

F. SUPERVISION RATIOS AND GROUP SIZES 18 NYCRR 415.13(h)

Each enrolled legally exempt group child care program must meet and maintain the following minimum staff-to-child supervision ratios and maximum group size requirements unless a more stringent standard is required by law.

	STAFF TO CHILD RATIOS BY AGE OF CHILDREN		
	3 YEARS	4 YEARS	5 TO 12 YEARS
SEATED ACTIVITIES	1:20	1:20	1:25
NON-SEATED ACTIVITIES	1:10	1:12	1:25
MAXIMUM GROUP SIZE TOTAL	30 children	36 children	50 children

- 1) Observe all areas utilized by the child care program, including classrooms, playgrounds, gym, dining room, bathroom, etc. In the table below, identify each area observed and account for all caregiving staff who are present and all children present, by age group.

CLASSROOM NUMBER/ AREA	NAMES OF CAREGIVING STAFF PRESENT	CHILDREN OBSERVED			
		AGES	# OF CHILDREN	RATIOS MET?	MAX GROUP SIZE MET?
				<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

Note: Violations of health and safety requirements are recorded in **Section H: Group Enrollment Health and Safety Checklist.**

- OCFS-LDSS-7029-4, Supervision, Ratios and Group Sizes in Legally Exempt Group Child Care Program,** is attached. (Use if more space if needed.)

- 2) Child care assistance cannot be authorized for a child under 3 years old for child care provided in a legally exempt group child care program unless otherwise excepted in regulation.

Is the program caring for subsidized children under 3 years old who do not meet the criteria of the exception?

- No Yes

- 3) Notes:

G. ATTENDANCE 18 NYCRR 415.12(a)(2)

1) An eligible provider must maintain daily attendance records, which must be kept current and accurate. Please indicate that the attendance records are complete by verifying the following:

	Yes	No
a) Are the attendance records maintained daily?	<input type="checkbox"/>	<input type="checkbox"/>
b) Are the attendance records current (up-to-date)?	<input type="checkbox"/>	<input type="checkbox"/>
c) Do the records track attendance for each child?	<input type="checkbox"/>	<input type="checkbox"/>
d) Do the attendance records show the date of attendance and the time of arrival and departure for each day?	<input type="checkbox"/>	<input type="checkbox"/>
e) Are full-day absences noted?	<input type="checkbox"/>	<input type="checkbox"/>

H. SITE VERIFICATION OF HEALTH CARE PLAN FOR LEGALLY EXEMPT GROUP CHILD CARE PROGRAM 18 NYCRR 415.13(c)(2)

- 1) Does the program have a health care plan?
- Yes. Complete and attach the **OCFS-7029-3**, *Site Verification of Health Care Plan for Legally Exempt Group Child Care Program*.
 - No

I. SITE VERIFICATION OF LEGALLY EXEMPT GROUP CHILD CARE PROGRAM STAFF RECORD REQUIREMENTS

Use the **OCFS-LDSS-7029-6**, *Site Verification of Staff Records for Legally Exempt Group Child Care Program*, to document the program’s compliance with staff record requirements.

J. GROUP ENROLLMENT HEALTH AND SAFETY REQUIREMENTS

For each item that is not in compliance, the inspector must record in the “observations” section what the inspector observed that constitutes a violation and the statements made by the on-site director regarding the violation.

HEALTH AND SAFETY REQUIREMENTS		
REGULATION	REQUIREMENT	VIOLATION?
415.12(a)(2)(i-iii)	An eligible provider must maintain daily attendance records. Such records must be kept current and accurate, be filled out when a child arrives and departs, and include: the date of attendance. arrival and departure times. and notation of full-day absences.	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
415.12(a)(5)	A child care provider or an employee, volunteer, visitor, or household member of the provider must admit inspectors and other representatives of the enrollment agency, social services district and the Office onto the grounds and premises at any time during the hours child care services are provided. Such inspectors and representatives must be given free access to the building or buildings used by the program staff, employees, volunteers, and children in care, and any records pertaining to the program.	<input type="checkbox"/>
415.13(a)(1)(ii)	The enrollment applicant or provider must immediately report to the enrollment agency any change to the information in the enrollment package that affects, or which reasonably might be expected to affect, compliance with applicable regulations.	<input type="checkbox"/>
415.13(b)(2)(i)	There must be two separate and remote ways to escape in an emergency.	<input type="checkbox"/>
415.13(b)(2)(ii)	Rooms for children must be well-lit and well-ventilated. Heat, ventilating and lighting equipment must be adequate for the protection of the health of the children.	<input type="checkbox"/>
415.13(b)(2)(iii)	Adequate and safe water supply and sewage facilities must be provided and comply with State and local laws. Hot and cold running water must be available and accessible at all times.	<input type="checkbox"/>
415.13(b)(2)(iv)	Paint and plaster must be in good repair and there must be no danger of children putting paint or plaster chips in their mouths or of it getting into their food.	<input type="checkbox"/>

415.13(b)(2)(v)	Stairs, railings, porches and balconies must be in good repair.	<input type="checkbox"/>
415.13(b)(2)(vi)	Building systems and equipment must be kept in good repair and operate as designed.	<input type="checkbox"/>
415.13(b)(3)(i)	Evacuation drills must be conducted at least monthly with the children during the hours that the children are in care. The provider must maintain a written record of the evacuation drills on-site.	<input type="checkbox"/>
415.13(b)(3)(iii)	Operating carbon monoxide detectors and smoke alarms must be located and operating in accordance with the New York State Uniform Fire Prevention and Building Code or other applicable fire prevention and building codes when the Uniform Code of New York State is not applicable.	<input type="checkbox"/>
415.13(b)(4)(i)	Children must never be left unsupervised or in the care of persons who are not authorized to supervise the children.	<input type="checkbox"/>
415.13(b)(4)(iii)	A director or person who is knowledgeable about the program's operation and policies and is designated to act on behalf of the director must be present on-site at all times during the program's hours of operation.	<input type="checkbox"/>
415.13(b)(4)(iv)	Electronic monitoring devices may not be used as a substitute for supervision of children who are awake.	<input type="checkbox"/>
415.13(b)(4)(v)	Electronic monitoring devices may be used to transmit images of children in common rooms, hallways and play areas only.	<input type="checkbox"/>
415.13(b)(4)(vi)	Bathrooms and changing areas must remain private and free of electronic monitoring devices.	<input type="checkbox"/>
415.13(b)(4)(vii)	The child's caretaker and each employee and volunteer of the provider must be notified if electronic monitoring devices are used.	<input type="checkbox"/>
415.13(b)(5)(i)	Suitable precautions must be taken to eliminate any conditions in areas accessible to children that pose a safety or health hazard.	<input type="checkbox"/>
415.13(b)(5)(ii)(a)	All potentially hazardous materials, which include but are not limited to matches, lighters, medicine, drugs, alcohol, cleaning materials, detergents, aerosol cans and other poisonous or toxic materials, must be inaccessible to children and stored in their original containers.	<input type="checkbox"/>
415.13(b)(5)(ii)(b)	All potentially hazardous materials, which include but are not limited to matches, lighters, medicine, drugs, alcohol, cleaning materials, detergents, aerosol cans and other poisonous or toxic materials, must be used in a way that they will not contaminate play surfaces, food or food preparation areas, or constitute a hazard to children.	<input type="checkbox"/>
415.13(b)(5)(iii)	Barriers must be used to restrict children from unsafe areas, which include but are not limited to swimming pools, bodies of water, open drainage ditches, wells, holes, wood and coal burning stoves, fireplaces and permanently installed gas space heaters.	<input type="checkbox"/>
415.13(b)(5)(iv)	Where child care is provided on floors above the first floor, windows on floors above the first floor must be protected by barriers or locking devices to prevent children from falling out of the windows.	<input type="checkbox"/>
415.13(b)(5)(v)	Protective caps, covers or permanently installed obstructive devices must be used on all electrical outlets that are accessible to young children.	<input type="checkbox"/>
415.13(b)(5)(vi)	Firearms and ammunition must be securely stored and inaccessible to children while care is being provided.	<input type="checkbox"/>
415.13(b)(5)(vii)	There must be either a working telephone or immediate access to one. Emergency telephone numbers for the fire department, local or State police or sheriff's department, poison control center and ambulance must be posted conspicuously or readily accessible.	<input type="checkbox"/>

415.13(b)(5)(viii)	The use of or being under the influence of alcohol or drugs is prohibited while children are in care. Children must not be exposed to persons using drugs or alcohol while in care. The use of, or being under the influence of, a controlled substance is prohibited while children are in care unless the controlled substance is prescribed by a health care provider, is being taken as directed and does not interfere with the person's ability to provide child care services.	<input type="checkbox"/>
415.13(b)(5)(ix)	Smoking and vaping are prohibited in indoor areas while children are in care or in vehicles while children are being transported. Children must not be exposed to smoke or vapors from vaping in outdoor areas.	<input type="checkbox"/>
415.13(b)(5)(x)	The child care site must be free of vermin.	<input type="checkbox"/>
415.13(b)(5)(xi)	Exposure or access to any materials that are developmentally inappropriate for the age of children in care is prohibited. Such materials include, but are not limited to, sexually and illicitly graphic materials, drug paraphernalia, and other printed or digital materials or content.	<input type="checkbox"/>
415.13(b)(5)(xiv)	Providers and staff must take steps to prevent a child's exposure to the foods to which the child is allergic.	<input type="checkbox"/>
415.13(b)(6)(i)	A child must never be left unattended in any motor vehicle or other form of transportation.	<input type="checkbox"/>
415.13(b)(6)(ii)	Each child must board or leave a vehicle from the curb side of the street.	<input type="checkbox"/>
415.13(b)(6)(iii)	All children must be secured in child safety seats properly installed per manufacturer's recommendations, or with safety belts, appropriate for the age of the child in accordance with the requirements of the New York State Vehicle and Traffic Law.	<input type="checkbox"/>
415.13(b)(6)(iv)	Drivers transporting children must be 18 years old or older and hold a current valid license to drive the class of vehicle they are operating.	<input type="checkbox"/>
415.13(b)(6)(v)	Any motor vehicle, other than a public form of transportation used to transport children, must have a valid registration and inspection sticker.	<input type="checkbox"/>
415.13(b)(6)(vi)	Children in care may not be transported in a vehicle built to hold more than 10 passengers, including the driver, unless the vehicle meets the National Highway Traffic Safety Administration definition of a school bus or a multifunction school activity bus; complies with the National Highway Traffic Safety Administration Federal Motor Vehicle Safety Standards applicable to a school bus or multifunction school activity bus; and is inspected per New York State Department of Transportation rules and regulations.	<input type="checkbox"/>
415.13(b)(7)(i)	Safe, suitable care to children that is supportive to the children's physical, intellectual, emotional and social well-being must be provided.	<input type="checkbox"/>
415.13(b)(7)(ii)	Acceptable techniques and approaches must be used to discipline and to manage children's behavior.	<input type="checkbox"/>
415.13(b)(7)(ii)(a)	The use of corporal punishment is prohibited. The term corporal punishment means punishment inflicted directly on the body including, but not limited to, physical restraint, spanking, biting, shaking, slapping, twisting or squeezing; demanding excessive physical exercise, prolonged lack of movement or motion, or strenuous or bizarre postures; and compelling a child to eat or have in the child's mouth soap, hot spices, irritants, or the like.	<input type="checkbox"/>
415.13(b)(7)(ii)(b)	Methods of discipline, interaction or toilet training that frighten, demean, or humiliate children are prohibited.	<input type="checkbox"/>
415.13(b)(8)(i)(a)	A director of a legally exempt group child care program, employees, and volunteers must be physically fit to provide child care and free of any psychiatric and emotional disorder that would preclude such person from providing care.	<input type="checkbox"/>

415.13(b)(8)(i)(b)	A director of a legally exempt group child care program, employees, and volunteers must be free of any communicable disease unless the individual's health care provider has indicated that the presence of a communicable disease does not pose a risk to the health and safety of the children in care.	<input type="checkbox"/>
415.13(b)(8)(i)(d)	The director must provide for themselves and must obtain a medical statement from each employee and volunteer on forms furnished by the office. Such statement must be completed before the person begins providing care to children, must demonstrate that the person meets the requirements in clauses (a) and (b) of this subparagraph, and must be dated within 12 months preceding the date of application or hiring.	<input type="checkbox"/>
415.13(b)(8)(ii)	With the exception of children enrolled in kindergarten or a higher grade in public or private school, child care shall not be provided to any child unless the provider has been furnished with a statement signed by a physician or other authorized individual who specifies that the child has received age-appropriate immunizations in accordance with the requirements of New York Public Health Law. A provider may provide child care to any child not immunized provided the child's immunizations are in process and the caretaker gives the program specific appointment dates for required immunizations in accordance with the requirements of New York Public Health Law. Any child who is missing one or more of the required immunizations may be provided care if a physician licensed to practice medicine in New York State furnishes the program with a signed, completed medical exemption form issued by the New York State Department of Health or the New York City Department of Education. The medical exemption must be reissued annually. OCFS-LDSS-7029-5, Proof of Immunization in Legally Exempt Group Child Care Program is attached	<input type="checkbox"/>
415.13(b)(8)(iii)	A portable first aid kit must be accessible for emergency treatment. The first aid kit must be stocked to treat a broad range of injuries and situations and restocked as necessary. The first aid kit and any other first aid supplies are kept in a clean container or cabinet not accessible to children.	<input type="checkbox"/>
415.13(b)(8)(iv)	Safety precautions relating to blood and other bodily fluids must be observed.	<input type="checkbox"/>
415.13(b)(8)(v)	All legally exempt providers must have procedures in place to reduce the risk of infection.	<input type="checkbox"/>
415.13(b)(9)(i)	Each child must receive meals and snacks in accordance with the plan developed jointly by the child care provider and the child's caretaker.	<input type="checkbox"/>
415.13(b)(9)(ii)	Perishable food, milk and formula must be refrigerated.	<input type="checkbox"/>
415.13(b)(10)(i)	The child care provider must permit a child's caretaker to have unlimited and on-demand access to such child; the right to inspect, on demand and at any time during the hours of operation of the facility, all parts of such facility used for child care or which could present a hazard to the health or safety of a child; unlimited and on-demand access to the provider(s) caring for such child whenever such child is in care and during normal hours of operation; and unlimited and on-demand access to written records concerning such child, except where such access to such records is otherwise restricted by law.	<input type="checkbox"/>
415.13(b)(10)(ii)	The indoor and outdoor areas of the facility where children are in care must not be used for any other business or social purpose when the children are present, such that attention is diverted from the care of the children.	<input type="checkbox"/>
415.13(b)(10)(iii)	Directors, employees and volunteers must be of good character and habits.	<input type="checkbox"/>

415.13(b)(10)(v)(a)	The provider or program must immediately notify the enrollment agency and the caretakers of children in care upon learning of the following events involving a child which occurred while the child was in care at the program or was being transported by the program: death ,	<input type="checkbox"/>
415.13(b)(10)(iv)(b)	The provider or program must immediately notify the enrollment agency and the caretakers of children in care upon learning of the following events involving a child which occurred while the child was in care at the program or was being transported by the program: serious incident ,	<input type="checkbox"/>
415.13(b)(10)(v)(c)	The provider or program must immediately notify the enrollment agency and the caretakers of children in care upon learning of the following events involving a child which occurred while the child was in care at the program or was being transported by the program: serious injury ,	<input type="checkbox"/>
415.13(b)(10)(v)(d)	The provider or program must immediately notify the enrollment agency and the caretakers of children in care upon learning of the following events involving a child which occurred while the child was in care at the program or was being transported by the program: serious condition ,	<input type="checkbox"/>
415.13(b)(10)(v)(e)	The provider or program must immediately notify the enrollment agency and the caretakers of children in care upon learning of the following events involving a child which occurred while the child was in care at the program or was being transported by the program: communicable disease ,	<input type="checkbox"/>
415.13(b)(10)(v)(f)	The provider or program must immediately notify the enrollment agency and the caretakers of children in care upon learning of the following events involving a child which occurred while the child was in care at the program or was being transported by the program: transportation to a hospital .	<input type="checkbox"/>
415.13(b)(10)(vii)	The provider or program must immediately call 911 for children who require emergency medical care and notify the caretaker.	<input type="checkbox"/>
415.13(b)(11)(i)	Each legally exempt child care provider must have on-site a variety of supplies including food, water, first aid and other safety equipment to allow for the protection of the health and safety of children in the event caretakers are unable to pick up their children due to a local disaster.	<input type="checkbox"/>
415.13(b)(11)(ii)	Each legally exempt child care provider must have an emergency written plan that places primary emphasis on the safe and timely evacuation and relocation of children and meets the requirements set forth in clauses (a)-(i).	<input type="checkbox"/>
415.13(b)(11)(iii)	Two shelter-in-place drills must be conducted annually during which procedures and supplies are reviewed. The children's caretakers must be made aware of the drills in advance.	<input type="checkbox"/>
415.13(b)(11)(iv)	A record of each shelter-in-place and evacuation drill conducted, using forms provided by the Office or equivalents, must be maintained on site.	<input type="checkbox"/>
415.13(c)(1)	Medication may not be administered to any child in care except to the extent that a person is authorized under the Education Law to administer medications or has met the requirements for the administration of medications in this subdivision, including approval of a completed health care plan, except when care is provided in the child's own home or the person administering the medication is related to a child's parent or stepparent within the third degree of consanguinity.	<input type="checkbox"/>
415.13(c)(2)(i)(a)-(b)	Any legally exempt child care provider who elects to administer medications must prepare a health care plan on forms furnished by the Office. Such plan must protect and promote the health of children. The health care plan must be on-site, followed by all staff and available upon demand by a caretaker or the Office. The health care plan must also be approved by the provider's health care consultant unless the only medications to be administered are:	<input type="checkbox"/>
	over-the-counter topical ointments, lotions and creams, sprays, including sunscreen products and topically applied insect repellent; and or	<input type="checkbox"/>
	epinephrine autoinjectors, Diphenhydramine in combination with the autoinjector, asthma inhalers and nebulizers.	<input type="checkbox"/>

415.13(h)(1)	Each enrolled legally exempt group child care program must meet and maintain the following minimum staff-to-child supervision ratios and maximum group size requirements unless a more stringent standard is required by law.	<input type="checkbox"/>
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Observations: