



ADMINISTRATION FOR  
**CHILDREN & FAMILIES**

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JAN 16 2020

Sheila Poole, Acting Commissioner  
New York State Office of Children and Family Services  
52 Washington Street  
Rensselaer, New York 12144

Dear Acting Commissioner Poole:

The Office of Child Care has completed its review of the proposed amendment(s) to New York's conditionally approved Child Care and Development Fund (CCDF) Plan for 2019-2021, submitted on April 30, 2019. This is a revised approval letter to include additional amendments from this submission and supersedes the approval letter dated October 12, 2019.

This letter is to inform you that the following CCDF Plan amendments were approved.

- **Section 3.3.4 - Consumer and Provider Education (45 CFR 98.33)** - Amended to reflect the prevention of the disruption of employment, education, or job training activities. Approval of this amendment indicates New York's CCDF Plan demonstrates compliance with the Final Rule.
- **Section 4.6.3 - Supply Building Strategies to Meet the Needs of Certain Populations** – Amended to reflect that the Lead Agency has the ability to prioritize increasing access to high-quality child care. Approval of this amendment indicates New York's CCDF Plan demonstrates compliance with the Final Rule.
- **Section 5.2.1b - Health and Safety Requirements – Standards** - Amended to clarify distinctions for exempt family child care homes.
- **Section 5.2.1c - Health and Safety Requirements – Standards** - Amended to reflect that the Lead Agency has Standards on ratios, group sizes, and qualifications for in-home providers. Approval of this amendment indicates New York's CCDF Plan demonstrates compliance with the Final Rule.
- **Section 5.2.3e1 - Health and Safety Requirements – Training** – Amended to reflect that the state is complying with the requirements for the pre-service training for all modalities of care except license-exempt relatives.
- **Section 5.4.1a – In-State Criminal Registry or Repository Checks with Fingerprints Requirements** – Amended to reflect that requirements have been established and checks are being conducted for all new or prospective child care staff including legally-exempt providers, effective September 25, 2019. Approval of this amendment indicates that

New York's CCDF Plan demonstrates compliance with the Final Rule. Please note, New York is approved for a waiver for Section 5.4.1b (see information below).

- **Section 5.4.2a – In-State Sex Offender Registry Requirements** – Amended to reflect that requirements have been established and checks are being conducted for all new or prospective child care staff including legally-exempt providers, effective September 25, 2019. Approval of this amendment indicates that New York's CCDF Plan demonstrates compliance with the Final Rule. Please note, New York is approved for a waiver for Section 5.4.2b (see information below).
- **Section 5.4.3a – In-State Child Abuse and Neglect Registry Requirements** – Amended to reflect that requirements have been established and checks are being conducted for all new or prospective child care staff including legally-exempt providers, effective September 25, 2019. Approval of this amendment indicates that New York's CCDF Plan demonstrates compliance with the Final Rule. Please note, New York is approved for a waiver for Section 5.4.3b (see information below).
- **Section 5.4.4a – National FBI Criminal Fingerprint Search Requirements** – Amended to reflect that requirements have been established and checks are being conducted for all new or prospective child care staff including legally-exempt providers, effective September 25, 2019. Approval of this amendment indicates that New York's CCDF Plan demonstrates compliance with the Final Rule. Please note, New York is approved for a waiver for Section 5.4.4b (see information below).
- **Section 5.4.5 – National Crime Information Center (NCIC) National Sex Offender Registry (NSOR) Search Requirements** - Amended to reflect that requirements have been established for all new or prospective child care staff including legally-exempt providers. Please note, New York is approved for a waiver for Section 5.4.5 (see information below).
- **Section 5.4.6a – Interstate Criminal Registry or Repository Check Requirements** – Amended to reflect that requirements have been established and checks are being conducted for all new or prospective child care staff including legally-exempt providers, effective September 25, 2019. Approval of this amendment indicates that New York's CCDF Plan demonstrates compliance with the Final Rule. Please note, New York is approved for a waiver for Section 5.4.6b (see information below).
- **Section 5.4.7a – Interstate Sex Offender Registry or Repository Check Requirements** – Amended to reflect that requirements have been established and checks are being conducted for all new or prospective child care staff including legally-exempt providers, effective September 25, 2019. Approval of this amendment indicates that New York's CCDF Plan demonstrates compliance with the Final Rule. Please note, New York is approved for a waiver for Section 5.4.7b (see information below).

- **Section 5.4.8a – Interstate Child Abuse and Neglect Check Registry Requirements** – Amended to reflect that requirements have been established and checks are being conducted for all new or prospective child care staff including legally-exempt providers, effective September 25, 2019. Approval of this amendment indicates that New York’s CCDF Plan demonstrates compliance with the Final Rule. Please note, New York is approved for a waiver for Section 5.4.8b (see information below).
- **Section 5.4.9 – Provisional Employment** – Amended to reflect that requirements have been established and checks are being conducted for all new or prospective child care staff including legally-exempt providers, effective September 25, 2019. Approval of this amendment indicates that New York’s CCDF Plan demonstrates compliance with the Final Rule.
- **Section 5.4.10 – 45 Day Turnaround** – Amended to clarify process for responding to out of state requests.
- **Section 5.4.11 – Staff Disqualification** – Amended to clarify that the state does not disqualify child care staff members based on their conviction for other crimes other not specifically listed in 98.43(c)(i) .
- **Section 5.4.12 – Protection of Background Check Data** – Amended to reflect that requirements have been established that ensure the privacy of background checks, provide opportunities for applicants to appeal the results of background checks and a review process for individuals disqualified due to a felony drug offense.
- **Section 5.4.13 – Background Check Fees** – Amended to reflect that requirements have been established to limit the fees providers must contribute to any background check inquiry.
- **Section 5.4.14 – Relative Exemption** – Amended to reflect that New York exempts relatives from some background check requirements.

Based on meeting the milestone requirements in 5.4.1a, 5.4.2a, 5.4.3a and 5.4.4a, this letter documents approval for waivers as applicable for sections 5.4.1b, 5.4.2b, 5.4.3b, 5.4.4b, 5.4.5a, 5.4.5b, 5.4.6b, 5.4.7b, and 5.4.8b for Criminal Background Checks. The waiver approvals are approved for a period of no more than one year. States are expected to be in full compliance of the background check requirements of Section 5.4 by September 30, 2020. OCC does not have authority under the current law to grant any additional extensions after this date.

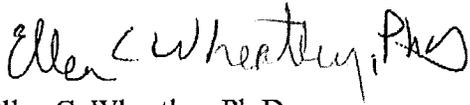
The effective dates for these amendments to and waivers for the New York CCDF Plan are noted above and reflected on the amendments log within the ACF-118 electronic submission site.

We look forward to our continued partnership in the administration of your Child Care and Development Fund program. If you have any questions or need further assistance, please feel

free to contact Audrey Neuhaus, Child Care Program Specialist in our New York Regional Office at 26 Federal Plaza, Room 4114, New York, NY 10278, (212)264-2890 extension 120, [audrey.neuhaus@acf.hhs.gov](mailto:audrey.neuhaus@acf.hhs.gov).

We appreciate your efforts to meet the child care needs of eligible families in the State New York, and look forward to our continued partnership in the administration of your Child Care and Development Fund Program.

Sincerely,

A handwritten signature in cursive script that reads "Ellen C. Wheatley, Ph.D." with a stylized flourish at the end.

Ellen C. Wheatley, Ph.D.  
Deputy Director  
Office of Child Care

cc: Janice Molnar, Assistant Commissioner, NY OCFS  
Ellen Wheatley, OCC Acting Regional Program Manager, Regions 2  
Tatiana Tucker, Regional Liaison, Office of Child Care