

Bureau of Early Childhood Services

P O L I C Y S T A T E M E N T

ID NUMBER: Policy Statement 03-2

TOPIC: Registered Child Day Care Programs: 50 Percent
Inspection Requirement

MODALITIES IMPACTED: FDC, SACC and Small Day Care Centers

APPLICABLE REGULATIONS:

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EFFECTIVE: Immediately

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

Section 390(4)(a) of Social Services Law provides that: effective the thirty-first of December two thousand one the Office Of Children and Family Services on an annual basis shall inspect at least fifty percent of all registered family day care homes, registered child day care centers and registered school age child care programs to determine whether such homes, centers and programs are operating in compliance with applicable statutes and regulations. The Office Children and Family Services (Office) may provide for such inspections through purchase of services. Priority shall be given to family day care homes, which have never been certified prior to initial registration.

The purpose of this policy statement is to update these requirements to reflect the current system support through the Child Care Facility System (CCFS). This statement includes: WHAT MAY COUNT AS A "50 PERCENT" INSPECTION; WHAT IS A COMPLETE INSPECTION; HOW ARE THE NUMBER OF PROVIDERS TO BE INSPECTED DETERMINED; HOW ARE 50% INSPECTIONS REPORTED TO HOME OFFICE.

WHAT MAY COUNT AS A "50 PERCENT" INSPECTION?

For an inspection to be included as part of the sample, the 50% sample option must be chosen as either the primary or secondary reason for inspection in CCFS. In addition, **the inspection must be conducted and documented to be considered a completed inspection.**

Note: Required initial inspections may not be counted towards the 50% inspection requirement. The 50% requirement applies to registered programs and not those in an initial application status.

An inspection counts towards meeting the requirement for the calendar year in which it occurred, not the year in which the inspection letter was approved or mailed. For example, if a family day care home was inspected on December 31, 2003, and the supervisor did not sign off on the inspection or send the inspection letter until January 2, 2004, the inspection would count toward the 2003 inspection requirement not the 2004 requirement.

Only one inspection of a particular registered program per year can count toward the 50 percent requirement. To illustrate this point the following example is offered: A complete inspection of a program is conducted as a result of a complaint(primary reason) and , in addition, a secondary reason for inspection is recorded in CCFS as 50% sample. Since the statutory requirement is to inspect 50 percent of all registered programs annually, the primary or secondary reason for a subsequent inspection in the calendar year cannot be 50% Sample since the statutory requirement had already been fulfilled.

Examples of program inspections that would count toward completing the 50% sample requirement include the following:

- Registered programs that must be inspected at the time of renewal because the training requirements have not been met.
- When the Office determines that an inspection is necessary before a renewal can be issued.
- When an assessment is made that a complete inspection

is needed for a registered provider as a follow-up to a complaint or prior violations.

In choosing programs to be part of the sample, select Registered programs that have not had a complete inspection within eighteen (18) months.

WHAT IS A COMPLETE INSPECTION?

Sometimes the nature of a site inspection requires that Regional Office (RO) and contract staff focus on a specific or very limited issue. Other times, while the inspection may have been made in response to a specific issue, staff decides to conduct a more broad-based inspection. If a complete inspection is not conducted, the visit may not count toward meeting the 50 percent inspection requirement. For purposes of the 50 percent inspection requirement, a "complete inspection" means that the scope of the inspection covers an assessment of all statutorily or regulatory required program functions. In addition each of the two items listed below must occur:

1. **An inspection tool is completed.** - For school-age child care programs a School-Age Child Care Inspection Checklist must be completed. For family day care homes, the Family Day Care Inspection Checklist must be completed. All RO and contract agency inspectors should use these checklists when inspecting a family day care home or school age childcare program. A copy of the completed checklist(s) must be maintained in the provider's file.

2. **CCFS Processing** - RO personnel and contract agencies must process inspections through CCFS and choose 50% sample inspection choice as either the primary or the secondary reason for the inspection. This will allow all aspects of the inspection to be officially recorded. Thus, allowing the correct inspection letter, regardless if any violations were found, to receive supervisory approval and be sent to the provider.

By nature a complete 50% sample inspection will be a lengthy enterprise. Therefore for routine sample inspections, a provider should be given ample notice that a complete inspection is forthcoming so that they are aware of what to expect in terms of their availability and time commitment. A none routine sample inspection may warrant a surprise visit, however this will be the exception.

HOW IS THE NUMBER OF PROVIDERS TO BE INSPECTED DETERMINED?

As previously stated, the Office must inspect a minimum of 50 percent of all registered child day care providers annually. To the extent possible within existing resources, the Office, or its designees, may elect to inspect more than this minimum.

Home Office (HO) establishes the minimum number of registered programs, which must be inspected each year. Using CCFS data, a minimum number is established both for family day care homes, school-age childcare programs and registered day care centers. As a general rule, the minimum numbers are established for each county. However, when a county has a very low population of registered providers, it may be combined with one or more other counties before the minimums are established. In this situation, the number established represents the number of inspections required for that group of counties together.

At the beginning of the calendar year, HO will send the number of required inspections for each county to the appropriate Regional Managers. It is the Regional Office's responsibility to communicate the number of required inspections to those contract agencies which perform the inspection function. At least that number of inspections must be completed before the end of the calendar year. The annual 50 percent inspection requirement will always be based on the calendar year, even when a social services district has a registration contract for a twelve-month period other than the calendar year. In this situation, the inspections conducted during the calendar year will be counted to determine whether the 50 percent inspection requirement has been met, regardless of whether such inspections were completed during the same contract period.

In addition, HO monitors the actual number of providers in each county throughout the year. If the number of registered providers in a county changes significantly, the number of required inspections may be adjusted - up or down - as needed so that the statutory obligation to inspect at least 50 percent of all licensed or registered programs is met.

RO staff and contract agencies must track their progress towards completing the required number of inspections and should pace themselves such that no less than the minimum are completed each year. Where the Office contracts with agencies for inspection activities, the RO or HO is responsible for monitoring the progress of such contractors in meeting the 50 percent inspection requirement. Regional Offices and contract agencies should set quarterly or mid-year target numbers to help them complete the required 50 percent inspection total on an annual basis.

To support the tracking of 50 percent inspections, HO provides each regional manager with a status report. The status report specifies, in part, the following by program, region and county: the annual number of required inspections; the number of completed 50% inspections reported through CCFS; the percentage of the required number which have been completed; and the number of inspections which must be completed before the end of the year. This information is provided separately for family day care homes, school-age childcare programs and registered day care centers. In addition, the 50 Percent Sample Management Report is available through CCFS. This report displays by region, county and program 50 percent inspection information that is updated based on the inspection date.

HOW ARE 50% INSPECTIONS REPORTED TO HOME OFFICE?

The mechanism for reporting 50 percent sample inspections to HO is the CCFS Inspection subsystem. In the inspection subsystem the primary or secondary reason for inspection must be recorded as "50 percent sample". In addition the appropriate letter and supervisory approval must be

completed in the CCFS system.

APPROVED BY:

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A handwritten signature in black ink, appearing to read "Suzanne Zafonte Sennett". The signature is written in a cursive style with a long horizontal stroke at the end.

Suzanne Zafonte Sennett, Director
Bureau of Early Childhood Services

December 05. 2003
Date