of FDC/SACC providers registered at any point during the respective years. Readers will find numbers here corresponding to those shown in the *Registered Providers* and *Types of Complaints* sections, above.

Major Region	Year Starting April 1,	Number of Complaints			Percent of Complaints:		Rate of Complaints	
		Total	Investigation Initiated Late	Investigation Determination Late	Investigation Initiated Timely	Investigation Determination Timely	Total Providers	Complaints Per 100 Providers
Balance of State	2003	1,548	374	458	76%	70%	8,600	18
	2004	1,412	253	252	82%	82%	8,484	17
	2005	1,488	152	154	90%	90%	8,071	18
Total	2003	1,706	438	528	74%	69%	17,209	10
	2004	1,761	397	334	77%	81%	15,484	11
	2005	1,884	218	169	88%	91%	14,378	13

As can be seen (Figure 3.5), both major regions showed pronounced and usually steady improvements in their timeliness of initiating and completing complaint investigations during this period. For each type of activity, New York City began the period performing far less timely than the balance of the state, but approached or surpassed other areas' timeliness by the end of the period.

Figure 3.5. Percent of Investigations (FDC, SACC) Initiated (L) or Determined (R) Timely, By Major State Region, for Year Beginning:

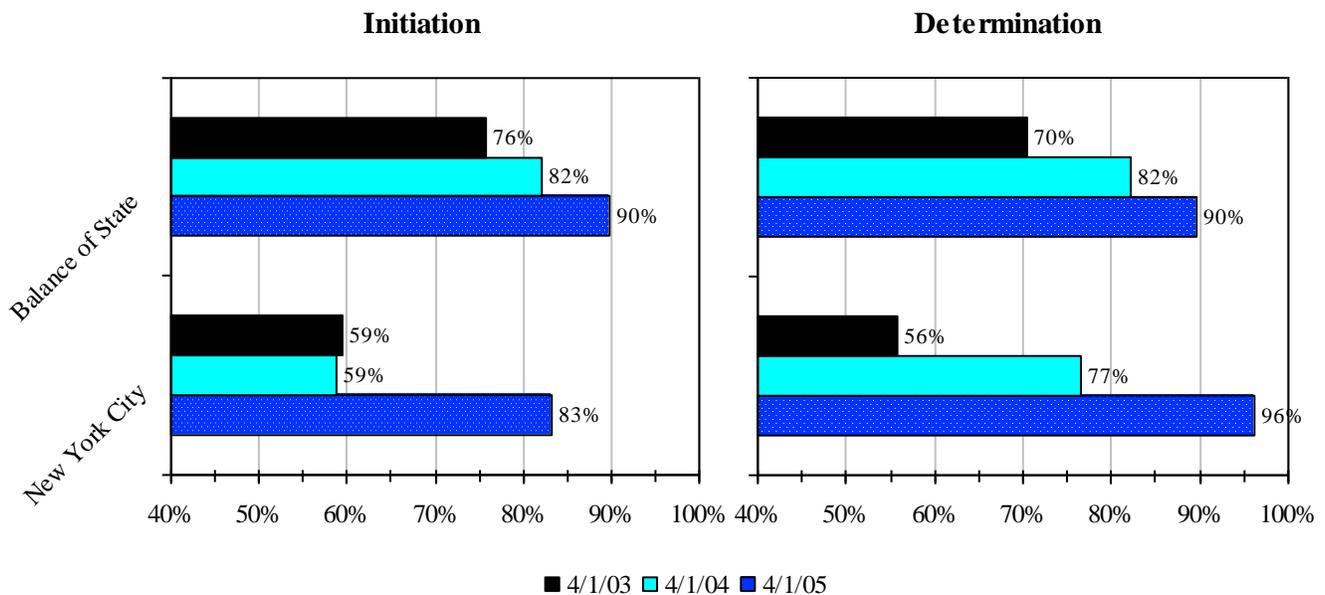
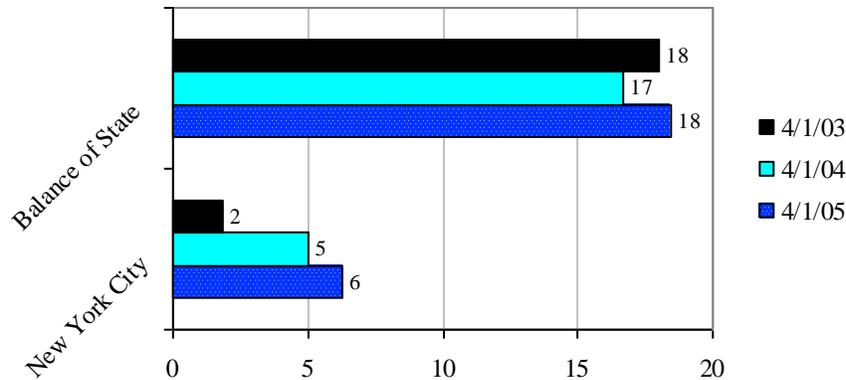


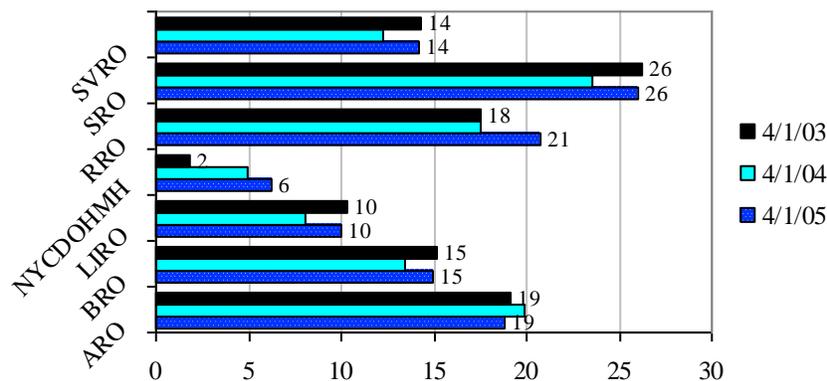
Figure 3.6 below provides a rigorous metric that illustrates the disproportionate number of complaints reported for the two major state regions, discussed above. For each year of the report period, at least three times more complaints are reported for every 100 registered FDC/SACC providers outside of New York City than for every 100 such providers within the City.

Figure 3.6
Number of Complaints Per Year Per 100 Registered
Providers, By Major State Region, for Year
Beginning:



Outside New York City, while there were differences among DCCS regions' timeliness of response, all showed relatively similar and impressive gains in timeliness in initiating and completing investigations relating to these types of providers during the report period.³¹ However, individual regions outside New York City showed substantial differences in their *rates* of complaints received during the period. Compared with the overall "Balance of state" rate for the last year of the reporting period (18 per 100 registered providers, Figure 3.6), rates for some regions outside New York City ranged from as low as 44% smaller (10 per 100, for Long Island region [LIRO]) to as high as 44% larger (26 per 100, for Syracuse region [SRO]). Figure 3.7 summarizes this information (as detailed in Appendix A.6).³²

Figure 3.7
Number of Complaints Per Year Per 100 Registered
Providers (FDC, SACC), By Region, for Year
Beginning:



³¹ Appendix A.6 details the timeliness of response and rates of complaints for individual DCCS regions.

³² Notably, Appendix A.6 also suggests that these findings reflect substantial complaint sample sizes which would not be as adequate for FDC and SACC providers *separately*.

Since there are far fewer SACC than FDC programs (and correspondingly fewer complaints), the review also looked at the handling of complaints by modality by focusing on performance during the entire three-year report period as a whole rather than during individual years (to insure adequate sample sizes). Table 3.5 details this information for New York City and the balance of the state, while Figure 3.9 and Figure 3.10 summarize the specific findings on timeliness of response and complaint rates by modality.³³

Table 3.5. Handling & Rate of Complaints, By Major Region & Modality: Summary for Apr. 1, 2003 – Mar. 31, 2006

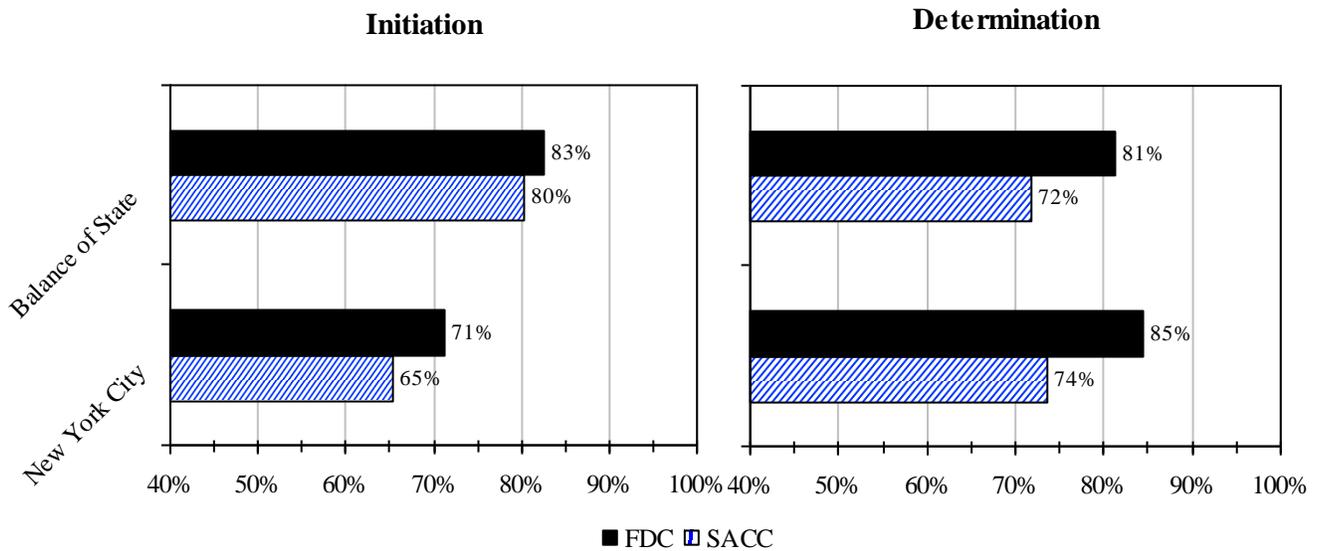
Major Region	Modality	Number of Complaints			Percent of Complaints:		Rate of Complaints*	
		Total	Investigation Initiated Late	Investigation Determination Late	Investigation Initiated Timely	Investigation Determination Timely	Total Providers	Complaints Per 100 Providers
New York City	FDC	652	187	101	71%	85%	9,090	7
	SACC	251	87	66	65%	74%	1,468	17
Balance of State	FDC	4146	720	778	83%	81%	9,777	42
	SACC	301	59	85	80%	72%	1,596	19

* Note that "total providers" and complaint rates shown in this table are *not* directly comparable to those shown earlier. The former are *unduplicated* counts of providers (by modality) registered at any point during the three years and are far smaller than the sums of those registered in *each* of the three years. (For example, compare this table's New York City sum [10,558] with that [FDC + SACC] from Table 2.1 [21,916].) In contrast, numbers of complaints here represent three-year totals. As a result, the three-year rates shown are considerably larger than the one-year rates shown previously.

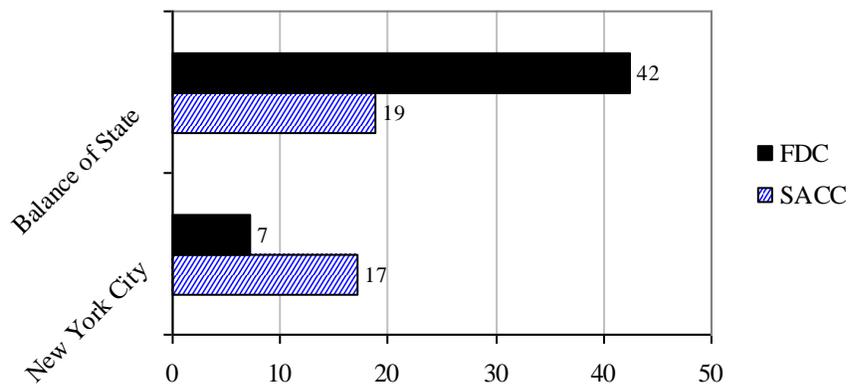
For both major state regions, Figure 3.9 below shows somewhat greater timeliness in processing complaints concerning FDC settings than for those concerning SACC programs, ranging from modest differences (for starting investigations) to more substantial ones for completing investigations. While both areas report better timeliness for FDC complaints than for SACC complaints, in New York City the complaint rates per provider are lower for FDC providers than for SACC providers while elsewhere in the state the complaint rates are higher for FDC than for SACC providers (Figure 3.10).

³³ Note that counts of complaints by modality for this report do not sum to the totals of counts shown previously due to (n=1) complaint (region = ARO) showing "small day care center" for modality – the only such complaint observed throughout the state for this period. Appendix A.7 details the three-year results on handling and rates of complaints by specific DCCS region and modality.

Figure 3.9. Percent of Investigations (FDC, SACC) Initiated (L) or Determined (R) Timely, By Major State Region and Modality: 4/1/03 – 3/31/06



**Figure 3.10
Three-Year Number of Complaints Per 100
Registered Providers, By Major State Region and
Modality: 4/1/03 - 3/31/06**



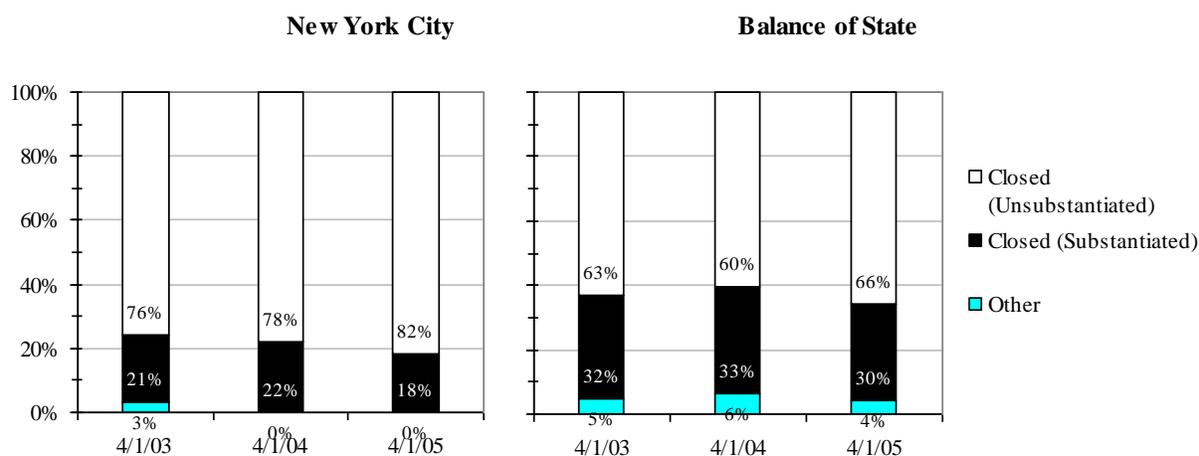
Some fairly consistent differences also appeared in the disposition of investigations – i.e., whether complaint allegations were substantiated or not substantiated – with generally larger proportions of complaints found to be substantiated outside of New York City than within the City.³⁴ Table 3.6 details (by major state region) the proportion of each category of complaints (non-emergency, serious, etc.) judged to be unsubstantiated, substantiated or classed under other

³⁴ At the conclusion of complaint investigations, a variety of dispositions other than the major two cited are also possible, of course (such as facility closings), but typically accounted for extremely small numbers of complaints; these were grouped together under the “Other” disposition shown, for this review. For all tables, additionally, “Closed, unsubstantiated,” and “Closed, substantiated” counts shown actually pool all relevant complaints showing such dispositions (e.g., “Open, substantiated”).

dispositions, while Figures 3.11 – 3.13 illustrate the regional contrasts in dispositions reported for each category of complaint, separately.³⁵ For most years and categories of complaints where sample sizes justified a comparison, these show between 10 and 15 percentage point differences in the proportions of complaints substantiated between the two regions.

Region	Year Starting April 1,	Seriousness of Complaints								
		Non-Emergency			Serious			Imminent Danger		
		Closed, Unsubst.	Closed, Subst.	Other	Closed, Unsubst.	Closed, Subst.	Other	Closed, Unsubst.	Closed, Subst.	Other
New York City	2003	76%	21%	3%	66%	34%	0%	50%	50%	0%
	2004	78%	22%	0%	75%	22%	2%	68%	32%	0%
	2005	82%	18%	0%	71%	28%	1%	68%	30%	2%
Balance of State	2003	63%	32%	5%	57%	39%	4%	57%	38%	5%
	2004	60%	33%	6%	55%	37%	7%	50%	42%	8%
	2005	66%	30%	4%	53%	41%	6%	47%	44%	9%
Total	2003	65%	30%	5%	58%	38%	4%	57%	39%	5%
	2004	64%	31%	5%	59%	35%	6%	58%	38%	4%
	2005	66%	30%	4%	55%	39%	6%	65%	32%	3%

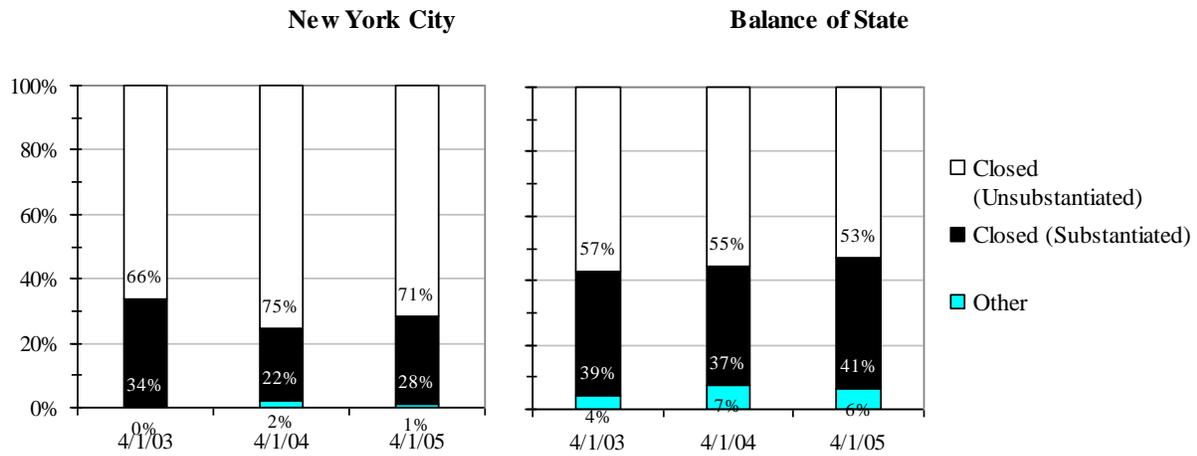
Figure 3.11. Percent Distribution of Non-Emergency Complaints (FDC/SACC) For Major State Regions, By Disposition, for Year Beginning:³⁶



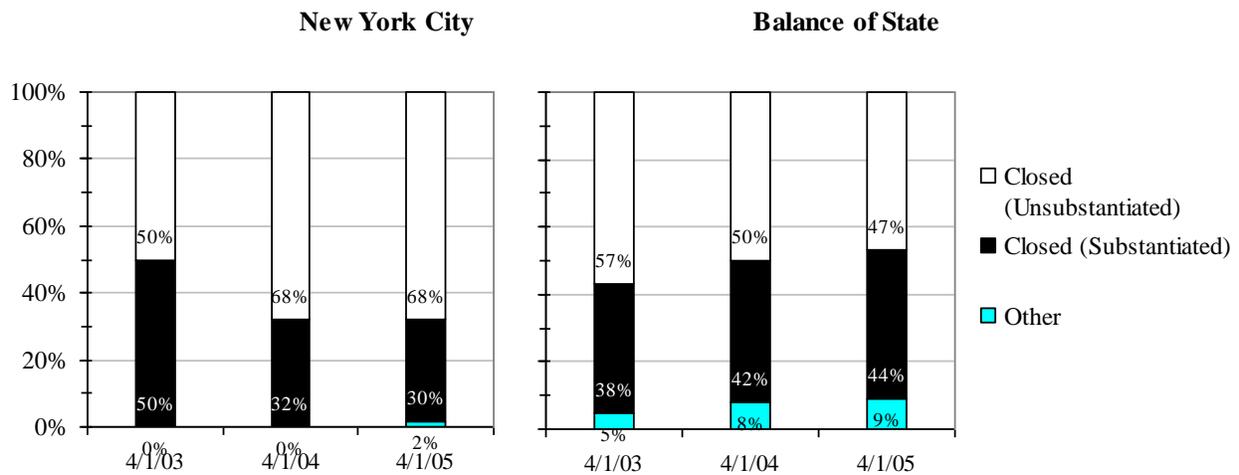
³⁵ As the notes explain, some of these findings for New York City are unreliable because based on too few complaints: e.g., non-emergency complaints for the last year of the period, or imminent danger complaints for the first year, when the City largely failed to use those designations, respectively, as seen in Table 3.1.

³⁶ Table 3.1 shows that for the last year of the period, New York City reported hardly any non-emergency complaints (N's of 100, 146 and 11, respectively, versus 496, 546 and 659, respectively, for the balance of the state), suggesting that the final year's extremely low substantiation rate for the City (3rd bar from left) is best discounted.

**Figure 3.12. Percent Distribution of Serious Complaints (FDC/SACC)
For Major State Regions, By Disposition, for Year Beginning:**



**Figure 3.13. Percent Distribution of Imminent Danger Complaints (FDC/SACC)
For Major State Regions, By Disposition, for Year Beginning:³⁷**



³⁷ As for the non-emergency complaints, the numbers of imminent danger complaints fluctuated widely in New York City during this period, with N's of 2, 34 and 273, respectively (versus corresponding N's of 81, 38 and 34 for the Balance of the State; see Table 3.1), suggesting that the extremely high first-year substantiation rate for the City be discounted.

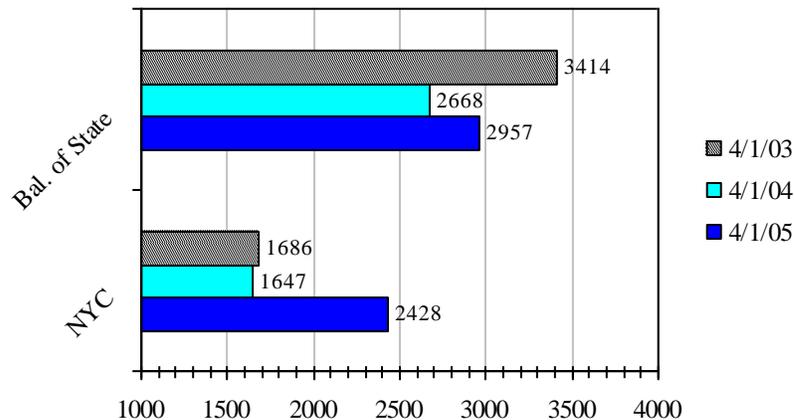
4. Administrative Actions Including Applications and Inspections

a) Registration Applications

Once an application to operate a regulated child care facility is submitted, workers responsible for registration services in the county are expected to process and completely resolve the application within six months of receipt by satisfying a wide array of requirements including pre-registration facility safety inspections, clearing personnel on criminal and other checks, arranging for mandatory training on health, safety and other issues, when appropriate, and providing applicants with all appropriate notifications regarding the status of their applications, to name just a few. Applications not resolved within this timeframe are considered not handled timely (provided that applicant issues are not responsible).³⁸

While the total number of registered FDC/SACC providers declined during these years, trends in application numbers across the period showed more diverse patterns of change. As applications in New York City grew by 44%, those in the balance of the state dropped by 13% (Figure 4.1), driven almost exclusively by sharper declines in two regions: 53% for the Rochester region (RRO) and 15% for the adjoining Buffalo region (BRO; Figure 4.2, next page).³⁹

Figure 4.1⁴⁰
Number of Applications (FDC, SACC) Received,
By Major State Region, for Year Beginning:



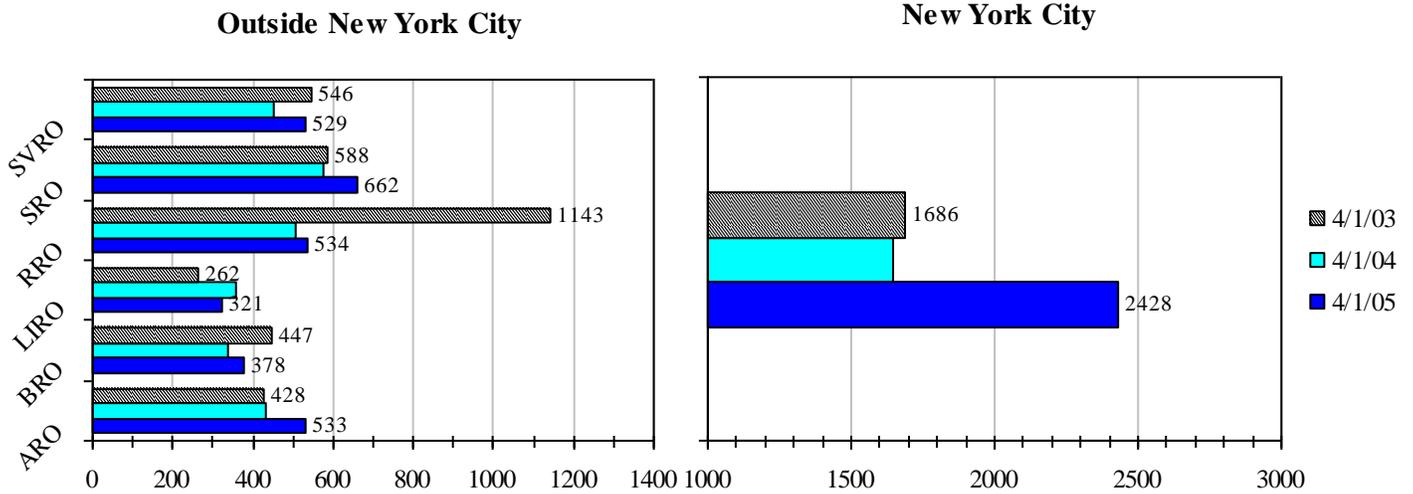
³⁸ As part of its quality assurance efforts, OCFS requires statistically valid quarterly samplings and reviews of registration services within each district to assess compliance with this and other standards for registration activities. In districts with performance-based contracts, contractors not achieving 95% compliance with the six-month application standard face the prospect of financial penalties (partial withholding of contract monies) as a means of encouraging continued improvements in applications-processing.

³⁹ Note that Figure 1 above (repeated for Appendix A.1) lists the regional abbreviations used throughout this report.

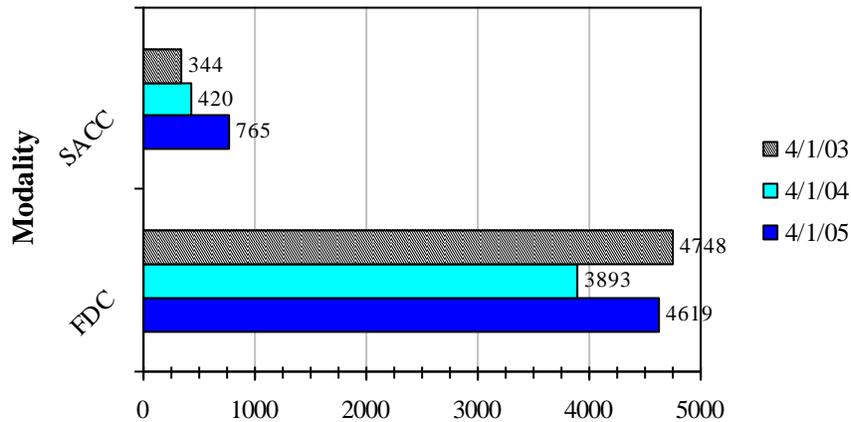
⁴⁰ Throughout this section, total applications counts (on which percentages are based) include tiny numbers of applications with "small day care center" reported for modality (n=8, 2, and 1 for the respective years), which were not removed from the analyses since SDCC providers were included under the registration mandate laid out in Chapter 750 of the Laws of 1990. This results in small discrepancies which are evident in breakdowns by modality, e.g., where the sums of modality counts for a given year may be exceeded by the corresponding annual state totals shown within the same or another display. (For example, compare corresponding annual sums from Figure 4.1 and Figure 4.3, below.)

When considering the modality of care, numbers of applications trended in the same direction as numbers registered, in that SACC applications showed increases while FDC applications decreased during the period (+122% statewide versus -3% statewide, respectively; Figure 4.3).

Figure 4.2. Number of FDC/SACC Applications Received, By Region, for Year Beginning:



**Figure 4.3
Number of Applications (FDC, SACC) Received,
By Modality of Care, for Year Beginning:**



Statewide, the proportion of all FDC/SACC applications that were processed in accordance with the six-month standard increased by almost 20 percentage points over the three-year reporting period (Figure 4.4), including an improvement of 14 percentage points outside of New York City – where applications fell – and an even larger improvement of 35 percentage points within the City (Figure 4.5), despite its rapid increase in applications these years. For all its gains, however, New York City was still reporting a rate 20% lower for applications processed in a

timely fashion than elsewhere in the state by the end of the period (72% versus 92%). Table 4.1 details the numbers of applications underlying these changes.

Figure 4.4
Percent of Applications (FDC, SACC) Processed
Timely, for Year Beginning:

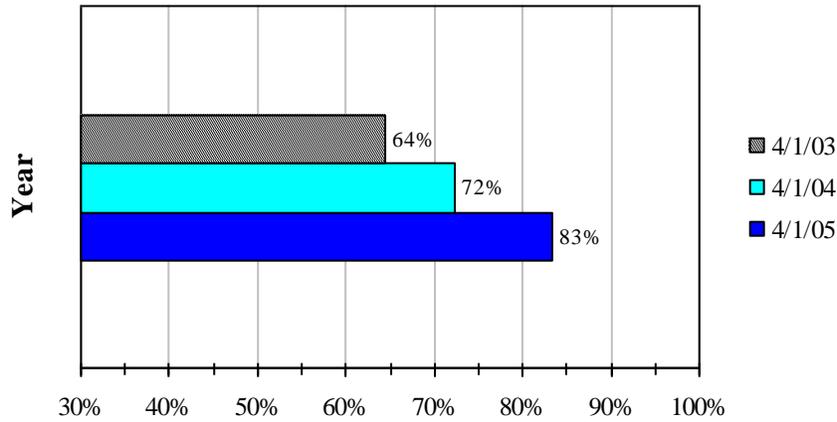


Figure 4.5
Percent of Applications (FDC, SACC) Processed
Timely, By Major State Region, for Year Beginning:

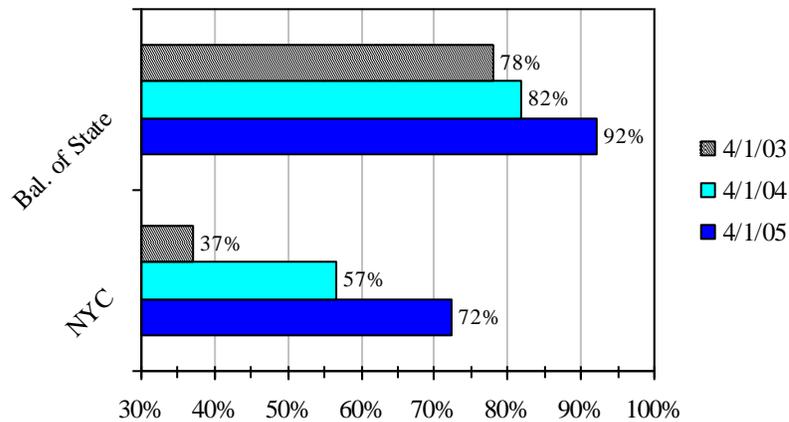


Table 4.1. Number and Timeliness of Processing of Registration Applications (FDC/SACC), By Major State Region and Year: 4/1/03 – 3/31/06					
Region	Year Starting April 1,	Number of Applications			Percent of Applications Processed Timely
		Timely	Not Timely	Total	
New York City	2003	627	1,059	1,686	37%
	2004	932	715	1,647	57%
	2005	1,755	673	2,428	72%

Table 4.1. Number and Timeliness of Processing of Registration Applications (FDC/SACC), By Major State Region and Year: 4/1/03 – 3/31/06					
Region	Year Starting April 1,	Number of Applications			Percent of Applications Processed Timely
		Timely	Not Timely	Total	
Balance of State	2003	2,661	753	3,414	78%
	2004	2,186	482	2,668	82%
	2005	2,728	229	2,957	92%
State Total	2003	3,288	1,812	5,100	64%
	2004	3,118	1,197	4,315	72%
	2005	4,483	902	5,385	83%

Underlying these major-region totals were notable differences in timeliness and in timeliness gains by modality, but widespread improvements in timeliness across DCCS regions during this reporting period. Statewide, Table 4.2 (next page) reveals a 20 percentage point improvement in this respect for FDC providers (64% to 84%), and a gain of 8 percentage points for SACC providers (72% to 80%) for the three years beginning April 1, 2003. Figure 4.6 decomposes these improvements by region and modality, showing, for New York City, far more improvement and timeliness gains in processing FDC applications (38 percentage points) than for SACC applications (6 percentage points). For the balance of the state, in contrast, Figure 4.6 shows much more similar levels of timeliness by modality, as well as similar timeliness gains, by modality, during this reporting period (14 – 16 percentage points for each modality).

Figure 4.6. Percent of Applications Processed Timely, By Major Region and Modality of Care, for Year Beginning:

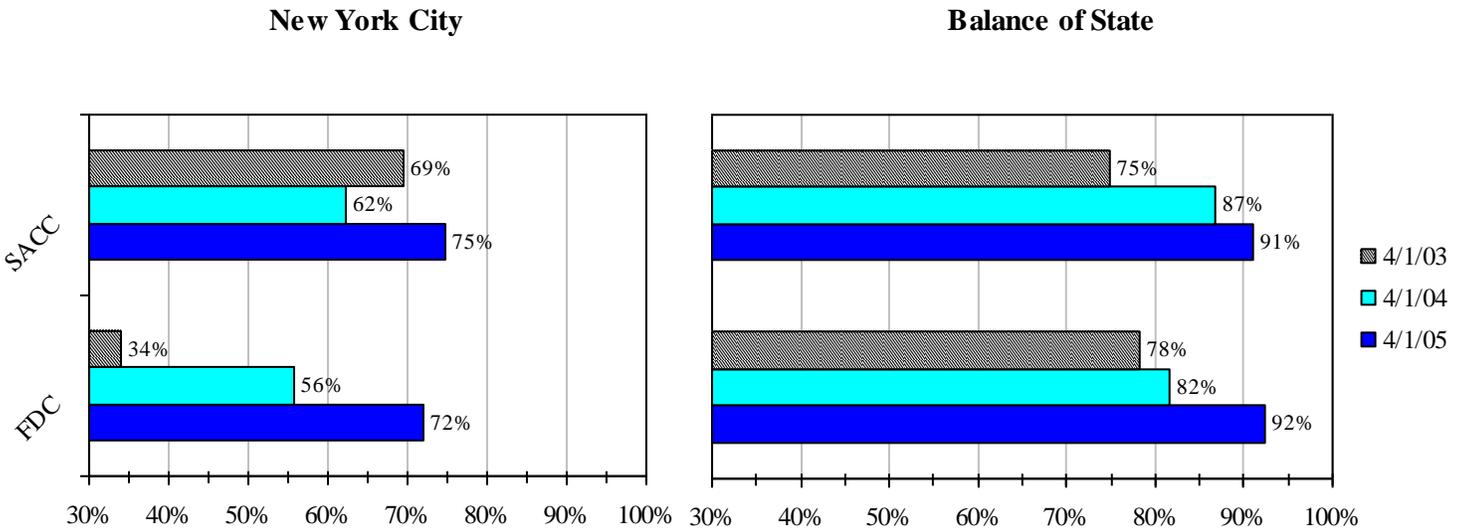
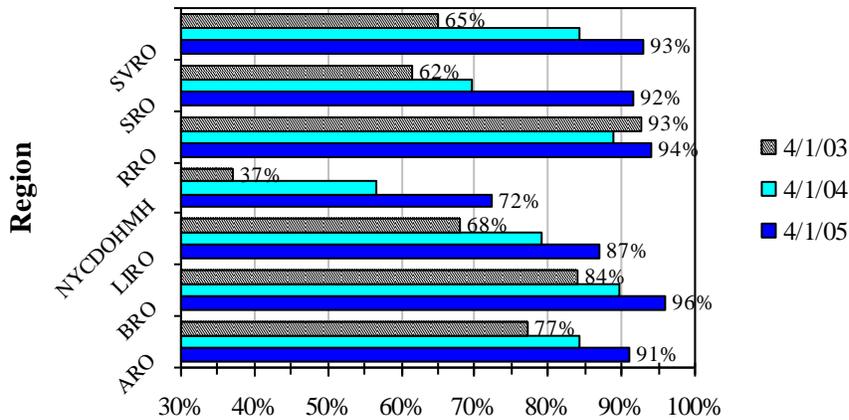


Figure 4.7, below, illustrates the breadth of improvements in timeliness reported by individual DCCS regions for this period, with only one of the seven regions (Rochester [RRO], which had little room for gain) showing less than a double-digit percentage point improvement these years.

Table 4.2. Number and Timeliness of Processing of Registration Applications, By Major State Region, Modality and Year: 4/1/03 – 3/31/06					
Region	Year Starting April 1,	Modality	Number of Applications		Percent of Applications Processed Timely
			Total	Not Timely	
New York City	2003	FDC	1,529	1,008	34%
		SACC	157	48	69%
	2004	FDC	1,430	632	56%
		SACC	217	82	62%
	2005	FDC	1,917	538	72%
		SACC	511	129	75%
Balance of State	2003	FDC	3,219	704	78%
		SACC	187	47	75%
	2004	FDC	2,463	454	82%
		SACC	203	27	87%
	2005	FDC	2,702	205	92%
		SACC	254	23	91%
State Total	2003	FDC	4,748	1,712	64%
		SACC	344	95	72%
	2004	FDC	3,893	1,086	72%
		SACC	420	109	74%
	2005	FDC	4,619	743	84%
		SACC	765	152	80%

Figure 4.7⁴¹
Percent of Applications (FDC, SACC) Processed
Timely, By Region, for Year Beginning:



b) "50% Inspections"

Section 390(4)(a) of Social Services Law, effective December 31, 2001, requires that DCCS (or contractors designated as registration service providers in a given locale) inspect at least 50% of all registered providers of a given modality per county, annually, in order to maintain compliance with the diverse regulatory and statutory requirements protecting the quality of care in New York. Such "50% inspections" need to be understood as distinct from others – e.g., those required during the application process that is described above – and represent a critical additional tool in regulating and monitoring care.⁴² Each year, this requirement involves the identification of literally thousands of providers throughout the state who are scheduled for such inspections.

Just as with the data on complaints, New York City began the reporting period documenting far fewer of these inspections than at the end of the reporting period, but in this instance, due to a combination of factors including reporting changes that took effect in New York City during these years,⁴³ and a bona fide surge in 50% inspections enabled by staffing increases and improvements in field operations and management of CCFS information by NYCDOHMH. Figure 4.8 illustrates the City's predominant contribution to the statewide increase in inspections during this reporting period, while Figure 4.9 compares the extent to which the state and each of its major regions satisfied the goal of inspecting 50% of providers under this requirement in each year of the reporting period. *As can be seen, by the end of the period, both regions reported conducting well more than the required 50% inspections.* Table 4.4, further below, details the underlying counts associated with both Figures.

⁴¹ See Appendix A.8 (Table 4.3) for the specific results on application handling by DCCS region and year, underlying this Figure.

⁴² See Appendix A.3 for additional details defining these inspections (and other measurements used in the report).

⁴³ See the *Methodology and Data Sources* discussion on this point.

Figure 4.8
Number of 50% Inspections (FDC/SACC), By Major State Region, for Year Beginning:

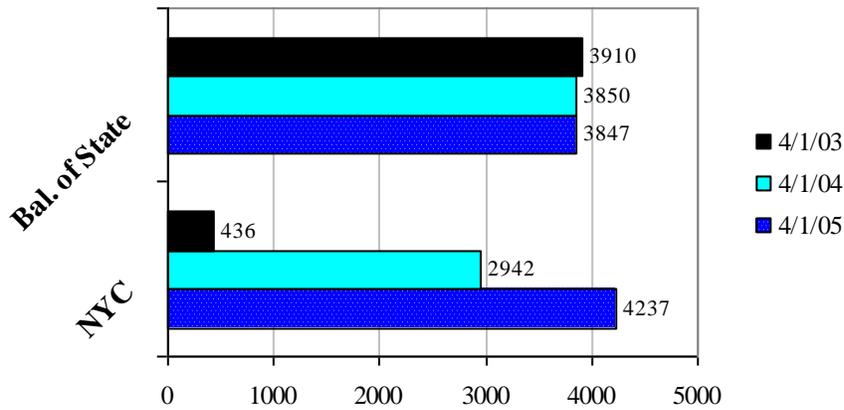
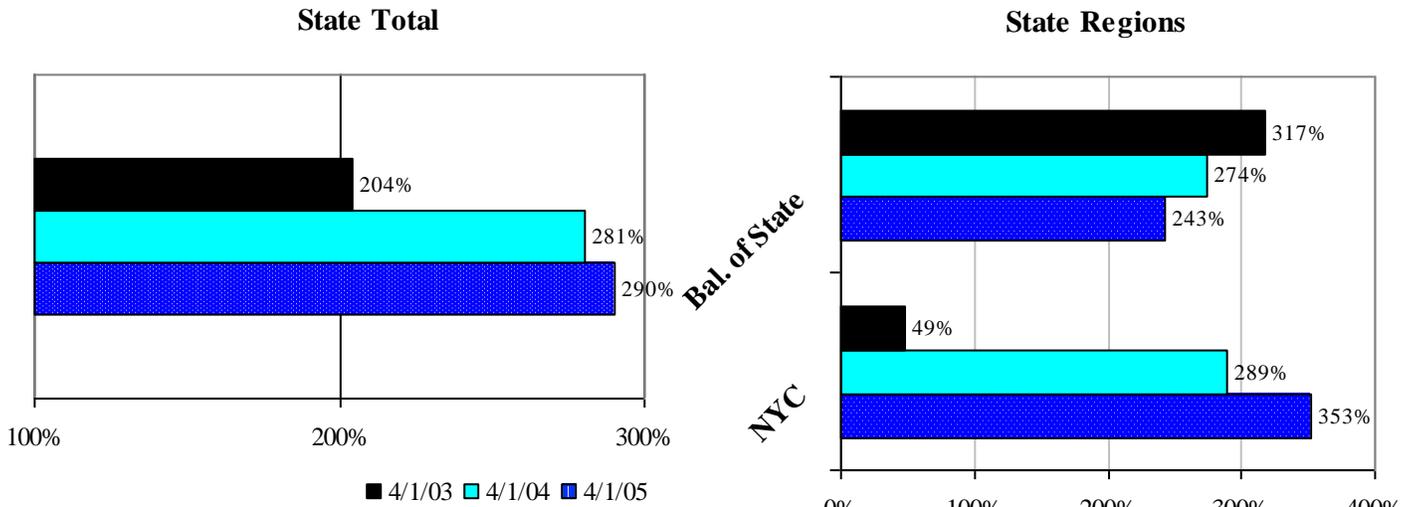


Figure 4.9. Percent of 50% Inspection Goal (FDC/SACC) Achieved For State and Major Regions, For Year Beginning:

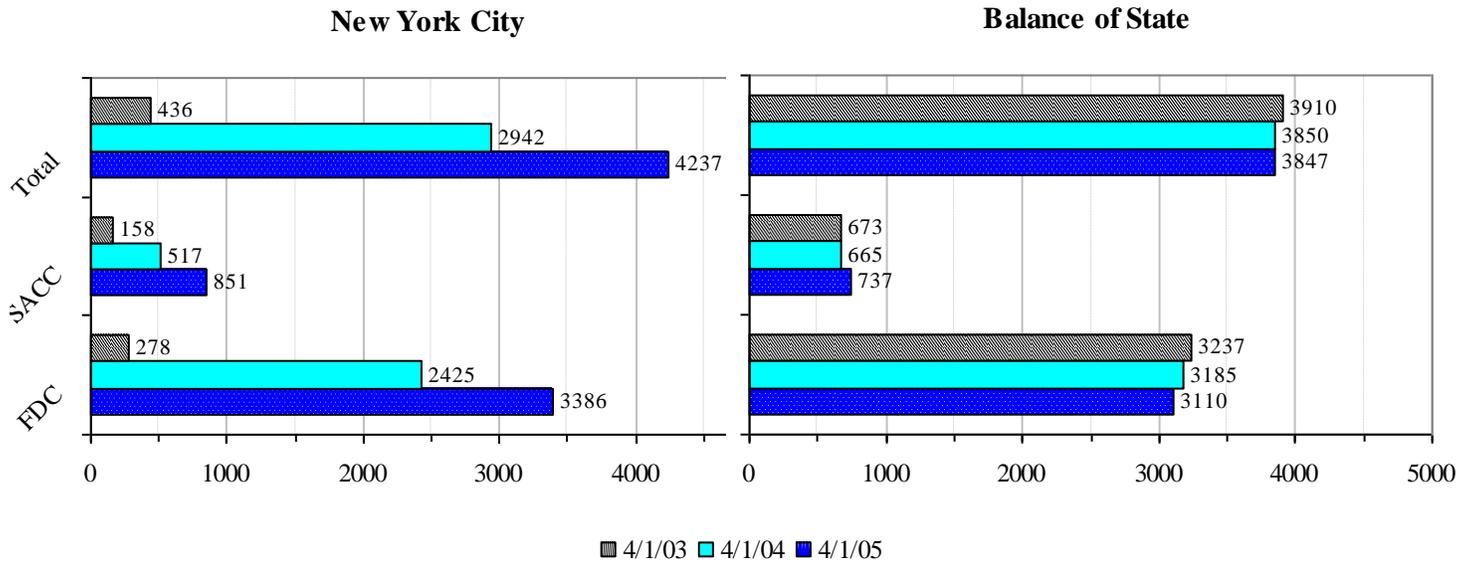


Region	Year Starting April 1,	Number Facilities	Number of Inspections			Percent of	
			Goal	Conducted	With Violations	Goal Achieved	Inspections with Violations
New York City	2003	1,793	897	436	300	49%	69%
	2004	2,033	1,017	2,942	1,959	289%	67%
	2005	2,402	1,201	4,237	2,676	353%	63%
Balance of State	2003	2,463	1,232	3,910	2,548	317%	65%
	2004	2,809	1,405	3,850	2,334	274%	61%
	2005	3,170	1,585	3,847	2,184	243%	57%

Region	Year Starting April 1,	Number Facilities	Number of Inspections			Percent of	
			Goal	Conducted	With Violations	Goal Achieved	Inspections with Violations
Total	2003	4,256	2,128	4,346	2,848	204%	66%
	2004	4,842	2,421	6,792	4,293	281%	63%
	2005	5,572	2,786	8,084	4,860	290%	60%

When looking at 50% inspections by modality, a similar picture emerges, with New York City accounting for virtually all of the increase in 50% inspections of both FDC and SACC providers during this reporting period (Figure 4.10).⁴⁴

Figure 4.10. Number of "50% Inspections" Conducted, By Major State Region and Modality of Care, For Year Beginning:

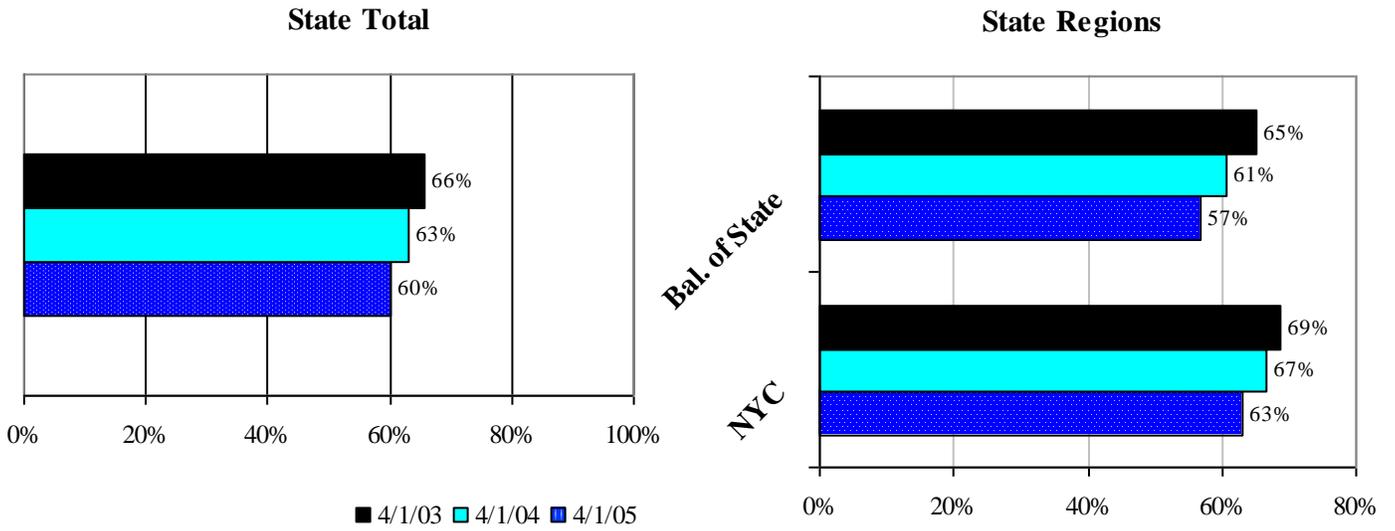


Given the purpose of 50% inspections, discussed above, the additional oversight they afford may be paying off in terms of helping to support broader compliance with quality-of-care requirements, judging from trends in the proportion of these inspections in which violations of applicable statutes or regulations are identified. Throughout this reporting period, violations were identified in a substantial but gradually declining proportion of 50% inspections, both statewide and within each major region (Figure 4.11).⁴⁵ Appendix A.9 (Figure 4.12) also shows a similar, if slightly less uniform, yearly decline in violations reported in connection with 50% inspections for each modality of care for each major region.

⁴⁴ See Appendix A.9 (Table 4.5) for the 50% inspection results by major state region, modality and year, charted in this Figure.

⁴⁵ Table 4.4, above, details the numbers underlying these results.

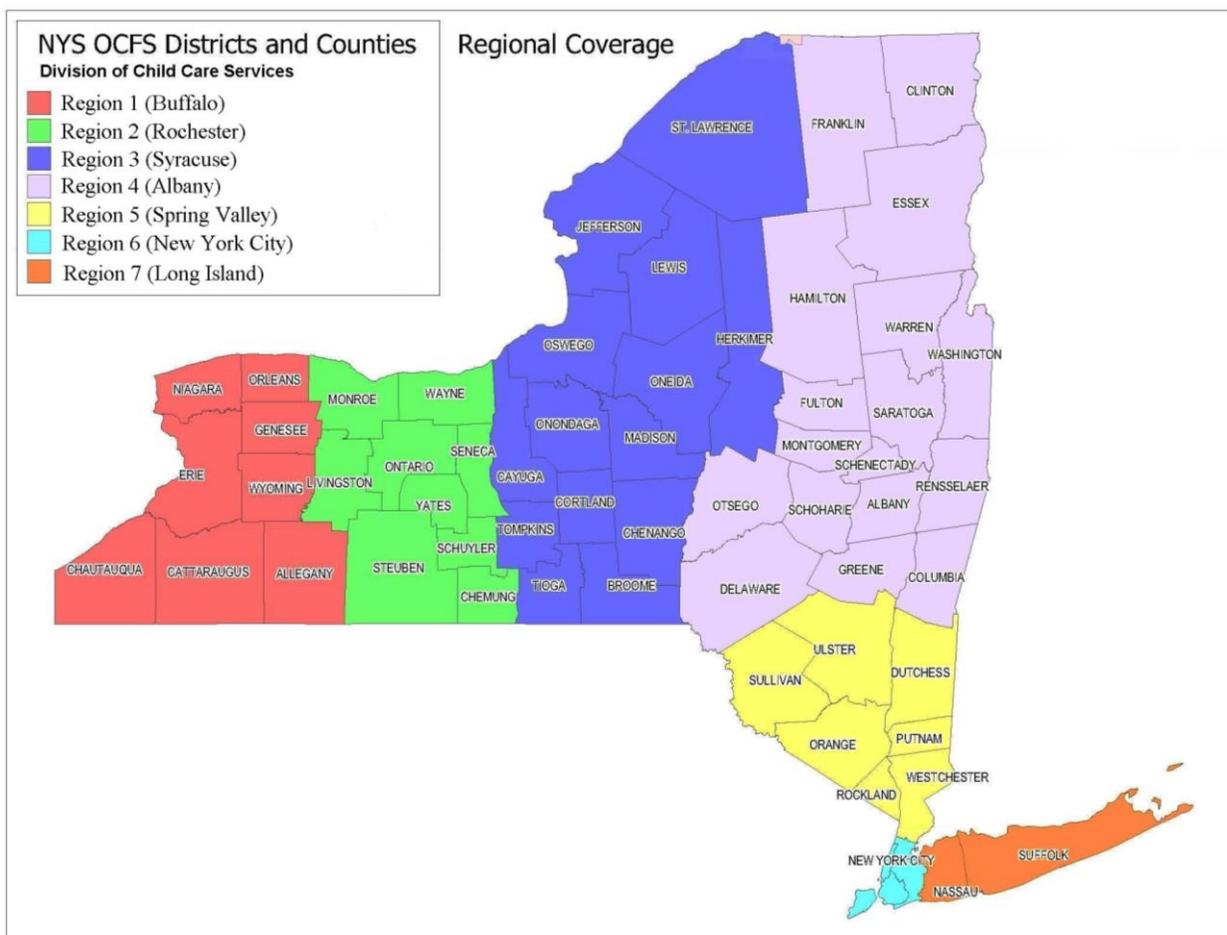
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OCFS Division of Child Care Services Regions and Constituent Counties⁴⁶



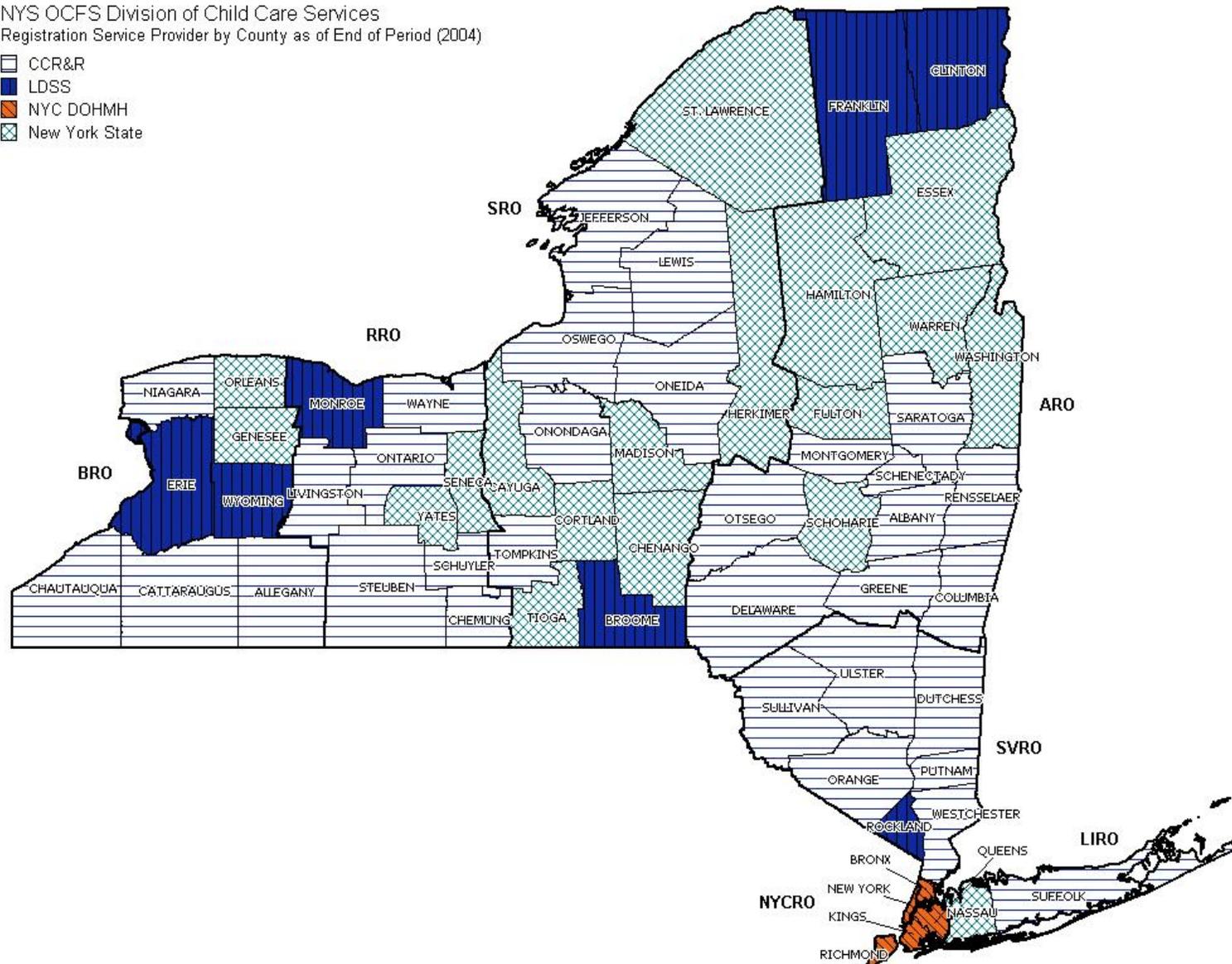
DCCS Regions / Counties	
Albany Region	Rochester Region
Albany	Chemung
Clinton	Livingston
Columbia	Monroe
Delaware	Ontario
Essex	Schuyler
Franklin	Seneca
Fulton	Steuben
Greene	Wayne
Hamilton	Yates
Montgomery	Westchester-
Otsego	Lower-Hudson*
Rensselaer	Dutchess
Saratoga	Orange
Schenectady	Putnam
Schoharie	Rockland
Warren	Sullivan
Washington	Ulster
Buffalo Region	Westchester
Allegany	Syracuse Region
Cattaraugus	Broome
Chautauqua	Cayuga
Erie	Chenango
Genesee	Cortland
Niagara	Herkimer
Orleans	Jefferson
Wyoming	Lewis
Long Island Region	Madison
Nassau	Oneida
Suffolk	Onondaga
New York City Region	Oswego
Bronx	St. Lawrence
Kings	Tioga
New York	Tompkins
Queens	* Also known as
Richmond	DCCS Spring Valley

⁴⁶ Throughout this report, DCCS Regions, which are named for the location of the DCCS regional offices, are referred to by abbreviation – ARO (Albany Regional Office), BRO (Buffalo ...), LIRO (Long Island ...), NYCDOHMH (New York City's registration service provider; see *Background on Child Care and Registration*), RRO (Rochester ...), SVRO (Spring Valley ...) and SRO (Syracuse ...).
 New York State Office of Children and Family Services

Registration Service Provider by County: 2004

NYS OCFS Division of Child Care Services
 Registration Service Provider by County as of End of Period (2004)

-  CCR&R
-  LDSS
-  NYC DOHMH
-  New York State



Bases for Key Measurements (from *DCCS Registration Performance Standards Measures*)

I. Department Response to Complaints (Complaint Investigations)

For this report, timeliness of complaint investigations is based on family day care and school age child care providers, although a negligible number of "small day care center" (SDCC) providers sometimes appear for particular time periods. Two time frames are involved in assessing complaint investigations: time to initiate the investigation and time to make a final determination (or disposition) on the complaint. For purposes of OCFS' performance standards in this area, registration service providers are expected to initiate investigations within **1 business day** (for complaints rated in the **imminent danger** category of severity) or within **5 or 15 calendar days** (for those rated as **serious or non-emergency**, respectively) and to make final determinations on complaints within **60 calendar days**. Complaints showing CPS investigation involvement are exempted from these timeframes for determining timeliness.

In comparison to the corresponding performance standards, two aspects of the measurement of timeliness of response to complaints conducted for this report need to be understood: one relating to the requirements for initiating, and one relating to those for determining the findings of, investigations.

In relation to the timeliness of *initiating* investigations, for all years prior to 2009, the adjustment for business days (i.e., taking account of weekends and holidays) was *not* made, leading to a very small understatement of timeliness calculated throughout this report with respect only to this requirement. Since this bias would be expected to affect each year in the present report period about equally, on average, findings of clear, marked trends toward greater timeliness across the period (as found for this report) would not be invalidated by this factor.

A different type of understatement also applies to this review's measurements of timeliness of determinations on investigations. Because *CCFS* provides only a single field ("Complaint_Status_Date") capturing the date for the latest status recorded for a complaint, all measurements calculated on that basis for complaints already reported closed – virtually all of the complaints reviewed for this report – could include time associated with activities conducted prior to the formal "closing" date for the complaint, but following the key determination presumably at issue under the 60-day requirement (i.e., were complaint allegations substantiated?). Just like the issue in measuring initiations, discussed above, this limitation would not invalidate clear trends observed over time, making the review's measurements on this score somewhat more conservative than those based on the analogous OCFS performance standards but still eminently appropriate for the examinations required.

II. Registration Applications

The timeliness of initial registration applications, like all measures for this report, is based on family day care and school age child care providers (with the same proviso above regarding SDCC providers). Registration workers are expected to process and resolve registration applications within **six months** of receipt, including providing applicants with all appropriate notifications regarding the status of their applications.

III. "50% Inspections"

Section 390(4)(a) of Social Services Law requires that OCFS on an annual basis shall inspect "at least fifty percent of all registered family day care homes, licensed child day care centers and registered school age child care programs" to determine compliance with applicable statutes and regulations.⁴⁸ Only inspections covering all such statutory or regulatory program requirements (not those more limited in focus) can qualify as "50% inspections." In addition, either the primary or secondary reason for inspection reported in CCFS must be "50% sample." Finally, only one inspection of a particular registered provider per year can count toward the required number, but localities at their discretion can elect to inspect more than their minimum numbers.

Unless small county provider populations require the pooling of counties, facilities to be inspected under this requirement are typically identified by randomly selecting those to be inspected in numbers equivalent to 50% (or more) of all providers (*not applicants*) of a given modality currently registered/licensed in the respective counties.

⁴⁸ OCFS, BECS Policy Statement 03-2 (12/5/03), *Registered Child Day Care Programs: 50% Inspection Requirement*.

Figure 2.3. Number of FDC Providers Registered at Any Point During Interval, By Region, for Year Beginning:

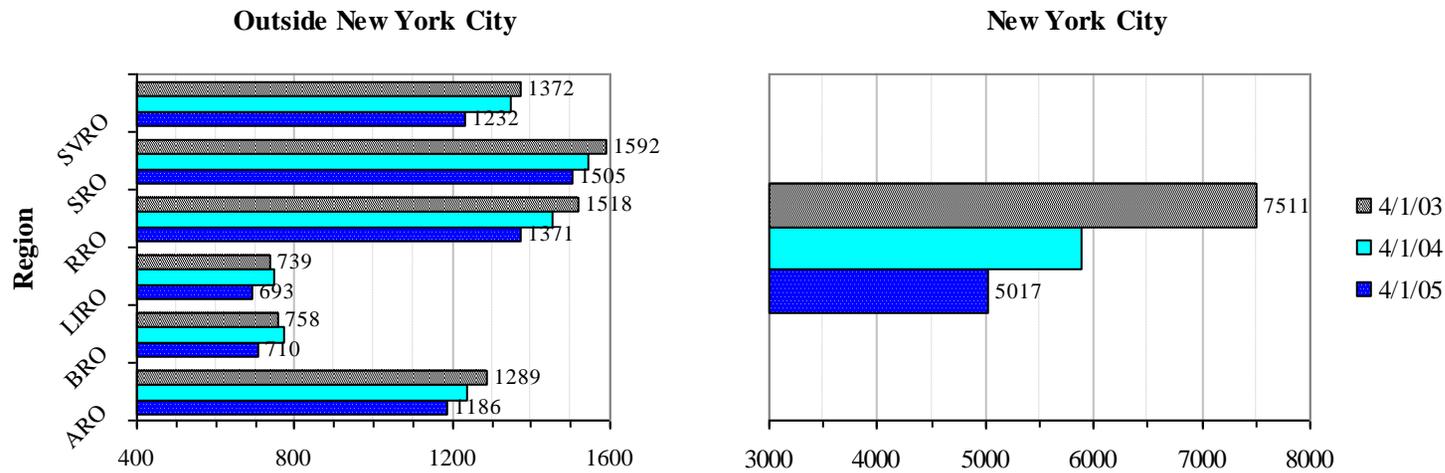


Figure 2.4. Number of SACC Providers Registered at Any Point During Interval, By Region, for Year Beginning:

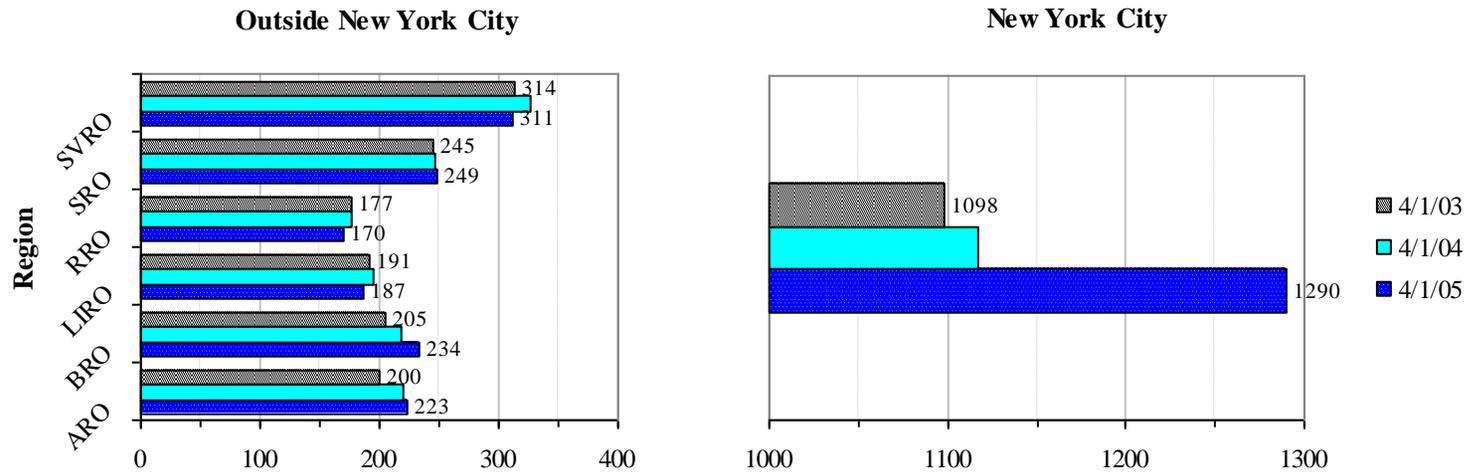


Table 2.2. Number of Registered Providers (FDC/SACC), By Region, Modality and Year: As of Any Point, As of the First Day and as of the Last Day, For Three Years, 4/1/03 – 3/31/06										
Region	Year Starting April 1,	Any Point During Year			First Day			Last Day		
		FDC	SACC	FDC + SACC	FDC	SACC	FDC+ SACC	FDC	SACC	FDC + SACC
ARO	2003	1,289	200	1,489	1,052	190	1,242	1,005	194	1,199
	2004	1,237	220	1,457	1,005	194	1,199	993	203	1,196
	2005	1,186	223	1,409	993	203	1,196	928	208	1,136
BRO	2003	758	205	963	602	177	779	612	190	802
	2004	775	219	994	620	193	813	585	203	788
	2005	710	234	944	587	206	793	520	205	725
LIRO	2003	739	191	930	590	173	763	588	173	761
	2004	747	195	942	589	175	764	571	181	752
	2005	693	187	880	570	181	751	544	176	720
NYCDOH	2003	7,511	1,098	8,609	6,638	977	7,615	5,066	1,014	6,080
	2004	5,883	1,117	7,000	5,068	1,016	6,084	4,261	1,023	5,284
	2005	5,017	1,290	6,307	4,257	1,023	5,280	3,895	1,190	5,085
RRO	2003	1,518	177	1,695	1,273	153	1,426	1,221	156	1,377
	2004	1,452	176	1,628	1,218	156	1,374	1,150	158	1,308
	2005	1,371	170	1,541	1,149	158	1,307	1,073	154	1,227
SRO	2003	1,592	245	1,837	1,294	232	1,526	1,247	231	1,478
	2004	1,544	246	1,790	1,247	231	1,478	1,229	232	1,461
	2005	1,505	249	1,754	1,228	233	1,461	1,182	232	1,414
SVRO	2003	1,372	314	1,686	1,128	279	1,407	1,101	284	1,385
	2004	1,347	326	1,673	1,101	284	1,385	1,009	288	1,297
	2005	1,232	311	1,543	1,003	288	1,291	953	275	1,228
Total	2003	14,779	2,430	17,209	12,577	2,181	14,758	10,840	2,242	13,082
	2004	12,985	2,499	15,484	10,848	2,249	13,097	9,798	2,288	12,086
	2005	11,714	2,664	14,378	9,787	2,292	12,079	9,095	2,440	11,535

Table 3.2. Number of Complaints by Seriousness and Whether Regulatory Violation(s) Involved,
By Region, For Years, 4/1/03 – 3/31/06

Region	Year Starting April 1,	Number of Complaints					Percent of Total Complaints:			
		By Seriousness			With Violation(s)	Total	By Seriousness			With Violation(s)
		Non-Emergency	Serious	Imminent Danger			Non-Emergency	Serious	Imminent Danger	
ARO	2003	148	135	2	41	285	52%	47%	1%	14%
	2004	155	131	4	41	290	53%	45%	1%	14%
	2005	146	117	2	34	265	55%	44%	1%	13%
BRO	2003	42	92	12	19	146	29%	63%	8%	13%
	2004	39	90	5	21	134	29%	67%	4%	16%
	2005	73	66	2	22	141	52%	47%	1%	16%
LIRO	2003	25	63	8	18	96	26%	66%	8%	19%
	2004	23	49	4	12	76	30%	64%	5%	16%
	2005	41	46	1	18	88	47%	52%	1%	20%
NYCDOH	2003	100	56	2	19	158	63%	35%	1%	12%
	2004	146	169	34	40	349	42%	48%	10%	11%
	2005	11	112	273	28	396	3%	28%	69%	7%
RRO	2003	51	220	26	61	297	17%	74%	9%	21%
	2004	59	214	12	54	285	21%	75%	4%	19%
	2005	73	231	15	79	319	23%	72%	5%	25%
SRO	2003	177	291	14	124	482	37%	60%	3%	26%
	2004	214	205	3	95	422	51%	49%	1%	23%
	2005	260	192	4	102	456	57%	42%	1%	22%
SVRO	2003	53	170	19	57	242	22%	70%	8%	24%
	2004	56	139	10	60	205	27%	68%	5%	29%
	2005	66	143	10	64	219	30%	65%	5%	29%
Total	2003	596	1,027	83	339	1,706	35%	60%	5%	20%
	2004	692	997	72	323	1,761	39%	57%	4%	18%
	2005	670	907	307	347	1,884	36%	48%	16%	18%

Figure 3.8. Percent of Investigations (FDC, SACC) Initiated (L) or Determined (R) Timely, By Region, For Year Beginning:

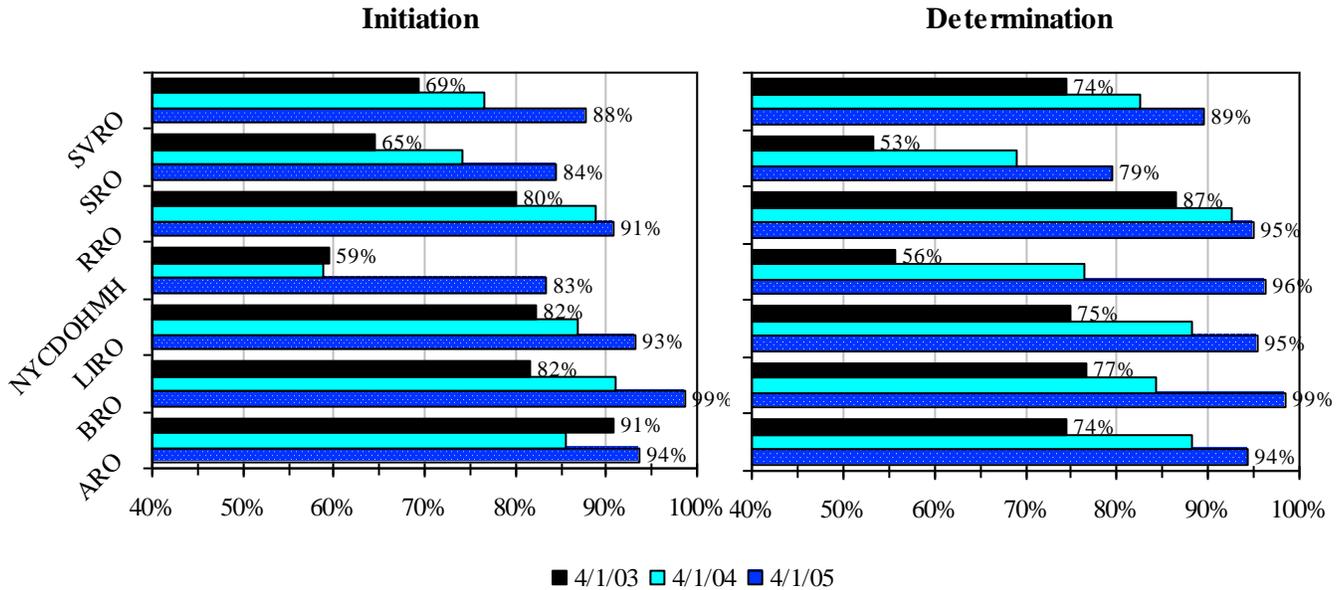
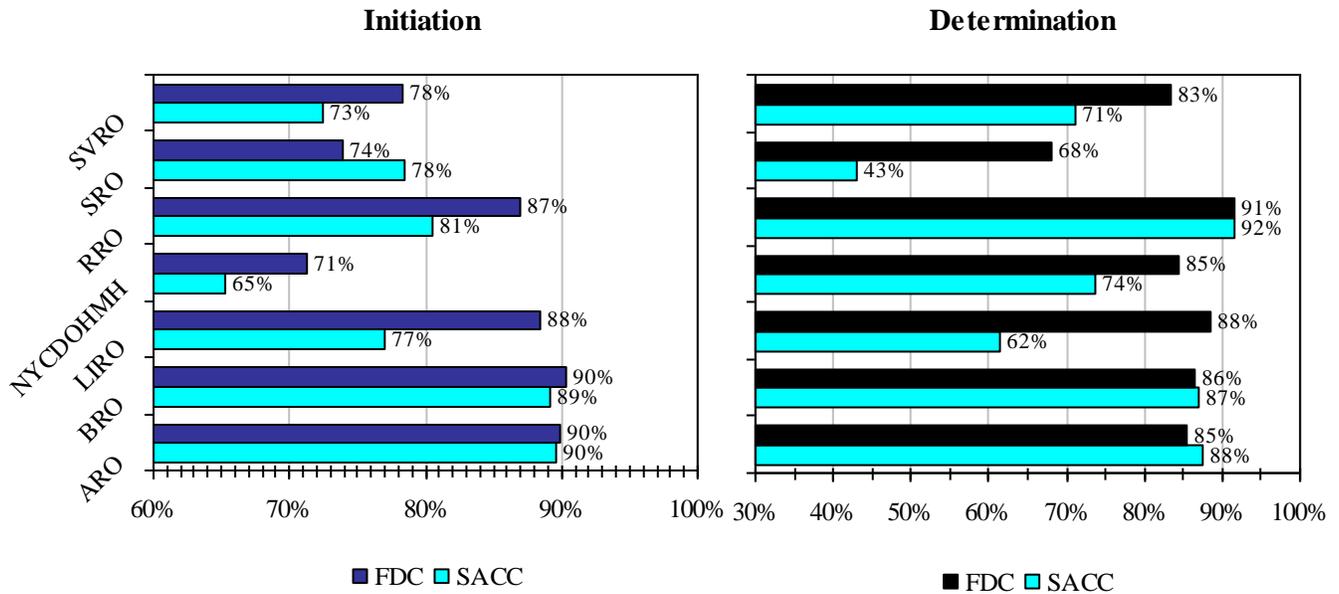


Table 3.4 Handling and Rate of Complaints (FDC/SACC), By Region and Year: Apr. 1, 2003 - Mar. 31, 2006

Region	Year Starting April 1,	Number of Complaints			Percent of Complaints		Rate of Complaints*	
		Total	Investigation Initiated Late	Investigation Determination Late	Investigation Initiated Timely	Investigation Determination Timely	Total Providers	Complaints Per 100 Providers
ARO	2003	285	26	73	91%	74%	1,489	19
	2004	290	42	34	86%	88%	1,457	20
	2005	265	17	15	94%	94%	1,409	19
BRO	2003	146	27	34	82%	77%	963	15
	2004	134	12	21	91%	84%	994	13
	2005	141	2	2	99%	99%	944	15
LIRO	2003	96	17	24	82%	75%	930	10
	2004	76	10	9	87%	88%	942	8
	2005	88	6	4	93%	95%	880	10
NYCDOH	2003	158	64	70	59%	56%	8,609	2
	2004	349	144	82	59%	77%	7,000	5
	2005	396	66	15	83%	96%	6,307	6
RRO	2003	297	59	40	80%	87%	1,695	18
	2004	285	32	21	89%	93%	1,628	18
	2005	319	29	16	91%	95%	1,541	21
SRO	2003	482	171	225	65%	53%	1,837	26
	2004	422	109	131	74%	69%	1,790	24
	2005	456	71	94	84%	79%	1,754	26
SVRO	2003	242	74	62	69%	74%	1,686	14
	2004	205	48	36	77%	82%	1,673	12
	2005	219	27	23	88%	89%	1,543	14
Total	2003	1,706	438	528	74%	69%	17,209	10
	2004	1,761	397	334	77%	81%	15,484	11
	2005	1,884	218	169	88%	91%	14,378	13

* All rates in this section are based on counts of providers registered as of any point during the respective periods.

Figure 3.14
Percent of Investigations (FDC, SACC) Initiated (L) or Determined (R) Timely, By Region and Modality of Care: Three-Year Summary (4/1/03 – 3/31/06)



Region	Modality	Number of Complaints			Percent of Complaints		Rate of Complaints*	
		Total	Investigation Initiated Late	Investigation Determination Late	Investigation Initiated Timely	Investigation Determination Timely	Total Providers	Complaints Per 100 Providers
ARO**	FDC	791	80	115	90%	85%	1,714	46
	SACC	48	5	6	90%	88%	246	20
BRO	FDC	375	36	51	90%	86%	1,049	36
	SACC	46	5	6	89%	87%	265	17
LIRO	FDC	234	27	27	88%	88%	1,021	23
	SACC	26	6	10	77%	62%	220	12
NYCDOH	FDC	652	187	101	71%	85%	9,090	7
	SACC	251	87	66	65%	74%	1,468	17
RRO	FDC	865	113	74	87%	91%	1,976	44
	SACC	36	7	3	81%	92%	209	17
SRO	FDC	1,295	337	413	74%	68%	2,168	60
	SACC	65	14	37	78%	43%	277	23
SVRO	FDC	586	127	98	78%	83%	1,849	32
	SACC	80	22	23	73%	71%	379	21
Total	FDC	4798	907	879	81%	82%	18,867	25
	SACC	552	146	151	74%	73%	3,064	18

* Based on unduplicated three-year counts of providers, as discussed under Table 3.5 in the body of the report. As described there, three-year rates shown here are not directly comparable to the single-year rates computed elsewhere in the report.

** For ARO, counts of complaints by modality do not sum to other totals in the report due to (n = 1) complaint in that region showing "small day care center" for modality – the only such complaint observed throughout the state for this time-period.

Table 4.3. Number and Timeliness of Processing of Registration Applications (FDC/SACC), By Region and Year: 4/1/03 – 3/31/06 ⁴⁹					
Region	Year Starting April 1,	Number of Applications			Percent of Applications Processed Timely
		Timely	Not Timely	Total	
ARO	2003	331	97	428	77%
	2004	363	68	431	84%
	2005	486	47	533	91%
BRO	2003	375	72	447	84%
	2004	304	35	339	90%
	2005	363	15	378	96%
LIRO	2003	178	84	262	68%
	2004	283	75	358	79%
	2005	279	42	321	87%
NYCDOH	2003	627	1,059	1,686	37%
	2004	932	715	1,647	57%
	2005	1,755	673	2,428	72%
RRO	2003	1,060	83	1,143	93%
	2004	451	57	508	89%
	2005	502	32	534	94%
SRO	2003	362	226	588	62%
	2004	403	175	578	70%
	2005	607	55	662	92%
SVRO	2003	355	191	546	65%
	2004	382	72	454	84%
	2005	491	38	529	93%
Total	2003	3,288	1,812	5,100	64%
	2004	3,118	1,197	4,315	72%
	2005	4,483	902	5,385	83%

⁴⁹ Registration applications counts in this table and elsewhere in the report include small numbers of applications with "small day care center" (SDCC) reported for modality (n=8, 2, and 1 for the respective years), which were not removed from the analyses since SDCC providers were included under the registration mandate laid out in Chapter 750 of the Laws of 1990. See n. 40 in body of report.

Region	Modality	Year Starting April 1,	Number Facilities	Number of Inspections			Percent of:	
				Goal	Conducted	With Violations	Goal Achieved	Inspections with Violations
New York City	FDC	2003	1,279	640	278	192	43%	69%
		2004	1,457	729	2,425	1,690	333%	70%
		2005	1,661	831	3,386	2,198	408%	65%
	SACC	2003	514	257	158	108	61%	68%
		2004	576	288	517	269	180%	52%
		2005	741	371	851	478	230%	56%
	Total	2003	1,793	897	436	300	49%	69%
		2004	2,033	1,017	2,942	1,959	289%	67%
		2005	2,402	1,201	4,237	2,676	353%	63%
Balance of State	FDC	2003	1,672	836	3,237	2,138	387%	66%
		2004	1,933	967	3,185	1,919	330%	60%
		2005	2,233	1,117	3,110	1,747	279%	56%
	SACC	2003	791	396	673	410	170%	61%
		2004	876	438	665	415	152%	62%
		2005	937	469	737	437	157%	59%
	Total	2003	2,463	1,232	3,910	2,548	317%	65%
		2004	2,809	1,405	3,850	2,334	274%	61%
		2005	3,170	1,585	3,847	2,184	243%	57%
State Total	FDC	2003	2,951	1,476	3,515	2,330	238%	66%
		2004	3,390	1,695	5,610	3,609	331%	64%
		2005	3,894	1,947	6,496	3,945	334%	61%
	SACC	2003	1,305	653	831	518	127%	62%
		2004	1,452	726	1,182	684	163%	58%
		2005	1,678	839	1,588	915	189%	58%
	Total	2003	4,256	2,128	4,346	2,848	204%	66%
		2004	4,842	2,421	6,792	4,293	281%	63%
		2005	5,572	2,786	8,084	4,860	290%	60%

Figure 4.12. Percent of "50% Inspections" Involving Regulatory Violations, By Major State Region and Modality of Care, For Year Beginning:

