

OCFS Division of Child Care Services
Regulations for Licensed or Registered Child Care Programs

Parts 413, 414, 416, and 417 and Subparts 418-1 and 418-2 of Title 18 of the Official Compilation of Codes, Rules and Regulations of the State of New York (NYCRR) are hereby amended to read as follows, effective February 7, 2020:

Paragraph (15) of subdivision (c) of section 413.2 is amended to read as follows:

(15) Volunteer means any unpaid person, that is not in the role of a caregiver or staff as defined herein, who is present at the day care program for the purpose of assisting with care of children or the operation of the child care program. A volunteer is not employed by the program and he or she may not be counted in the supervision ratio [and may not be left unsupervised with children in care]. All volunteers have the potential for either unsupervised contact or regular and substantial contact with children in care.

Paragraph (19) of subdivision (d) of section 413.2 is added to read as follows:

(19) Business interest means a share in the entity or decision rights within the ownership of the entity. Examples of a business interest include, but are not limited to, being a shareholder, partner or member of the entity.

Paragraph (20) of subdivision (d) of section 413.2 is added to read as follows:

(20) Safety plan is a written strategy in which the Office imposes restrictions on a licensed or registered child care program when allegations of risk of harm to child(ren) exist in the program or are made against a person working, volunteering, visiting or living at the site of the child care program.

Subdivision (c) of section 413.3 is amended to add a heading to read as follows:

(c) Denial, Rejection, Limitation, Suspension, Revocation or Termination of License or Registration

Paragraph (4) of subdivision (f) of section 413.3 is amended to read as follows:

(4) Where a child [day] care licensee or registrant demonstrates that corrective action has been taken within thirty (30) days of notification of the [imposition of the penalty] violation, a fine will not be imposed, except in cases where:

(i) ...

(a) ...

(b) ...

(c) ...

(d) ...

(e) ...

(f) the child [day] care provider, caregiver, [or] employee or volunteer has failed to make a report of suspected child abuse or maltreatment when required to do so pursuant to section four hundred thirteen of this article; or

(g) the child [day] care provider, caregiver, employee or volunteer has submitted to the [o]Office [of children and family services] a forged document as defined in section 170.00 of the penal law.

(ii) the Office determines, after a hearing, that a person has refused to obtain a license or registration or continued to operate a child [day] care [facility] program after denial of an application, revocation of a license or termination of a registration.

Paragraph (3) of subdivision (g) of section 413.3 is amended to add a heading to read as follows:

(3) Posting of Compliance History Report and Notice of Suspension or Limitation

Subparagraph (i) of paragraph (3) of subdivision (g) of section 413.3 is amended to read as follows:

(i) The Office shall require the child day care program to immediately post upon receipt, in a prominent place at the program that is visible to parents, a copy of the most recent [inspection] compliance history report issued to the program by the Office.

Paragraph (4) of subdivision (g) of section 413.3 is amended to add a heading to read as follows:

(4) Failure to Comply with the Requirement to be Licensed or Registered

Paragraph (5) of subdivision (g) of section 413.3 is added to read as follows:

(5) An unlicensed or unregistered program suspected of operating a child care program for which a license or registration is required must, upon request of the Office, submit a signed statement explaining how the individual providing care is related to a parent or step-parent of every child in care. The Office may request a signed statement from the parent or step-parent of each child, stating the familial relationship to the individual providing care. In the absence of any documentation, the Office may determine that the

individual providing care is not related to the parent or step-parent within the third degree of consanguinity.

Subdivision (h) of section 413.3 is amended to add a heading to read as follows:

(h) Additional Local Standards, Inspections and Participation in Activities

Section 413.4 is repealed and a new section 413.4 is added to read as follows:

413.4 Criminal History Review and Background Clearances

(a) The following criminal history review and background clearances shall be conducted pursuant to and consistent with the Child Care and Development Block Grant Act for any prospective operator, director, employee or volunteer at a child day care center, small day care center, school-age child care program, group family day care home or family day care home, as defined in section (2) of this part, and any person age eighteen (18) or older living in a prospective, or who begins to live, in a group family day care home or family day care home:

(1) a criminal history record check with the New York State Division of Criminal Justice Services;

(2) a national criminal record check with the Federal Bureau of Investigation;

(3) a search of the New York State Sex Offender Registry; and

(4) a database check of the Statewide Central Register of Child Abuse and Maltreatment in accordance with section four hundred twenty-four-a of the Social Services Law.

(b) The following criminal history review and background clearances shall be conducted pursuant to and consistent with the Child Care and Development Block Grant Act in accordance with a schedule developed by the Office for any existing operator, director, employee or volunteer at a child day care center, small day care center, school-age child care program, group family day care home or family day care home, and any person age eighteen (18) or older living in a group family day care home or family day care home:

(1) all clearances required pursuant to subdivision (a) of this section; and

(2) a search of the National Sex Offender Registry using the National Crime and Information Center.

(c) In addition to the clearances required pursuant to subdivisions (a) and (b) of this section, the following clearances, for which ongoing criminal history results are not already provided, shall be conducted in accordance with a schedule developed by the Office for any operator, director, employee or volunteer at a child day care center, small day care center, school-age child care program, group family day care home or family day care home, as defined in section (2) of this part, and any person age eighteen (18) or older living or who begins to live in a group family day care home or family day care home, living or who lived in any state other than New York during the preceding five years:

(1) a search of the criminal history repository in each state other than New York where such person lives or lived during the preceding five years, unless such state's criminal history record information will be provided as part of the clearance conducted pursuant to paragraph (2) of subdivision (a) of this section;

(2) a search of any state sex offender registry or repository in each state other than New York where such person lives or lived during the preceding five years, unless such state's sex offender registry information will be provided as part of the clearance conducted pursuant to paragraph (2) of subdivision (b) of this section; and

(3) a search of the state-based child abuse or neglect repository of any state other than New York where such person lives or lived during the preceding five years.

(d) Process

(1) Any initial application for a child care license or registration shall include the submission of fingerprint images for any operator, director, employee, or volunteer, and any person age eighteen (18) or older living in a group family day care home or family day care home.

(2) Every licensee and registrant shall submit fingerprint images for each prospective director, employee, or volunteer, and any person age eighteen (18) or older prospectively living in a group family day care home or family day care home.

(3) The licensee or registrant shall furnish to each prospective director, employee, or volunteer, and any person age eighteen (18) or older prospectively living in a group family day care home or family day care home a fingerprint imaging application form and a description of how the completed fingerprint images will be used.

(4) The clearances required pursuant to this section, other than those for which ongoing criminal history results are provided, shall be conducted for any existing operator, director, employee or volunteer at a child day care center, small day care center, school-age child care program, group family day care home or family day care home, as defined in section (2) of this part, and any person age eighteen (18) or older living in a group family day care home or family day care home at least once every five years in accordance with a schedule developed by the Office.

(5) A prospective director, employee or volunteer may begin to work or volunteer at a child day care center, small day care center, school-age child care program, group family day care home or family day care home after completing either the check described in paragraphs (1) or (2) of subdivision (a) of this section.

(6) Pending notification of completion of all required background check components in subdivision (a) of this section, a prospective director, employee or volunteer must always be supervised by an individual who received a qualifying result on the background checks described in paragraph (a) of this section within the past five years. A provisional director, employee or volunteer shall not have unsupervised contact with children in care.

(7) A license or registration cannot be issued until the Office notifies the program that the operator and director, and every employee, volunteer and person age eighteen (18) or older who lives in the home has completed all clearance requirements in this section.

(8) A person who has separated from their role in a child care program within New York State for a period of more than 180 consecutive days is required to submit the clearances pursuant to this section when applying for a role in any child care program.

(e) Ineligibility based on results

(1) Any person or program required to submit to clearances pursuant to this section shall be deemed ineligible, as such term is defined in paragraph (2) of this subdivision, if such person:

(i) refuses to consent to such clearances;

(ii) knowingly makes a materially false statement in connection with such clearances;

(iii) is registered, or is required to be registered, on a state sex offender registry or repository or the national sex offender registry;

(iv) has been convicted of a felony consisting of:

(a) murder, as described in section 1111 of Title 18, United States Code;

(b) child abuse or neglect;

(c) a crime against children, including child pornography;

(d) spousal abuse;

(e) a crime involving rape or sexual assault;

(f) kidnapping;

(g) arson;

(h) physical assault or battery; or

(v) has been convicted of a violent misdemeanor committed as an adult against a child, including child abuse, child endangerment and sexual assault, or of a misdemeanor involving child pornography.

(2) For purposes of this subdivision, the term “ineligible” shall mean:

(i) The person who engaged in conduct listed in paragraph (1) of this subdivision shall not be permitted to be an operator, director, employee or volunteer at a child day care program subject to the criminal history review and background clearance process.

(ii) A family day care home or group family day care home shall not be permitted to operate if a person age eighteen (18) or older lives in the residence and engaged in conduct listed in paragraph (1) of this subdivision.

(f) Actions taken based on results

(1) Conviction for a mandatory disqualifying offense

(i) When a clearance conducted pursuant to this section reveals that a prospective or existing operator, director, employee or volunteer at a child day care center, small day care center, school-age child care program, group family day care home or family day care home, as defined in section (2) of this part, or a person age eighteen (18) or older

living in a prospective, who begins to live, or is living in a group family day care home or family day care home has been convicted of a crime set forth in subparagraphs (iv) and (v) of paragraph (1) of subdivision (e) of this section, such person may not operate, volunteer in, work in, or live in a child care program.

(2) Conviction for a crime other than a mandatory disqualifying offense

(i) When a clearance conducted pursuant to this section reveals that a prospective operator, director, employee or volunteer at a child day care center, small day care center, school-age child care program, group family day care home or family day care home, as defined in section (2) of this part, or a person age eighteen (18) or older prospectively living in a group family day care home or family day care home has been convicted of a crime not set forth in subparagraphs (iv) and (v) of paragraph (1) of subdivision (e) of this section, the Office may conduct a safety assessment and take one or more of the following actions:

(a) deny the application, consistent with Article 23-A of the Correction Law;

(b) direct that such person not be hired, consistent with Article 23-A of the Correction Law;

(c) take any other appropriate steps to protect the health and safety of the children in care.

(ii) When a clearance conducted pursuant to this section reveals that an existing operator, director, employee or volunteer at a child day care center, small day care center, school-age child care program, group family day care home or family day care home, as defined in section (2) of this part, or a person age eighteen (18) or older living in a group family day care home or family day care home has been convicted of a crime not set forth in subparagraphs (iv) and (v) of paragraph (1) of subdivision (e) of this section, the Office shall conduct a safety assessment and take one or more of the following actions:

(a) deny, limit, suspend, revoke or reject such program's license or registration unless the Office determines, in its discretion, that continued operation will not in any way jeopardize the health and safety of the children in care;

(b) direct that such person be terminated, consistent with Article 23-A of the Correction Law;

(c) take any other appropriate steps to protect the health and safety of the children in care.

(3) Pending criminal charge

(i) When a clearance conducted pursuant to this section reveals that a prospective operator, director, employee or volunteer, or person age eighteen (18) or older living in a group family day care home or family day care home has been charged with a crime, the Office shall hold the application in abeyance until the charge is finally resolved.

(ii) When a clearance conducted pursuant to this section reveals that an existing operator, director, employee, volunteer or person age eighteen (18) or older living in a family day care home or group family day care home has been charged with a crime, the Office shall conduct a safety assessment and take all appropriate steps to protect the health and safety of the children in care. The Office may suspend such program's license or registration based on such a charge when necessary to protect the health and safety of children in care.

(g) Safety Assessment. A safety assessment performed in accordance with this section shall include, but not be limited to:

(1) a review of the duties of the person with the criminal conviction or charge;

(2) the extent to which such person may have contact with children in the day care facility or program; and

(3) the status and nature of the criminal conviction or charge.

(h) Any person who the Office determines, pursuant to this section, should be denied employment based on an offense not listed in paragraph (1) of subdivision (e) of this section and to which Article 23-A of the Correction Law is applicable, shall have the ability to request a de novo review of the determination in an administrative hearing before an administrative law judge, to be held and completed before the employer is notified of such determination. Such person shall have reasonable notice concerning the determination, information regarding how to request a hearing to review that determination, and an opportunity to provide any additional information that such person deems relevant to such determination. Such person may choose to be heard in person, by video conference if reasonably available, or through submission of written materials. Where such request is made, the Office shall also have an opportunity to be heard.

(i) Upon receipt of a criminal history record, the Office may request, and is entitled to receive, information pertaining to any crime contained in such criminal history record from any state or local law enforcement agency, district attorney, parole officer, probation officer or court for the purposes of determining whether any grounds relating to such criminal conviction or pending criminal charge exists for denying a license, registration, application or employment.

(j) Notifications. Where the Office or its designee denies or directs a licensee or registrant to deny an application based on the criminal history record, the licensee or registrant must notify the applicant that such criminal history record is the basis of the denial. The Office shall also notify such person that the criminal record check was the basis for the denial of clearance and shall provide such person with a copy of the results of the national criminal record check upon which such action was based, a written statement setting forth the reasons for the denial and a copy of Article 23-A of the Correction Law, and inform such person of his or her right to seek correction of any incorrect information contained in such national record check provided by the federal bureau of investigation. The Office shall not release the content of such results to any non-public entity.

(k) A child day care licensee or registrant must inform the Office when:

(1) any applicant who is subject to criminal history record review in accordance with this section has withdrawn the application or is no longer being considered for the position for which the person applied;

(2) any employee or volunteer who is subject to criminal history record review is no longer employed by or volunteering at the program; and

(3) any person age eighteen (18) or older living in a family or group family day care home who is subject to criminal history record review is no longer living in the residence.

(l) For the purposes of this section, individuals providing services pursuant to the federal Individuals with Disabilities Education Improvement Act (IDEA) Part B, IDEA Part C, Section 504 of the federal Rehabilitation Act of 1973, or Article 89 of the New York Education Law, may be considered volunteers.

Paragraph (19) of subdivision (a) of section 414.2 is amended to add a heading to read as follows:

(19) Statewide Central Register of Child Abuse and Maltreatment and Justice Center for the Protection of Persons with Special Needs

Paragraph (27) of subdivision (a) of section 414.2 is repealed and a new paragraph (27) is added to read as follows:

(27) an email address for the director or other person designated to receive communications from the Office. If the applicant is unable to provide at least one valid email address, the applicant must provide a valid mailing address for the director or other person designated to receive written communications from the Office.

Subdivision (c) of section 414.2 is repealed and a new subdivision (c) is added to read as follows:

(c) An application will only be accepted by the Office when the applicant submits the minimum threshold of information as required by Office policy. An application sent to the Office that does not meet the minimum threshold will not be accepted and will be returned to the applicant. Once an application has been accepted, all additional required information must be submitted within no later than 90 days. Failure to submit all required information within the required timeframes shall be considered a withdrawal of the application.

Paragraph (11) of subdivision (e) of section 414.2 is amended to read as follows:

(11) documentation from an inspector for the New York State Department of Labor or an insurance company licensed to write boiler insurance in New York State showing that all steam or hot water boilers have been inspected and approved during the current registration period in accordance with the requirements of the New York State Department of Labor. For all other fuel burning heating systems and equipment and boilers not subject to the New York State Department of Labor requirements, documentation of service by a heating contractor performed within the 12 months preceding the date of the application for renewal; [and]

Paragraph (12) of subdivision (e) of section 414.2 is amended to read as follows:

(12) a copy of a certification of insurance from an insurance company showing general liability insurance is provided to the school age child care program and a copy of the insurance policy; and[.]

Paragraph (13) of subdivision (e) of section 414.2 is added to read as follows:

(13) an email address for the director or other person designated to receive communications from the Office. If the applicant is unable to provide at least one valid email address, the applicant must provide a valid mailing address for the director or other person designated to receive written communications from the Office.

Paragraph (1) of subdivision (a) of section 414.5 is added to read as follows:

(1) The program must take suitable precautions to prevent the following:

(i) serious injury of a child while in care at the program or being transported by the program;

(ii) death of a child while in care at the program or being transported by the program.

Subparagraphs (vii), (viii) and (ix) of paragraph (3) of subdivision (b) of section 414.5 are amended to read as follows:

(vii) notification of authorities and the children's parents; [and]

(viii) roles of staff[.]; and

(ix) procedures related to the reunification of children and caretakers.

Paragraph (1) of subdivision (l) of section 414.5 is amended to read as follows:

(1) Any [pet or] animal [kept indoors or outdoors] present at the [school-age child care] program must present no evidence of disease or parasite[s] and pose no threat.

Paragraph (2) of subdivision (l) of section 414.5 is amended to read as follows:

(2) All [pets] animals [housed at or permitted to visit] present at the program that require a license must be licensed.

Paragraph (3) of subdivision (l) of section 414.5 is amended to read as follows:

(3) All required [vaccines] vaccinations must be kept current.

Paragraph (4) of subdivision (l) of section 414.5 is amended to read as follows:

(4) The license and record of [vaccines] vaccinations must be available to the Office when requested.

Paragraph (5) of subdivision (l) of section 414.5 is repealed and a new paragraph (5) is added to read as follows:

(5) The program must immediately notify the parents of children in care and the Office when an animal present at the program harms any person, including a child in care.

Paragraph (6) of subdivision (l) of section 414.5 is repealed and a new paragraph (6) is added to read as follows:

(6) The provisions of this subdivision apply to all animals present at the program regardless of who owns the animal.

Paragraph (7) of subdivision (l) of section 414.5 is repealed and a new paragraph (7) is added to read as follows:

(7) The program must provide parents with a written description of all animals present at the program prior to a child's enrollment in the program.

Paragraph (8) of subdivision (l) of section 414.5 is added to read as follows:

(8) Within twenty-four (24) hours that an animal is first kept on the premises of a child care program, the program must provide written notice to the Office and parents of children in care that such animal is being kept on the premises.

Subdivision (t) of section 414.5 is amended to read as follows:

(t) Operating carbon monoxide detectors and alarms must be located in accordance with applicable laws[if children nap at the program during program hours].

Subdivision (y) of section 414.5 is added to read as follows:

(y) Staff and volunteers must take suitable precautions to prevent children from receiving burns caused by contact with hot liquids.

Subdivision (l) of section 414.6 is added to read as follows:

(l) Child care programs are prohibited from transporting child care children 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.

Subdivision (d) of section 414.8 is repealed and a new subdivision (d) is added to read as follows:

(d) No person under 18 years of age may be left alone to supervise a group of children at any time, including in an emergency.

Subdivision (c) of section 414.9 is amended to read as follows:

(c) The program must provide copies of the behavior management [guidelines] plan to all staff and parents of children in care at the school age child care program.

Paragraph (1) of subdivision (b) of section 414.10 is amended to add a heading to read as follows:

(1) Statewide Central Register of Child Abuse and Maltreatment and Justice Center for the Protection of Persons with Special Needs

Subparagraph (i) of paragraph (1) of subdivision (b) of section 414.10 is amended to read as follows:

(i) School-age child care programs must submit to the Office the information necessary to inquire of the [Office] Statewide Central Register of Child Abuse and Maltreatment whether any prospective operator, director, employee or volunteer [person who is actively being considered for employment and any individual or any person who is employed by an individual, corporation, partnership or association which provides goods or services to the program, and who will have the potential for regular and substantial contact with the children who are cared for by the program,] is the subject of an indicated report of child abuse or maltreatment on file with the Statewide Central Register of Child Abuse and Maltreatment. In accordance with a schedule developed by the Office, the Office must inquire whether any existing operator, director, employee or volunteer is the subject of an indicated report of child abuse or maltreatment on file with the Statewide Central Register of Child Abuse and Maltreatment. [Each such program may inquire of the Office whether any current staff person, or any person who is being considered for use as a volunteer or for hiring as a consultant, and who has or will have the potential for regular and substantial contact with children being cared for by the program, is the subject of an indicated report of child abuse or maltreatment on file with the Statewide Central Register of Child Abuse and Maltreatment. An inquiry regarding any current staff person or volunteer may be made only once in any six-month period.]

Subparagraph (ii) of paragraph (1) of subdivision (b) of section 414.10 is amended to read as follows:

(ii) School-age child care programs must submit to the Office the information necessary to check the register of substantiated category one cases of abuse or neglect maintained by the Justice Center for the Protection of Persons with Special Needs per section 495 of the Social Services Law before determining whether to hire or otherwise allow any person as a[n] prospective operator, director, employee, [administrator, consultant intern,] or volunteer[or contractor who will have the potential for regular and substantial contact with children cared for by the center].

Paragraph (2) of subdivision (b) of section 414.10 is amended to read as follows:

(2) Prior to the Office making any inquiries pursuant to section 414.10(b)(1), the school-age child care program must notify, in the form prescribed by the Office, the person who will be the subject of the inquiries, that:

(i) ...

(ii) ...

Paragraph (3) of subdivision (b) of section 414.10 is repealed and a new paragraph (3) is added to read as follows:

(3) After completion of required inquiries as provided for in this section and all other criminal history review and background clearances as provided for in section 413.4 of this Title, the Office shall notify the applicant and program whether the applicant is authorized or unauthorized to care for children based on the outcome of such inquiries.

Paragraphs (4), (5) and (6) of subdivision (b) of section 414.10 are repealed.

Subdivision (c) of section 414.10 is amended to read as follows:

(c) In accordance with the provisions of sections 413 and 415 of the Social Services Law, school-age child care program staff must immediately report any suspected incidents of child abuse or maltreatment concerning a child receiving child [day] care to the Statewide Central Register of Child Abuse and Maltreatment or cause such a report to be made when such staff have reasonable cause to suspect that a child coming before them in their capacity as school-age child care program workers is an abused or maltreated child. This must be done in the following manner:

(1) ...

(2) ...

Paragraph (13) of subdivision (b) of section 414.11 is added to read as follows:

(13) Staff must be aware of each child's special health care needs identified in the child's individual health care plan. This includes, but is not limited to, allergies, disabilities and medical conditions.

Paragraph (14) of subdivision (b) of section 414.11 is added to read as follows:

(14) Staff must obtain assistance as identified in the child's individual health care plan if the child has a medical emergency.

Paragraph (9) of subdivision (f) of section 414.11 is amended to add a heading to read as follows:

(9) Documentation of Medication Administration

Paragraph (11) of subdivision (f) of section 414.11 is amended to read as follows:

(11) [For all children for whom the program administers over-the-counter medications] All verbal permissions received pursuant to section 414.11(f) of this Part[, the program] must be documented [that the parent or guardian gave verbal instructions and approval].

Paragraph (1) of subdivision (h) of section 414.11 is amended to read as follows:

(1) The program must immediately call 911 for children who require [obtain] emergency medical [health] care [for children who require such care] and also must:

(i) ..

(ii) ...

(iii) ...

(iv) ...

Paragraph (6) of subdivision (i) of section 414.11 is amended to read as follows:

(6) All rooms, equipment, surfaces, supplies and furnishings accessible to children must be cleaned and then sanitized or disinfected, using an EPA registered product, as needed to protect the health of children, and in a manner consistent with the program's health care plan [guidelines issued] approved by the Office.

Subdivision (v) of section 414.12 is added to read as follows:

(v) Four weeks of current meal and snack menus, as applicable, must be reviewed for nutritional content, variety and quality at the time of initial application and once every 24 months by a federal Child and Adult Care Food Program specialist responsible for reviewing and approving menus, or by a person who has a bachelor's or master's degree with a major in food and institutional management or a closely related field and who has completed a dietician internship or has been certified as a registered dietician or has an equivalent state certification.

Subdivision (w) of section 414.12 is added to read as follows:

(w) Individual children's food allergies must be posted in a discreet location visible only to staff.

Subdivision (x) of section 414.12 is added to read as follows:

(x) Staff must take steps to prevent a child's exposure to the foods to which the child is allergic.

Subdivision (b) of section 414.13 is amended to read as follows:

(b) School-age child care programs must review and evaluate the backgrounds of all applicants for staff and volunteer positions[with the potential for regular and substantial contact with children, except for a parent of a child enrolled in the program who is applying to be a volunteer if such parent will not be counted in determining teacher/child ratios and such parent will not be left unsupervised with children]. All applicants whose backgrounds must be reviewed must be required to provide the following:

(1) ...

(2) the names, addresses and day time telephone numbers of at least [three] two acceptable references, other than relatives, at least one of whom can verify employment history, work record and qualifications, and at least one of whom can attest to the applicant's character, habits and personal qualifications to be a school-age child care program staff member;

(3) a sworn statement by the applicant indicating whether, to the best of the applicant's knowledge, such applicant has ever been convicted of a misdemeanor or felony in New York State or any other jurisdiction and fingerprint images as required to comply with the requirements of [314.3]413.4 of this Title; [and]

(4) the information necessary to determine whether the applicant is the subject of an indicated report of child abuse and maltreatment as required by section 414.10(b)(1)(i) of this Part;[.]

(5) the information necessary to determine whether the applicant is listed on the register of substantiated category one cases of abuse or neglect maintained by the Justice Center for the Protection of Persons with Special Needs, pursuant to Section 495 of the Social Services Law, as required by section 414.10(b)(1)(ii); and[.]

(6) the information necessary to complete the criminal history review and background clearance requirements as outlined in this Part. This information must be submitted to the Office on forms provided by the Office.

Subdivision (g) of section 414.13 is repealed and a new subdivision (g) is added to read as follows:

(g) The minimum education and experience qualifications for staff are as follows:

(1) To be qualified as a director, a person must possess either:

(i) an associate's degree in Child Development, Elementary Education, Physical Education, Recreation or a related field; and two years of direct experience working with children less than 13 years of age, including at least one year in a supervisory capacity in a child care program or related field of work; or

(ii) a New York State Children's Program Administrator Credential; and two years of direct experience working with children less than 13 years of age, including at least one year in a supervisory capacity in a child care program or related field of work; or

(iii) a School-Age Child Care Credential or other Office-recognized credential specific to the school-age developmental period; and two years of direct experience working with children less than 13 years of age, including at least one year in a supervisory capacity in a child care program or related field of work; or

(iv) two years of college with 18 credits in Child Development, Elementary Education, Physical Education, Recreation or a related field; and two years of direct experience working with children less than 13 years of age, including at least one year in a supervisory capacity in a child care program or related field of work.

(2) To be qualified as a group teacher, a person must possess either:

(i) an associate's degree in child development, elementary education, physical education, recreation or a related field; or

(ii) a school-age child care credential or other Office-recognized credential specific to the school-age developmental period; and one year of experience working with children less than 13 years of age; or

(iii) a high school diploma or its equivalent; and two years of direct experience working with children less than 13 years of age.

(3) To be qualified as an assistant teacher, a person must possess either:

(i) a high school diploma, or its equivalent, or

(ii) one year of experience working with children less than 13 years of age.

Subdivision (b) of section 414.14 is repealed and a new subdivision (b) is added to read as follows:

(b) Each applicant for, or individual in the position of director, teacher, or volunteer must complete Office-approved training that complies with federal minimum health and safety preservice or three-month orientation period requirements. This training must be obtained preservice or within three months of starting such position.

(1) Any teacher, director, or volunteer who has not completed this training must not be left unsupervised with children in care until such time as the training has been completed.

Subdivision (c) of section 414.14 is repealed and a new subdivision (c) is added to read as follows:

(c) Each staff person and volunteer must complete a minimum of thirty (30) hours of training every two years. The required (30) hours of training every two years is subject to the following conditions:

(1) Fifteen of the required thirty (30) hours of training must be obtained during the person's first six months at the program.

(2) A minimum of five (5) hours of Office-approved training must be obtained each year which addresses topics or subject matters set forth in 414.14(d).

Subdivision (d) of section 414.14 is amended to read as follows:

(d) [The thirty (30) hours of required t] Training must address [the following topics] all topics or subject matters required by state and federal law. The required state topics are:

(1) principles of childhood development, focusing on the developmental stages of the age groups for which the program provides care;

[(i) Principles of childhood development include such things as meeting the physical, social and developmental needs of children, including those with special needs; behavior management and discipline; promoting play and physical activity; individual development variation and learning styles; brain development and cross cultural skills and knowledge.]

(2) nutrition and health needs of children;

[(i) Nutrition and health needs of children include such things as healthy menu planning, obesity prevention, training in infectious diseases, cardiopulmonary resuscitation (CPR), first aid, health and safety practices, medication administration training.]

(3) child [day] care program development;

[(i) Child day care program development topics include such things as practices, staff supervision and coaching, program variety and activity; school age quality programming, promoting children's social and emotional skills, and establishing nurturing, stimulating environments; hand washing;]

(4) safety and security procedures;

[(i) Safety and security procedures include such things as communication between parents and staff, emergency preparedness and response practices and procedures, fire safety, pool and water sports safety, playground safety, supervising daily activities; anti-bullying practices; and family engagement techniques.]

(5) business record maintenance and management;

[(i) business record maintenance and management includes such things as training in New York State and federal requirements as a business owner and employer, child day care record keeping and documentation requirements, time maintenance, organizational skills, scheduling and coverage, staff supervision and coaching.]

(6) child abuse and maltreatment identification and prevention;

[(i) child abuse and maltreatment identification and prevention includes such things as reporting protocol; how to make a report to the Statewide Central Register; documenting incidents and daily health checks; child abuse policy/procedure including safety plan.]

(7) statutes and regulations pertaining to child [day] care; and

(8) statutes and regulations pertaining to child abuse and maltreatment [;

(i) statutes and regulations pertaining to child abuse and maltreatment includes such things as Mandated Reporter training; responsibilities of a mandated reporter].

Subdivision (e) of section 414.14 is amended to read as follows:

(e) Training received [after the application has been submitted but] before the application has been approved and the registration granted may be counted towards the initial fifteen (15) hours required in section 414.14(c)(1) of this Part provided that such training was completed within 12 months of registration.

Subdivision (f) of section 414.14 is amended to read as follows:

(f) After satisfying all of the training requirements for a two-year period, an individual can carry over all training hours earned within the last 90 days of the two-year period, to count toward the training requirements for the next two-year period. Individuals must still obtain a minimum of five (5) hours of training annually pursuant to section 414.14(c)(2) of this Part.

Subdivision (g) of section 414.14 is amended to read as follows:

(g) For the thirty (30) hours of training that must be received every two years, any person responsible for developing, directing and supervising the daily activity programs for children who can demonstrate basic competency in a particular topic to the Office may determine in which of the specified topics he or she needs further study. The Office [also] may also exempt any person responsible for developing, directing and supervising the daily activity programs for children from participating in training on a particular topic upon demonstration of substantially equivalent knowledge or experience related to that topic. All persons with such exemptions must still complete a minimum of thirty (30) hours of training every two years, and a minimum of five (5) hours of training each year.

Subdivision (k) of section 414.14 is amended to read as follows:

(k) All [day] child care programs must have at least one staff person who holds a valid [certificate] certification in cardiopulmonary resuscitation (CPR) and first aid on the premises of the [child care] program during the program's operating hours.

Subdivision (l) of section 414.14 is amended to read as follows:

(l) CPR and first aid [certificates] certifications must be appropriate to the ages of the children in care. All certifications in CPR and first aid must contain an in-person competency component.

Subdivision (n) of section 414.14 is repealed.

Paragraph (1) of subdivision (a) of section 414.15 is amended to add a heading to read as follows:

(1) Obtain a Registration and Operate in Compliance with Applicable Laws and Regulations

Paragraph (6) of subdivision (a) of section 414.15 is amended to read as follows:

(6) The effective period of the initial registration for a school age child care program will be up to [two] four years and any subsequent registration will be up to four years each so long as the program remains in compliance with applicable laws and regulations during such periods.

Paragraph (10) of subdivision (b) of section 414.15 is amended to add a heading to read as follows:

(10) Inspectors, Representatives of the Office and Child Protective Services

Clause (e) of subparagraph (ii) of paragraph (11) of subdivision (b) of section 414.15 is amended to read as follows:

(e) [three (3)] two acceptable references;

Subparagraph (iv) of paragraph (12) of subdivision (b) of section 414.15 is amended to read as follows:

(iv) immediately upon learning of any other change that would place the school age child care program out of compliance with applicable regulations[.];

Subparagraph (v) of paragraph (12) of subdivision (b) of section 414.15 is added to read as follows:

(v) any change in email address for the director or other designee when such change becomes effective; and

Subparagraph (vi) of paragraph (12) of subdivision (b) of section 414.15 is added to read as follows:

(vi) any change to contact information when such changes become effective.

Paragraph (14) of subdivision (b) of section 414.15 is amended to read as follows:

The program must immediately notify the parent and Office 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:

(i) death,

(ii) serious incident,

(iii) serious injury,

(iv) serious condition,

(v) communicable [illness] disease, or

(vi) transportation to a hospital [, of a child which occurred while the child was in care at the program or was being transported by the program. A serious incident includes any event in which a child requires medical attention other than routine illness, is left without competent supervision for any period of time, or leaves the program without an approved teacher or designated person].

Paragraph (17) of subdivision (b) of section 414.15 is amended to add a heading to read as follows:

(17) Fire and Police Notifications

Subparagraph (i) of paragraph (17) of subdivision (b) of section 414.15 is amended to read as follows:

(i) Within five days after receiving the initial registration and before actually commencing operation, the program must, using a form specified by the Office or an approved equivalent for that purpose, notify the local police and fire departments of the municipality within which the school age child care program is located of the following:

(a) ...

(b) ...

(c) ...

(d) ...

Subparagraph (v) of paragraph (21) of subdivision (b) of section 414.15 is amended to read as follows:

(v) the behavior management [policy] plan;

Subparagraph (ii) of paragraph (22) of subdivision (b) of section 414.15 is amended to read as follows:

(ii) the name(s), addresses and telephone numbers of person(s) with the legal responsibility and administrative authority for the operation of the program; [and]

Subparagraph (iii) of paragraph (22) of subdivision (b) of section 414.15 is amended to read as follows:

(iii) the address and telephone number of the appropriate regional office [of the Office] which may be contacted to lodge a complaint against the school age child care program for violations of statutory and regulatory requirements[.]; and

Subparagraph (iv) of paragraph (22) of subdivision (b) of section 414.15 is added to read as follows:

(iv) a copy of the most recent compliance history report immediately after it is issued to the program by the Office.

Paragraph (23) of subdivision (b) of section 414.15 is repealed and a new paragraph (23) is added to read as follows:

(23) Upon termination or resignation of the director:

- (i) An acting director must be immediately named by the registrant.
- (ii) The appointment of the acting director must be shared with the Office by the next day of business.
- (iii) The acting director must be knowledgeable about the program's operation and policies.
- (iv) An approved, permanent director must be on-site, performing the duties of the position, within 90 days.

Paragraph (30) of subdivision (b) of section 414.15 is added to read as follows:

(30) Programs must follow safety plans developed by the Office when allegations of risk of harm to child(ren) against the program, staff, volunteer or visitor are under investigation.

Paragraph (6) of subdivision (c) of section 414.15 is amended to read as follows:

(6) children's individual health care plans;[, including] parental consents for emergency medical treatment[, child's medical statement and immunizations; any available results of lead screening]; the name and dosage of any medications used by a child, [and]the frequency of administration of such medications,;] and a record of their administration by program staff; daily health check documentation;[and] a record of illnesses[,] and injuries occurring while in care; and any indicators of child abuse or maltreatment;

Paragraph (11) of subdivision (c) of section 414.15 is amended to read as follows:

(11) personnel information including a list of all staff with job assignments and schedules; each staff and volunteer's final and, if applicable, provisional criminal history review and background check approval letter(s) [Statewide Central Register clearance results; Justice Center for the Protection of Persons with Special Needs background check forms; criminal history review information]; staff resumes; medical statements;[,] acceptable references and other information required by section 414.13 of this Part;

Paragraph (16) of subdivision (c) of section 414.15 is amended to read as follows:

(16) the napping agreement for [each]any child who naps while in care;

Paragraph (4) of subdivision (a) of section 416.2 is amended to read as follows:

(4) the names, addresses and day time telephone numbers of at least [three] two acceptable references each for the provider, assistant(s), and any substitute(s) as specified in section 416.13 of this Part;

Paragraph (8) of subdivision (a) of section 416.2 is amended to add a heading to read as follows:

(8) Statewide Central Register of Child Abuse and Maltreatment and Justice Center for the Protection of Persons with Special Needs

Subparagraph (i) of paragraph (8) of subdivision (a) of section 416.2 is amended to read as follows:

(i) the Statewide Central Register database check forms necessary to complete required screening by the Statewide Central Register of Child Abuse and Maltreatment to determine if the provider, employees, volunteers [assistant(s), substitute(s)], and any person 18 years of age or older who [resides] lives in the [proposed] prospective group family day care home is the subject of an indicated report of child abuse or maltreatment;

Paragraph (14) of subdivision (a) of section 416.2 is amended to read as follows:

(14) the site to be used for child care must meet the definition and requirements of a personal residence as outlined in Part 413. The licensee must submit documentation, acceptable to the Office, to prove that the group family day care home is being used as a residence; [and]

Paragraph (15) of subdivision (a) of section 416.2 is amended to read as follows:

(15) a health care plan developed in accordance with requirements of section 416.11(c); and [.]

Paragraph (16) of subdivision (a) of section 416.2 is added as follows:

(16) an email address for the provider or other person designated to receive communications from the Office. If the applicant is unable to provide at least one valid email address, the applicant must provide a valid mailing address for the provider or other person designated to receive written communications from the Office.

Subdivision (b) of section 416.2 is repealed and a new subdivision (b) is added to read as follows:

(b) An application will only be accepted by the Office when the applicant submits the minimum threshold of information as required by Office policy. An application sent to the Office that does not meet the minimum threshold will not be accepted and will be returned to the applicant. Once an application has been accepted, all additional required information must be submitted within no later than 90 days. Failure to submit all required information within the required timeframes shall be considered a withdrawal of the application.

Paragraph (9) of subdivision (d) of section 416.2 is added to read as follows:
(9) an email address for the provider or other person designated to receive communications from the Office. If the applicant is unable to provide at least one valid email address, the applicant must provide a valid mailing address for the provider or other person designated to receive written communications from the Office.

Paragraph (1) of subdivision (a) of section 416.5 is added to read as follows:
(1) The program must take suitable precautions to prevent the following:

(i) serious injury of a child while in care at the program or being transported by the program; and

(ii) death of a child while in care at the program or being transported by the program.

Subparagraphs (vii) is amended and subparagraphs (viii), and (ix) are added to paragraph (3) of subdivision (b) of section 416.5 to read as follows:

(vii) notification of authorities and the children's parents [.]_[and]

(viii) roles of staff; and

(ix) procedures related to the reunification of children and caretakers.

Subdivision (e) of section 416.5 is amended to read as follows:

(e) [Barriers.] Porches, decks or stairs with more than two steps must have railings with a barrier extending to the floor or ground to prevent children from falling. Acceptable types of barriers include, but are not limited to, balusters, intermediate rails, and heavy screening.

Subdivision (f) of section 416.5 is amended to add a heading to read as follows:

(f) Barriers.

Paragraph (1) of subdivision (l) of section 416.5 is amended to read as follows:

(1) Any [pet or] animal [kept indoors or outdoors] present at the [group family] day care home must present no evidence of disease or parasite and pose no threat.

Paragraph (2) of subdivision (l) of section 416.5 is amended to read as follows:

(2) All [pets] animals present at the program that require a license must be licensed.

Paragraph (3) of subdivision (l) of section 416.5 is amended to read as follows:

(3) All required [vaccines] vaccinations must be kept current.

Paragraph (4) of subdivision (l) of section 416.5 is amended to read as follows:

(4) The license and record of [vaccines] vaccinations must be available to the Office when requested.

Paragraph (5) of subdivision (l) of section 416.5 is repealed and a new paragraph (5) is added to read as follows:

(5) The program must immediately notify the parents of children in care and the Office when an animal kept on the premises harms any person, including a child in care.

Paragraph (6) of subdivision (l) of section 416.5 is repealed and a new paragraph (6) is added to read as follows:

(6) The provisions of this subdivision apply to all animals present at the program regardless of who owns the animal.

Paragraph (7) of subdivision (l) of section 416.5 is added to read as follows:

(7) The program must provide parents with a written description of all animals kept on the premises prior to a child's enrollment in the program.

Paragraph (8) of subdivision (l) of section 416.5 is added to read as follows:

(8) Within twenty-four hours that an animal is first kept on the premises of a child care program, the program must provide written notice to the Office and parents of children in care that such animal is being kept on the premises.

Subdivision (z) of section 416.5 is added to read as follows:

(z) Caregivers and volunteers must take suitable precautions to prevent children from receiving burns caused by contact with hot liquids.

Subdivision (m) of section 416.6 is added to read as follows:

(m) Child care programs are prohibited from transporting child care children 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.

Subdivision (m) of section 416.7 is amended to read as follows:

(m) Sleeping arrangements for infants through 12 months of age require that the infant be placed flat on his or her back to sleep, unless medical information from the child's health care provider is presented to the program by the parent that shows that arrangement is inappropriate for that child.

Subdivision (n) of section 416.7 is amended to read as follows:

(n) Cribs, bassinets and other sleeping areas for infants through 12 months of age must include an appropriately sized fitted sheet, and must not have bumper pads, toys, [large] stuffed animals, [heavy] blankets, pillows, wedges or infant positioners [unless medical information from the child's health care provider is presented indicating otherwise.] Wedges or infant positioners will be permitted with medical documentation from the child's health care provider.

Paragraph (2) of subdivision (b) of section 416.8 is amended to read as follows:

(2) When a functioning electronic monitor is in use, napping and sleeping children must be physically checked every 15 minutes to assess the overall safety and well-being of the children and to make sure infants' faces are uncovered. The checks must be done in close physical proximity to the child.

Paragraph (3) of subdivision (b) of section 416.8 is amended to read as follows:

(3) For evening and night care, the caregiver may sleep while children are sleeping only if functional electronic monitors are in use in each room where children are sleeping. The licensee must obtain the written permission to do so from the parent of each child receiving evening or night care in the group family day care home. In the event written permission is not obtained from all parents, the caregiver must remain awake at all times and physically check sleeping children every 15 minutes to assess the overall safety and well-being of the children and to make sure infants' faces are uncovered. The checks must be done in close physical proximity to the child.

Subdivision (d) of section 416.8 is repealed and a new subdivision (d) is added to read as follows:

(d) Only approved caregivers may be left unsupervised with day care children.

Subdivision (l) of section 416.8 is repealed and reserved.

Subdivision (b) of section 416.10 is amended to read as follows:

(b) In accordance with the provisions of sections 413 and 415 of the Social Services Law, caregivers must immediately report any suspected incidents of child abuse or maltreatment concerning a child receiving child [day] care to the Statewide Central Register of Child Abuse and Maltreatment or cause such a report to be made when the caregiver has reasonable cause to suspect that a child coming before them in their capacity as caregiver in a group family day care is an abused or maltreated child. Such report must be followed by a written report within 48 hours, in the form and manner

prescribed by the Office, to the child protective service of the social services district in the county in which the child resides.

Subdivision (a) of section 416.11 is amended to read as follows:

(a) Child Enrollment Requirements for Children Not Enrolled in Kindergarten or a Higher Grade.

Paragraph (1) of subdivision (a) of section 416.11 is amended to read as follows:

(1) [Other than children who are enrolled in kindergarten or a higher grade, no] No child may be accepted for care in a child care program unless the program has been furnished with a written statement signed by a health care provider verifying that the child is able to participate in child [day] care and currently appears to be free from contagious or communicable diseases. A child's medical statement must have been completed within the 12 months preceding the date of enrollment.

Paragraph (13) of subdivision (b) of section 416.11 is added to read as follows:

(13) Caregivers must be aware of each child's special health care needs identified in the child's individual health care plan. This includes, but is not limited to, allergies, disabilities and medical conditions.

Paragraph (14) of subdivision (b) of section 416.11 is added to read as follows:

(14) Caregivers must obtain assistance as identified in the child's individual health care plan if the child has a medical emergency.

Paragraph (9) of subdivision (f) of section 416.11 is amended to add a heading to read as follows:

(9) Documentation of Medication Administration

Paragraph (11) of subdivision (f) of section 416.11 is amended to read as follows:

(11) [For all children for whom the caregivers administer over-the-counter medications] All verbal permissions received pursuant to section 416.11(f) of this Part [, the caregiver] must be documented [that the parent or guardian gave verbal instructions and approval].

Paragraph (1) of subdivision (h) of section 416.11 is amended to read as follows:

(1) The caregivers must immediately call 911 for children who require [obtain] emergency medical [health] care for children who require such care and also must:

(i) ...

(ii) ...

(iii) ...

(iv) ...

Paragraph (21) of subdivision (i) of section 416.11 is amended to read as follows:

(21) All rooms, equipment, surfaces, supplies and furnishings accessible to children must be cleaned and then sanitized or disinfected, using an EPA registered product, as needed to protect the health of children, and in a manner consistent with the program's health care plan [guidelines issued] approved by the Office.

Subdivision (ai) of section 416.12 is added to read as follows:

(ai) Individual children's food allergies must be posted in a discreet location visible only to caregivers.

Subdivision (aj) of section 416.12 is added to read as follows:

(aj) Caregivers must take steps to prevent a child's exposure to the foods to which the child is allergic.

Paragraph (4) of subdivision (a) of section 416.13 is amended to read as follows:

(4) provide to the Office the names, addresses and daytime telephone numbers of at least [three (3)] two acceptable references, other than relatives. At least one of the references must be able to attest to the employment history, work record and qualifications, if the person had ever been employed outside the home. At least one of the references must be able to attest to the character, habits and personal qualifications to be a group family day care provider, assistant, or substitute; and

Subdivision (b) of section 416.13 is amended to read as follows:

(b) All child day care providers, employees, [caregivers and] volunteers and any person age eighteen (18) or older living or who begins to live in a group family day care home are required to comply with the criminal history review provisions of this Part and Part 413 of this Title.

Subdivision (c) of section 416.13 is amended to read as follows:

(c) All child day care providers, employees, [caregivers and] volunteers and any person age eighteen (18) or older living or who begins to live in a group family day care home hired after June 30, 2013, must comply with the background check requirements for the register of substantiated category one cases of abuse or neglect maintained by the

Justice Center for the Protection of Persons with Special Needs pursuant to section 495 of the Social Services Law.

Subdivision (d) of section 416.13 is amended to read as follows:

(d) All child day care providers, employees, [caregivers and] volunteers and any person age eighteen (18) or older living or who begins to live in a group family day care home are required to complete a Statewide Central Register database check.

Subdivision (g) of section 416.13 is added to read as follows:

(g) After completion of required inquiries to the Statewide Central Register of Child Abuse and Maltreatment as provided for in this section and all other criminal history review and background clearances as provided for in section 413.4 of this Title, the Office shall notify the applicant and program whether the applicant is authorized or unauthorized to care for children based on the outcome of such inquiries.

Subdivision (a) of section 416.14 is repealed and a new subdivision (a) is added to read as follows:

(a) Before the Office issues an application for a group family day care license to a person or entity who has yet to hold an Office of Children and Family Services day care license, that applicant must complete an Office-approved pre-application orientation session.

Subdivision (b) of section 416.14 is repealed and a new subdivision (b) is added to read as follows:

(b) Before the Office issues an initial license, the applicant must complete a health and safety training course approved by the Office relating to the protection of the health and safety of children and must demonstrate basic competency with regard to health and safety standards. Such training must comply with the federal minimum health and safety preservice training requirements. Health and safety training received prior to issuance of the license, may be applied to the initial fifteen (15) hours of training required pursuant to section 416.14(c)(1) of this Part provided that such training was received within twelve (12) months of licensure. If an applicant does not become licensed or registered within two years of successfully completing the health and safety training, the coursework must be repeated.

(1) Each applicant must complete the Office-approved training that complies with the federal minimum health and safety preservice training requirements or three-month orientation period training requirements. This training must be obtained preservice or within three months of starting such position. Individuals who have completed the Office-approved training that complies with federal health and safety requirements may

be left unsupervised with children. Any employee or volunteer who does not complete this training must not be left unsupervised with children in care until such times as the training has been completed.

Subdivision (c) of section 416.14 is amended to read as follows:

(c) Each [provider and assistant] employee and volunteer must complete a minimum of [fifteen (15) hours of training during the first six months of licensure.] thirty (30) hours of training every two years. The required 30 hours of training every two years is subject to the following conditions:

(1) Fifteen of the required thirty (30) hours of training must be obtained during the person's first six months at the program.

(2) A minimum of five (5) hours of Office-approved training must be obtained each year which addresses topics or subject matters set forth in 416.14(f).

Subdivision (d) of section 416.14 is repealed and reserved.

Subdivision (e) of section 416.14 is repealed and reserved.

Subdivision (f) of section 416.14 is amended to read as follows:

(f) [Each provider and assistant must complete a total of thirty (30) hours of training every two years. Such t] Training must address [the following] all topics or subject matters required by state and federal law. The required state topics are:

(1) principles of childhood development, focusing on the developmental stages of the age groups for which the program provides care;

[(i) Principles of childhood development include such things as meeting the physical, social and developmental needs of children, including those with special needs; behavior management and discipline; promoting play and physical activity; individual development variation and learning styles; infant and toddler brain development and cross cultural skills and knowledge.]

(2) nutrition and health needs of infants and children;

[(i) Nutrition and health needs of infants and children include such things as healthy menu planning, obesity prevention, benefits of and how to encourage breastfeeding for mothers returning to work, training in infectious diseases, cardiopulmonary resuscitation

(CPR), first aid, health and safety practices, preventive techniques in sudden infant death syndrome, medication administration training.]

(3) child [day] care program development;

[(i) Child day care program development topics include such things as the benefits of continuity of care practices, staff supervision and coaching, program variety and activity; infant, toddler, preschool, and school age quality programming, promoting children's language development and social and emotional skills, and establishing nurturing, stimulating environments; rest time policies and procedures including meeting the needs of children who do not nap; hand washing; meeting the program needs of mixed age groups in family day care and group family day care.]

(4) safety and security procedures;

[(i) Safety and security procedures include such things as communication between parents and caregivers, emergency preparedness and response practices and procedures, fire safety, pool and water sports safety, playground safety, supervising daily activities and family engagement techniques.]

(5) business record maintenance and management;

[(i) business record maintenance and management includes such things as training in New York State and Federal requirements as a business owner and employer, child day care record keeping and documentation requirements, time maintenance, organizational skills, scheduling and coverage, staff supervision and coaching.]

(6) child abuse and maltreatment identification and prevention;

[(i) child abuse and maltreatment identification and prevention includes such things as reporting protocol; how to make a report to the state central register; documenting incidents and daily health checks; child abuse policy/procedure including safety plan.]

(7) statutes and regulations pertaining to child [day] care;

(8) statutes and regulations pertaining to child abuse and maltreatment; and

[(i) statutes and regulations pertaining to child abuse and maltreatment includes such things as Mandated Reporter training; responsibilities of a mandated reporter; and]

(9) education and information on the identification, diagnosis and prevention of shaken baby syndrome.

Subdivision (g) of section 416.14 is amended to read as follows:

(g) Training received [after the application has been submitted, but] before the application has been approved and the license granted, may be counted towards the initial fifteen (15) hours required in section 416.14[(d)](c)(1) of this Part provided that such training was completed within twelve (12) months of licensure. When a program has submitted a renewal application, and the provider and assistant(s) have satisfied the 30-hour training requirement for the current licensing period, the provider and assistant(s) will be credited with any additional training hours taken during that time that exceed the 30 hours, toward the new licensing period.

Subdivision (h) of section 416.14 is amended to read as follows:

(h) Training received within the ninety (90) day period prior to the two-year mid-point in the four-year licensing cycle, may count toward the next two-year period, if the training requirement for the first two years of the license has been met. Individuals must still obtain a minimum of five (5) hours of training annually pursuant to section 416.14(c)(2).

Subdivision (i) of Part 416.14 is amended to read as follows:

(i) For the thirty (30) hours of training that must be received every two years after the first period of licensure, any provider or assistant who can demonstrate to the Office basic competency in a particular topic may determine in which of the specified topics he or she needs further study. The Office [also] may also exempt any provider or assistant from participating in training on a particular topic upon demonstration of substantially equivalent knowledge or experience related to that topic. All persons with such exemptions must still complete a minimum of thirty (30) hours of training during each two-year period, and a minimum of 5 hours of training each year.

Subdivision (m) of section 416.14 is amended to read as follows:

(m) All child [day] care programs must have at least one caregiver who holds a valid [certificate] certification in cardiopulmonary resuscitation (CPR) and first aid on the premises of the child care program during the program's operating hours.

Subdivision (n) of section 416.14 is amended to read as follows:

(n) CPR and first aid [certificates] certifications must be appropriate to the ages of the children in care. All certifications in CPR and first aid must contain an in-person competency component.

Subdivision (q) of section 416.14 is repealed.

Paragraph (1) of subdivision (a) of section 416.15 is amended to add a heading to read as follows:

(1) Obtain a License and Operate in Compliance with Applicable Laws and Regulations

Subparagraph (i) of paragraph (2) of subdivision (a) of section 416.15 is added to read as follows:

(i) The program must post or display conspicuously in a place to which parents have free and daily access, a copy of the most recent compliance history report immediately after it is issued to the program by the Office.

Paragraph (6) of subdivision (a) of section 416.15 is amended to read as follows:

(6) When the group family child [day] care licensee is an entity other than an individual, the person named as the Provider, as defined in Part 413.2(c)(12) must be a person with a business interest, as defined in 413.2(d)(19), of at least 51 percent share of ownership in the entity. However, nothing contained herein shall prohibit the continued operation of programs already licensed or registered prior to May 1, 2014, where a person other than a person with a business interest in the entity has been named as the Provider, [where the program was licensed or registered prior to the effective date of these regulations] unless the license or registration of the home is revoked, terminated or suspended pursuant to the procedures set forth in section 413.3 of this Article.

Paragraph (11) of subdivision (a) of section 416.15 is amended to read as follows:

(11) The effective period of the [initial] license for a group family day care home will be up to [two] four years so long as the licensee remains in compliance with applicable laws and regulations during such periods. [Each subsequent license will be effective for a period up to four years so long as the licensee remains in compliance with applicable laws and regulations during such periods.]

Paragraph (10) of subdivision (b) of section 416.15 is amended to add a heading to read as follows:

(10) Inspectors, Representatives of the Office and Child Protective Services

Subparagraph (ii) of paragraph (11) of subdivision (b) of section 416.15 is amended to read as follows:

(ii) must submit to the Office [within 15 days of the written notification of the change in caregivers], prior to the start date the name of any new caregiver and the supporting documentation needed to complete the approval process, including:

(a) ...

(b) ...

(c) ...

(d) ...

(e) [three (3)] two acceptable references;

Subparagraph (iv) of paragraph (11) of subdivision (b) of section 416.15 is amended to read as follows:

(iv) may, during the Office's review of all documentation for any proposed caregiver, continue to operate a group family day care home with any individual who is identified on the list required by section 416.15(c)(12) of this Part; [and]

Subparagraph (v) of paragraph (11) of subdivision (b) of section 416.15 is [amended to read as follows]

(v) may not leave the proposed caregiver in sole charge of, or unsupervised with, children until [such time as] the Office approves the caregiver[.];

Subparagraph (vi) of paragraph (11) of subdivision (b) of section 416.15 is added to read as follows:

(vi) any change in email address for the provider or other designee when such change becomes effective; and

Subparagraph (vii) of paragraph (11) of subdivision (b) of section 416.15 is added to read as follows:

(vii) any change to contact information when such changes become effective.

Paragraph (14) of subdivision (b) of section 416.15 is amended to read as follows:

(14) The caregiver must immediately notify the parent and Office 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 a caregiver:

(i) death,

(ii) serious incident,

(iii) serious injury,

(iv) serious condition,

(v) communicable [illness] disease,

(vi) transportation to a hospital [, of a child which occurred while the child was in care at the program or was being transported by the caregiver. A serious incident includes any event in which a child requires medical attention other than routine illness, is left without competent supervision for any period of time, or leaves the program without an approved caregiver or designated person].

Paragraph (18) of subdivision (b) of section 416.15 is amended to add a heading to read as follows:

(18) Fire and Police Notifications

Subparagraph (i) of paragraph (18) of subdivision (b) of section 416.15 is amended to read as follows:

(i) Within five days after receiving the initial license and before actually commencing operation, the program must, using a form specified by the Office or an approved equivalent for that purpose, notify the local police and fire departments of the municipality within which the group family day care home is located of the following:

(a) ...

(b) ...

(c) ...

(d) ...

Paragraph (19) of subdivision (b) of section 416.15 is amended to read as follows:

(19) Within five days of a household member turning eighteen (18) years of age or a person eighteen (18) years of age or older beginning to [reside at the premises] live in the residence, the program must:

(i) ...

(ii) ...

(iii) ...

Paragraph (26) of subdivision (b) of section 416.15 is added to read as follows:

(26) Programs must follow safety plans developed by the Office when allegations of risk of harm to child(ren) against the program, caregiver, staff, household member, volunteer or visitor are under investigation.

Paragraph (6) of subdivision (c) of section 416.15 is amended to read as follows:

(6) children's individual health care plans;[records, including] parental consents for emergency medical treatment; child's medical statement;[and] immunizations[;], and any available results of lead screening for children not yet enrolled in kindergarten or a higher grade only; the name and dosage of any medications used by a child, [and]the frequency of administration of such medications, and a record of their administration by caregivers; daily health check documentation;[and] a record of illnesses[,] and injuries occurring while in care[,] and any indicators of child abuse or maltreatment;

Paragraph (4) of subdivision (a) of section 417.2 is amended to read as follows:

(4) the names, addresses and day time telephone numbers of at least [three] two acceptable references each for the provider, assistant(s), and any substitute(s) as specified in section 417.13 of this Part;

Paragraph (8) of subdivision (a) of section 417.2 is amended to add a heading to read as follows:

(8) Statewide Central Register of Child Abuse and Maltreatment and Justice Center for the Protection of Persons with Special Needs

Subparagraph (i) of paragraph (8) of subdivision (a) of section 417.2 is amended to read as follows:

(i) the Statewide Central Register database check forms necessary to complete required screening by the Statewide Central Register of Child Abuse and Maltreatment to determine if the provider, employee(s), volunteer(s) [assistant(s), substitute(s)], and any person 18 years of age or older who [resides] lives in the [proposed] prospective family day care home is the subject of an indicated report of child abuse or maltreatment;

Paragraph (15) of subdivision (a) of 417.2 is amended to read as follows:

(15) a health care plan developed in accordance with requirements of section 417.11(c)[.]; and

Paragraph (16) of subdivision (a) of section 417.2 is added as follows:

(16) an email address for the provider or other person designated to receive communications from the Office. If the applicant is unable to provide at least one valid

email address, the applicant must provide a valid mailing address for the provider or other person designated to receive written communications from the Office.

Subdivision (b) of section 417.2 is repealed and a new subdivision (b) is added to read as follows:

(b) An application will only be accepted by the Office when the applicant submits the minimum threshold of information as required by Office policy. An application sent to the Office that does not meet the minimum threshold will not be accepted and will be returned to the applicant. Once an application has been accepted, all additional required information must be submitted within no later than 90 days. Failure to submit all required information within the required timeframes shall be considered a withdrawal of the application.

Paragraph (9) of subdivision (d) of section 417.2 is repealed and a new paragraph (9) is added to read as follows:

(9) an email address for the provider or other person designated to receive communications from the Office. If the applicant is unable to provide at least one valid email address, the applicant must provide a valid mailing address for the provider or other person designated to receive written communications from the Office.

Paragraph (1) of subdivision (a) of section 417.5 is added to read as follows:

(1) The program must take suitable precautions to prevent the following:

(i) serious injury of a child while in care at the program or being transported by the program; and

(ii) death of a child while in care at the program or being transported by the program.

Subparagraph (vii) is amended and subparagraphs (viii) and (ix) are added to paragraph (3) of subdivision (b) of section 417.5 to read as follows:

(vii) notification of authorities and the children's parents[.];[and]

(viii) roles of staff; and

(ix) procedures related to the reunification of children and caretakers.

Subdivision (e) of section 417.5 is amended to read as follows:

(e) [Barriers.] Porches, decks or stairs with more than two steps must have railings with a barrier extending to the floor or ground to prevent children from falling. Acceptable types of barriers include, but are not limited to, balusters, intermediate rails, and heavy screening.

Subdivision (f) of section 417.5 is amended to add a heading to read as follows:

(f) Barriers.

Paragraph (1) of subdivision (l) of section 417.5 is amended to read as follows:

(1) Any [pet or] animal [kept indoors or outdoors] present at the [family] day care home must present no evidence of disease or parasite and pose no threat.

Paragraph (2) of subdivision (l) of section 417.5 is amended to read as follows:

(2) All [pets] animals present at the program that require a license must be licensed.

Paragraph (3) of subdivision (l) of section 417.5 is amended to read as follows:

(3) All required [vaccines] vaccinations must be kept current.

Paragraph (4) of subdivision (l) of section 417.5 is amended to read as follows:

(4) The license and record of [vaccines] vaccinations must be available to the Office when requested.

Paragraph (5) of subdivision (l) of section 417.5 is repealed and a new paragraph (5) is added to read as follows:

(5) The program must immediately notify the parents of children in care and the Office when an animal kept on the premises harms any person, including a child in care.

Paragraph (6) of subdivision (l) of section 417.5 is repealed and a new paragraph (6) is added to read as follows:

(6) The provisions of this subdivision apply to all animals present at the program regardless of who owns the animal.

Paragraph (7) of subdivision (l) of section 417.5 is added to read as follows:

(7) The program must provide parents with a written description of all animals kept on the premises prior to a child's enrollment in the program.

Paragraph (8) of subdivision (l) of section 417.5 is added to read as follows:

(8) Within twenty-four hours that an animal is first kept on the premises of a child care program, the program must provide written notice to the Office and parents of children in care that such animal is being kept on the premises.

Subdivision (z) of section 417.5 is added to read as follows:

(z) Caregivers and volunteers must take suitable precautions to prevent children from receiving burns caused by contact with hot liquids.

Subdivision (m) of section 417.6 is added to read as follows:

(m) Child care programs are prohibited from transporting child care children 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.

Subdivision (m) of section 417.7 is amended to read as follows:

(m) Sleeping arrangements for infants through 12 months of age require that the infant be placed flat on his or her back to sleep, unless medical information from the child's health care provider is presented to the program by the parent that shows that arrangement is inappropriate for that child.

Subdivision (n) of section 417.7 is amended to read as follows:

(n) Cribs, bassinets and other sleeping areas for infants through 12 months of age must include an appropriately sized fitted sheet, and must not have bumper pads, toys, [large] stuffed animals, [heavy] blankets, pillows, wedges or infant positioners[unless medical information from the child's health care provider is presented indicating otherwise]. Wedges or infant positioners will be permitted with medical documentation from the child's health care provider.

Paragraph (2) of subdivision (b) of section 417.8 is amended to read as follows:

(2) When a functioning electronic monitor is in use, napping and sleeping children must be physically checked every 15 minutes to assess the overall safety and well-being of the children and to make sure infants' faces are uncovered. The checks must be done in close physical proximity to the child.

Paragraph (3) of subdivision (b) of section 417.8 is amended to read as follows:

(3) For evening and night care, the caregiver may sleep while children are sleeping only if functional electronic monitors are in use in each room where children are sleeping. The registrant must obtain the written permission to do so from a parent of each child receiving evening or night care in the family day care home. In the event written permission is not obtained from all parents, the caregiver must remain awake at all times and physically check sleeping children every 15 minutes to assess the overall safety and well-being of the children and to make sure infants' faces are uncovered. The checks must be done in close physical proximity to the child.

Subdivision (d) of section 417.8 is repealed and a new subdivision (d) is added to read as follows:

(d) Only approved caregivers may be left unsupervised with day care children.

Subdivision (l) of section 417.8 is repealed and reserved.

Subdivision (b) of section 417.10 is amended to read as follows:

(b) In accordance with the provisions of sections 413 and 415 of the Social Services Law, caregivers must immediately report any suspected incidents of child abuse or maltreatment concerning a child receiving child [day] care to the Statewide Central Register of Child Abuse and Maltreatment or cause such a report to be made when the caregiver has reasonable cause to suspect that a child coming before them in their capacity as caregiver in a family day care is an abused or maltreated child. Such report must be followed by a written report within 48 hours, in the form and manner prescribed by the Office, to the child protective service of the social services district in the county in which the child resides.

Subdivision (a) of section 417.11 is amended to read as follows:

(a) Child Enrollment Requirements for Children Not Enrolled in Kindergarten or a Higher Grade.

Paragraph (1) of subdivision (a) of section 417.11 is amended to read as follows:

(1) [Other than children who are enrolled in kindergarten or a higher grade, no] No child may be accepted for care in a child care program unless the program has been furnished with a written statement signed by a health care provider verifying that the child is able to participate in child [day] care and currently appears to be free from contagious or communicable diseases. A child's medical statement must have been completed within the 12 months preceding the date of enrollment.

Paragraph (13) of subdivision (b) of section 417.11 is added to read as follows:

(13) Caregivers must be aware of each child's special health care needs identified in the child's individual health care plan. This includes, but is not limited to, allergies, disabilities and medical conditions.

Paragraph (14) of subdivision (b) of section 417.11 is added to read as follows:

(14) Caregivers must obtain assistance as identified in the child's individual health care plan if the child has a medical emergency.

Paragraph (9) of subdivision (f) of section 417.11 is amended to add a heading to read as follows:

(9) Documentation of Medication Administration

Paragraph (11) of subdivision (f) of section 417.11 is amended to read as follows:

(11) [For all children for whom the caregivers administer over-the-counter medications] All verbal permissions received pursuant to section 417.11(f) of this Part [, the caregiver] must be documented [that the parent or guardian gave verbal instructions and approval].

Paragraph (1) of subdivision (h) of section 417.11 is amended to read as follows:

(1) The caregivers must immediately call 911 for children who require [obtain] emergency medical [health] care [for children who require such care] and also must:

(i) ...

(ii) ...

(iii) ...

(iv) ...

Paragraph (21) of subdivision (i) of section 417.11 is amended to read as follows:

(21) All rooms, equipment, surfaces, supplies and furnishings accessible to children must be cleaned and then sanitized or disinfected, using an EPA registered product, as needed to protect the health of children, and in a manner consistent with the program's health care plan [guidelines issued] approved by the Office.

Subdivision (ai) of section 417.12 is added to read as follows:

(ai) Individual children's food allergies must be posted in a discreet location visible only to caregivers.

Subdivision (aj) of section 417.12 is added to read as follows:

(aj) Caregivers must take steps to prevent a child's exposure to the foods to which the child is allergic.

Paragraph (4) of subdivision (a) of section 417.13 is amended to read as follows:

(4) provide to the Office the names, addresses and daytime telephone numbers of at least [three (3)] two acceptable references, other than relatives. At least one of the references must be able to attest to the employment history, work record and qualifications, if the person had ever been employed outside the home. At least one of

the references must be able to attest to the character, habits and personal qualifications to be a family day care provider, assistant, or substitute; and

Subdivision (b) of section 417.13 is amended to read as follows:

(b) All providers, employees, [caregivers and] volunteers and any person age eighteen (18) or older living or who begins to live in a family day care home are required to comply with the criminal history review provisions of this Part and Part 413 of this Article.

Subdivision (c) of section 417.13 is amended to read as follows:

(c) All providers, employees, [caregivers and] volunteers and any person age eighteen (18) or older living or who begins to live in a family day care home hired after June 30, 2013 must comply with the background check requirements for the register of substantiated category one cases of abuse or neglect maintained by the Justice Center for the Protection of Persons with Special Needs pursuant to section 495 of the Social Services Law.

Subdivision (d) of section 417.13 is amended to read as follows:

(d) All [caregivers] providers, employees, volunteers and any person age eighteen (18) or older living or who begins to live in a family day care home are required to complete a Statewide Central Register database check.

Subdivision (g) of section 417.13 is added to read as follows:

(g) After completion of required inquiries to the Statewide Central Register of Child Abuse and Maltreatment as provided for in this section and all other criminal history review and background clearances as provided for in section 413.4 of this Title, the Office shall notify the applicant and program whether the applicant is authorized or unauthorized to care for children based on the outcome of such inquiries.

Subdivision (a) of section 417.14 is repealed and a new subdivision (a) is added to read as follows:

(a) Before the Office issues an application for a family day care registration to a person or entity who has yet to hold an Office of Children and Family Services day care registration, that applicant must complete an Office-approved pre-application orientation session.

Subdivision (b) of section 417.14 is repealed and a new subdivision (b) is added to read as follows:

(b) Before the Office issues an initial registration, the applicant must complete a health and safety training course approved by the Office relating to the protection of the health

and safety of children and must demonstrate basic competency with regard to health and safety standards. Such training must comply with the federal minimum health and safety preservice training requirements. Health and safety training received prior to issuance of the registration, may be applied to the initial fifteen (15) hours of training required pursuant to section 417.14(c)(1) of this Part provided that such training was received within twelve (12) months of registration. If an applicant does not become licensed or registered within two years of successfully completing the health and safety training, the coursework must be repeated.

(1) Each applicant must complete the Office-approved training that complies with the federal minimum health and safety preservice training requirements or three-month orientation period training requirements. This training must be obtained preservice or within three months of starting such position. Individuals who have completed the Office-approved training that complies with federal health and safety requirements may be left unsupervised with children. Any employee or volunteer who does not complete this training must not be left unsupervised with children in care until such time as the training has been completed.

Subdivision (c) of section 417.14 is amended to read as follows:

(c) Each [provider and assistant] employee and volunteer must complete a minimum of [fifteen (15) hours of training during the first six months of licensure.] thirty (30) hours of training every two years. The required (30) hours of training every two years is subject to the following conditions:

(1) Fifteen of the required thirty (30) hours of training must be obtained during the person's first six months at the program.

(2) A minimum of five (5) hours of Office-approved training must be obtained each year which addresses topics or subject matters set forth in 417.14(f).

Subdivision (d) of section 417.14 is repealed and reserved.

Subdivision (e) of section 417.14 is repealed and reserved.

Subdivision (f) of section 417.14 is amended to read as follows:

(f) [Each provider and assistant must complete a minimum of thirty (30) hours of training every two years. Such t] Training must address [the following] all topics or subject matters required by state and federal law. The required state topics are:

(1) principles of childhood development, focusing on the developmental stages of the age groups for which the program provides care;

[(i) Principles of childhood development include such things as meeting the physical, social and developmental needs of children, including those with special needs; behavior management and discipline; promoting play and physical activity; individual development variation and learning styles; infant and toddler brain development and cross cultural skills and knowledge.]

(2) nutrition and health needs of infants and children;

[(i) Nutrition and health needs of infants and children include such things as healthy menu planning, obesity prevention, benefits of and how to encourage breastfeeding for mothers returning to work, training in infectious diseases, cardiopulmonary resuscitation (CPR), first aid, health and safety practices, preventive techniques in sudden infant death syndrome, medication administration training.]

(3) child [day] care program development;

[(i) Child day care program development topics include such things as the benefits of continuity of care practices, staff supervision and coaching, program variety and activity; infant, toddler, pre-school, and school age quality programming, promoting children's language development and social and emotional skills, and establishing nurturing, stimulating environments; rest time policies and procedures including meeting the needs of children who do not nap; hand washing; meeting the program needs of mixed age groups in family day care and group family day care.]

(4) safety and security procedures;

[(i) Safety and security procedures include such things as communication between parents and caregivers, emergency preparedness and response practices and procedures, fire safety, pool and water sports safety, playground safety, supervising daily activities and family engagement techniques.]

(5) business record maintenance and management;

[(i) business record maintenance and management includes such things as training in New York State and Federal requirements as a business owner and employer, child day care record keeping and documentation requirements, time maintenance, organizational skills, scheduling and coverage, staff supervision and coaching.]

(6) child abuse and maltreatment identification and prevention;

[(i) child abuse and maltreatment identification and prevention includes such things as reporting protocol; how to make a report to the state central register; documenting incidents and daily health checks; child abuse policy/procedure including safety plan.]

(7) statutes and regulations pertaining to child [day] care;

(8) statutes and regulations pertaining to child abuse and maltreatment; and

[(i) statutes and regulations pertaining to child abuse and maltreatment includes such things as Mandated Reporter training; responsibilities of a mandated reporter; and

(9) education and information on the identification, diagnosis and prevention of shaken baby syndrome.

Subdivision (g) of section 417.14 is amended to read as follows:

(g) Training received [after the application has been submitted, but] before the application has been approved and the registration granted, may be counted towards the initial fifteen (15) hours required in section 417.14[(d)](c)(1) of this Part provided that such training was completed within twelve (12) months of registration. When a program has submitted a renewal application, and the provider and assistant(s) have satisfied the 30-hour training requirement for the current registration period, the provider and assistant(s) will be credited with any additional training hours taken during that time that exceed the 30 hours, toward the new registration period.

Subdivision (h) of section 417.14 is amended to read as follows:

(h) Training received within the ninety (90) day period prior to the two-year mid-point in the four-year registration cycle, may count toward the next two-year period, if the training requirement for the first two years of the registration has been met. Individuals must still obtain a minimum of five (5) hours of training annually pursuant to section 417.14(c)(2).

Subdivision (i) of section 417.14 is amended to read as follows:

(i) For the thirty (30) hours of training that must be received every two years after the first period of [licensure] registration, any provider or assistant who can demonstrate to the Office basic competency in a particular topic may determine in which of the specified topics he or she needs further study. The Office also may exempt any provider or assistant from participating in training on a particular topic upon demonstration of substantially equivalent knowledge or experience related to that topic. All persons with

such exemptions must still complete a minimum of thirty (30) hours of training during each two-year period, and a minimum of five (5) hours of training each year.

Subdivision (m) of section 417.14 is amended to read as follows:

(m) All child [day] care programs must have at least one caregiver, who holds a valid [certificate] certification in cardiopulmonary resuscitation (CPR) and first aid, on the premises of the child care program during the program's operating hours.

Subdivision (n) of section 417.14 is amended to read as follows:

(n) CPR and first aid [certificates] certifications must be appropriate to the ages of the children in care. All certifications in CPR and first aid must contain an in-person competency component.

Subdivision (q) of section 417.14 is repealed.

Paragraph (1) of subdivision (a) of section 417.15 is amended to add a heading to read as follows:

(1) Obtain a Registration and Operate in Compliance with Applicable Laws and Regulations

Subparagraph (i) of paragraph (2) of subdivision (a) of section 417.15 is added to read as follows:

(i) The program must post or display conspicuously in a place to which parents have free and daily access, a copy of the most recent compliance history report immediately after it is issued to the program by the Office.

Paragraph (6) of subdivision (a) of section 417.15 is amended to read as follows:

(6) When the family child [day] care registrant is an entity other than an individual, the person named as the Provider, as defined in Part 413.2(c) (12), must be a person with a business interest, as defined in 413.2, of at least 51 percent share of ownership in the entity. However, nothing contained herein shall prohibit the continued operation of programs already licensed or registered prior to May 1, 2014, where a person other than a person with a business interest in the entity has been named as the provider, [where the program was licensed or registered prior to the effective date of these regulations] unless the license or registration of the home is revoked, terminated or suspended pursuant to the procedures set forth in section 413.3 of this Article.

Paragraph (10) of subdivision (b) of section 417.15 is amended to read as follows:

(10) Inspectors, Representatives of the Office and Child Protective Services

Paragraph (11) of subdivision (a) of section 417.15 is amended to read as follows:

(11) The effective period of the [initial]registration for a family day care home will be up to [two] four years as long as the registrant remains in compliance with applicable laws and regulations during such periods. [Each subsequent registration will be effective for a period up to four years so long as the registrant remains in compliance with applicable laws and regulations during such periods.]

Subparagraph (ii) of paragraph (11) of subdivision (b) of section 417.15 is amended to read as follows:

(ii) must submit to the Office [within 15 days of the written notification of the change in caregivers] prior to the start date the name of any new caregiver and the supporting documentation needed to complete the approval process, including:

(a) ...

(b) ...

(c) ...

(d) ...

(e) [three (3)] two acceptable references;

Subparagraph (iv) of paragraph (11) of subdivision (b) of section 417.15 is amended to read as follows:

(iv) may, during the Office's review of all documentation for any proposed caregiver, continue to operate a family day care home with any individual who is identified on the list required by section 417.15(c)(12) of this Part; [and]

Subparagraph (v) of paragraph (11) of subdivision (b) of section 417.15 is amended to read as follows:

(v) may not leave the proposed caregiver in sole charge of₁ or unsupervised with₁ children until such time as the Office approves the caregiver[.];₁

Subparagraph (vi) of paragraph (11) of subdivision (b) of section 417.15 is added to read as follows:

(vi) any change in email address for the provider or other designee when such change becomes effective; and

Subparagraph (vii) of paragraph (11) of subdivision (b) of section 417.15 is added to read as follows:

(vii) any change to contact information when such changes become effective.

Paragraph (14) of subdivision (b) of section 417.15 is amended to read as follows:

(14) The caregiver must immediately notify the parent and Office 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 a caregiver:

(i) death,

(ii) serious incident,

(iii) serious injury,

(iv) serious condition,

(v) communicable [illness] disease, or

(vi) transportation to a hospital [, of a child which occurred while the child was in care at the program or was being transported by the caregiver. A serious incident includes any event in which a child requires medical attention other than routine illness, is left without competent supervision for any period of time, or leaves the program without an approved caregiver or designated person].

Paragraph (18) of subdivision (b) of section 417.15 is amended to add a heading to read as follows:

(18) Fire and Police Notifications

Subparagraph (i) of paragraph (18) of subdivision (b) of section 417.15 is amended to read as follows:

(i) Within five days after receiving the initial registration and before actually commencing operation, the program must, using a form specified by the Office or an approved equivalent for that purpose, notify the local police and fire departments of the municipality within which the family day care home is located of the following:

(a) ...

(b) ...

(c) ...

(d) ...

Paragraph (19) of subdivision (b) of section 417.15 is amended to read as follows:

(19) Within five days of a household member turning eighteen (18) years of age or a person eighteen (18) years of age or older beginning to [reside at the premises] live in the residence, the program must:

(i) ...

(ii) ...

(iii) ...

Paragraph (26) of subdivision (b) of section 417.15 is added to read as follows:

(26) Programs must follow safety plans developed by the Office when allegations of risk of harm to child(ren) against the program, caregiver, staff, household member, volunteer or visitor are under investigation.

Paragraph (6) to subdivision (c) of section 417.15 is amended to read as follows:

(6) children's individual health care plans;[records, including] parental consents for emergency medical treatment; child's medical statement, [and] immunizations[;], and any available results of lead screening for children not yet enrolled in kindergarten or a higher grade only; the name and dosage of any medications used by a child, [and] the frequency of administration of such medications, and a record of their administration by caregivers; daily health check documentation;[and] a record of illnesses[,] and injuries occurring while in care[,] and any indicators of child abuse or maltreatment;

Paragraph (19) of subdivision (a) of section 418-1.2 is amended to add a heading to read as follows:

(19) Statewide Central Register of Child Abuse and Maltreatment and Justice Center for the Protection of Persons with Special Needs

Paragraph (27) of subdivision (a) of section 418-1.2 is repealed and a new paragraph (27) is added to read as follows:

(27) an email address for the director or other person designated to receive communications from the Office. If the applicant is unable to provide at least one valid email address, the applicant must provide a valid mailing address for the director or other person designated to receive written communications from the Office.

Subdivision (c) of section 418-1.2 is repealed and a new subdivision (c) is added to read as follows:

(c) An application will only be accepted by the Office when the applicant submits the minimum threshold of information as required by Office policy. An application sent to the Office that does not meet the minimum threshold will not be accepted and will be returned to the applicant. Once an application has been accepted, all additional required information must be submitted within no later than 90 days. Failure to submit all required information within the required timeframes shall be considered a withdrawal of the application.

Paragraph (13) of subdivision (e) of section 418-1.2 is added to read as follows:

(13) an email address for the director or other person designated to receive communications from the Office. If the applicant is unable to provide at least one valid email address, the applicant must provide a valid mailing address for the director or other person designated to receive written communications from the Office.

Paragraph (3) of subdivision (a) of section 418-1.3 is added to read as follows:

(3) Child care can only be provided in the areas that have been included in the diagram and approved as child care space.

Subparagraphs (vii), (viii), and (ix) of Paragraph (3) of subdivision (b) of section 418-1.5 are amended to read as follows:

(vii) notification of authorities and the children's parents; [and]

(viii) roles of staff[.]; and

(ix) procedures related to the reunification of children and caretakers.

Paragraph (1) of subdivision (a) of section 418-1.5 is added to read as follows:

(1) The program must take suitable precautions to prevent the following:

(i) serious injury of a child while in care at the program or being transported by the program; and

(ii) death of a child while in care at the program or being transported by the program.

Paragraph (1) of subdivision (l) of section 418-1.5 is amended to read as follows:

(1) Any [pet or] animal [kept indoors or outdoors] present at the [child day care center] program must present no evidence of disease or parasite[s] and pose no threat.

Paragraph (2) of subdivision (l) of section 418-1.5 is amended to read as follows:

(2) All [pets housed at or permitted to visit the center] animals present at the program that require a license must be licensed.

Paragraph (3) of subdivision (l) of section 418-1.5 is amended to read as follows:

(3) All required [vaccines] vaccinations must be kept current.

Paragraph (4) of subdivision (l) of section 418-1.5 is amended to read as follows:

(4) The license and record of [vaccines] vaccinations must be available to the Office when requested.

Paragraph (5) of subdivision (l) of section 418-1.5 is repealed and a new paragraph (5) is added to read as follows:

(5) The program must immediately notify the parents of children in care and the Office when an animal kept on the premises harms any person, including a child in care.

Paragraph (6) of subdivision (l) of section 418-1.5 is repealed and a new paragraph (6) is added to read as follows:

(6) The provisions of this subdivision apply to all animals present at the program regardless of who owns the animal.

Paragraph (7) of subdivision (l) of section 418-1.5 is repealed and a new paragraph (7) is added to read as follows:

(7) The program must provide parents with a written description of all animals kept on the premises prior to a child's enrollment in the program.

Paragraph (8) of subdivision (l) of section 418-1.5 is renumbered paragraph (10) and a new paragraph (8) is added to read as follows:

(8) Within twenty-four (24) hours that an animal is first kept on the premises of a child care program, the program must provide written notice to the Office and parents of children in care that such animal is being kept on the premises.

Paragraph (9) of subdivision (l) of section 418-1.5 is added to read as follows:

(9) Animals that have bitten a person must be immediately and permanently removed from the program.

Subdivision (t) of section 418-1.5 is amended to read as follows:

(t) Operating carbon monoxide detectors and alarms must be located in accordance with applicable laws [, and used in all programs where children nap].

Subdivision (ac) of section 418-1.5 is added to read as follows:

(ac) Staff and volunteers must take suitable precautions to prevent children from receiving burns caused by contact with hot liquids.

Subdivision (n) of section 418-1.6 is added to read as follows:

(n) Child care programs are prohibited from transporting child care children 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.

Subdivision (p) of section 418-1.7 is amended to read as follows:

(p) Sleeping arrangements for infants through 12 months of age require that the infant be placed flat on his or her back to sleep, unless medical information from the child's health care provider is presented to the program by the parent that shows that arrangement is inappropriate for that child.

Subdivision (q) of section 418-1.7 is amended to read as follows:

(q) Cribs, bassinets and other sleeping areas for infants through 12 months of age must include an appropriately sized fitted sheet, and must not have bumper pads, toys, [large] stuffed animals, [heavy] blankets, pillows, wedges or infant positioners[unless medical information from the child's health care provider is presented indicating otherwise]. Wedges or infant positioners will be permitted with medical documentation from the child's health care provider.

Subdivision (d) of section 418-1.8 is repealed and a new subdivision (d) is added to read as follows:

(d) No person under 18 years of age may be left alone to supervise a group of children at any time, including in an emergency.

Subdivision (j) of section 418-1.8 is amended to read as follows:

(j) When a child [day] care center is in operation, an adequate number of qualified teachers must be on duty to [i]ensure the health and safety of the children in care.

Minimum Supervision Ratios Based on Group Size for Infants, Toddlers and Preschoolers

AGE OF CHILDREN	TEACHER/CHILD MAXIMUM RATIO	MAXIMUM GROUP SIZE
under 6 weeks(***)	1:3	6
6 weeks to 18 months	1:4	8

18 months to 36 months	1:5	12
3 years	1:7	18
4 years	1:8	21
5 years	1:9	24
Minimum Supervision Ratios Based on Group Size for School-aged Children		
AGE OF CHILDREN	TEACHER/CHILD MAXIMUM RATIO	MAXIMUM GROUP SIZE
through 9 years	1:10	20
10-12 years	1:15	30

***Such care is only permitted pursuant to the provisions of paragraph 30 of subdivision (b) of section 418-1.15 of this Subpart.

Subdivision (c) of section 418-1.9 is amended to read as follows:

(c) The program must provide copies of the behavior management [guidelines] plan to all staff and parents of children in care at the program.

Paragraph (1) of subdivision (b) of section 418-1.10 is amended to add a heading to read as follows:

(1) Statewide Central Register of Child Abuse and Maltreatment and Justice Center for the Protection of Persons with Special Needs

Subparagraph (i) of paragraph (1) of subdivision (b) of section 418-1.10 is amended to read as follows:

(i) The child day care center must submit to the Office the information necessary to inquire of the [Office] Statewide Central Register of Child Abuse and Maltreatment whether any prospective operator, director, employee or volunteer [person who is actively being considered for employment, and any individual or any person who is employed by an individual, corporation, partnership or association which provides goods or services to the center, and who will have the potential for regular and substantial contact with the children who are cared for by the center,] is the subject of an indicated report of child abuse or maltreatment on file with the Statewide Central Register of Child Abuse and Maltreatment. In accordance with a schedule developed by the Office, the Office must inquire whether any existing operator, director, employee or volunteer is the subject of an indicated report of child abuse or maltreatment on file with the Statewide Central Register of Child Abuse and Maltreatment. [Each such center may inquire of the Office whether any current staff person, or any person who is being considered for use as a volunteer or for hiring as a consultant and who has or will have the potential for regular and substantial contact with children being cared for by the center, is the subject

of an indicated report of child abuse or maltreatment on file with the Statewide Central Register of Child Abuse and Maltreatment. An inquiry regarding any current staff person or volunteer may be made only once in any six-month period.]

Subparagraph (ii) of paragraph (1) of subdivision (b) of section 418-1.10 is amended to read as follows:

(ii) The child day care center must submit to the Office the information necessary to check the register of substantiated category one cases of abuse or neglect maintained by the Justice Center for the Protection of Persons with Special Needs per section 495 of the Social Services Law before determining whether to hire or otherwise allow any person as a[n] prospective director, employee, [administrator, consultant intern,] or volunteer [or contractor who will have the potential for regular and substantial contact with children cared for by the center].

Paragraph (2) of subdivision (b) of section 418-1.10 is amended to read as follows:

(2) Prior to the Office making any inquiries pursuant to section 418-1.10(b)(1) the child day care center must notify, in the form prescribed by the Office, the person who will be the subject of the inquiries, that:

(i) ...

(ii) ...

Paragraph (3) of subdivision (b) of section 418-1.10 is repealed and a new paragraph (3) is added to read as follows:

(3) After completion of required inquiries as provided for in this section and all other criminal history review and background clearances as provided for in section 413.4 of this Title, the Office shall notify the applicant and program whether the applicant is authorized or unauthorized to care for children based on the outcome of such inquiries.

Paragraphs (4), (5) and (6) of subdivision (b) of section 418-1.10 are repealed.

Subdivision (c) of section 418-1.10 is amended to read as follows:

(c) In accordance with the provisions of sections 413 and 415 of the Social Services Law, child [day] care center staff must immediately report any suspected incidents of child abuse or maltreatment concerning a child receiving child [day] care to the Statewide Central Register of Child Abuse and Maltreatment, or cause such a report to be made, when such staff have reasonable cause to suspect that a child coming before them in their capacity as child [day] care center workers is an abused or maltreated child. This must be done in the following manner:

(1) Child [day] care center staff must personally make, or cause to be made, an immediate report to the Statewide Central Register of Child Abuse and Maltreatment by telephone, followed by a written report within 48 hours, in the form and manner prescribed by the Office, to the child protective service of the social services district in the county in which the child resides.

(2) ...

Subdivision (a) of section 418-1.11 is amended to read as follows:

(a) Child Enrollment Requirements for Children Not Enrolled in Kindergarten or a Higher Grade.

Paragraph (1) of subdivision (a) of section 418-1.11 is amended to read as follows:

(1) [Other than children who are enrolled in kindergarten or a higher grade, no] No child may be accepted for care in a child care program unless the program has been furnished with a written statement signed by a health care provider verifying that the child is able to participate in child [day] care and currently appears to be free from contagious or communicable diseases. A child's medical statement must have been completed within the 12 months preceding the date of enrollment.

Paragraph (13) of subdivision (b) of section 418-1.11 is added to read as follows:

(13) Staff must be aware of each child's special health care needs identified in the child's individual health care plan. This includes, but is not limited to, allergies, disabilities and medical conditions.

Paragraph (14) of subdivision (b) of section 418-1.11 is added to read as follows:

(14) Staff must obtain assistance as identified in the child's individual health care plan if the child has a medical emergency.

Paragraph (6) of subdivision (d) of section 418-1.11 is added to read as follows:

(6) The health care plan must provide the following: the designation of a health care consultant of record for programs offering care to infants and toddlers or moderately ill children. The health care plan must describe the scheduling of visits by a health care consultant to day care center programs offering care to infants and toddlers or moderately ill children. At least once every two years, the health care consultant of record must visit the center and review the program's health care policies and procedures.

Paragraph (9) of subdivision (f) of section 418-1.11 is amended to add a heading to read as follows:

(9) Documentation of Medication Administration

Paragraph (11) of subdivision (f) of section 418-1.11 is amended to read as follows:

(11) [For all children for whom the program administers over-the-counter medications] All verbal permissions received pursuant to section 418-1.11(f) of this Subpart [, the program] must be documented[that the parent or guardian gave verbal instructions and approval].

Paragraph (1) of subdivision (h) of section 418-1.11 is amended to read as follows:

(1) The program must immediately call 911 for children who require [obtain] emergency medical [health] care [for children who require such care] and also must:

(i) ...

(ii) ...

(iii) ...

(iv) ...

Paragraph (6) of subdivision (i) of section 418-1.11 is amended to read as follows:

(6) All rooms, equipment, surfaces, supplies and furnishings accessible to children must be cleaned and then sanitized or disinfected, using an EPA registered product, as needed to protect the health of children, and in a manner consistent with the program's health care plan [guidelines issued] approved by the Office.

The second subparagraph (iv) of paragraph (18) of subdivision (i) of section 418-1.11 is renumbered as subparagraph (ix).

Subdivision (v) of section 418-1.12 is amended to read as follows:

(v) Four weeks of current meal and snack menus, as applicable, must be reviewed for nutritional content, variety and quality at the time of initial application and once every 24 months by a Federal Child and Adult Care Food P[rogram] specialist responsible for reviewing and approving menus, or by a person who has a bachelor's or master's degree with a major in food and institutional management or a closely related field[,] and who has completed a dietician internship[,] or has been certified as a registered dietician or has an equivalent state certification.

Subdivision (am) of section 418-1.12 is added to read as follows:

(am) Individual children's food allergies must be posted in a discreet location visible only to staff.

Subdivision (an) of section 418-1.12 is added to read as follows:

(an) Staff must take steps to prevent a child's exposure to the foods to which the child is allergic.

Subdivision (b) of section 418-1.13 is amended to read as follows:

(b) Child day care centers must review and evaluate the backgrounds of all applicants for staff and volunteer positions[with the potential for regular and substantial contact with children, except for a parent of a child enrolled in the center who is applying to be a volunteer if such parent will not be counted in determining teacher/child ratios and such parent will not be left unsupervised with children]. All applicants whose backgrounds must be checked are required to provide the following:

(1) ...

(2) the names, addresses and day time telephone numbers of at least [three] two acceptable references, other than relatives, at least one of whom can verify employment history, work record and qualifications, and at least one of whom can attest to the applicant's character, habits and personal qualifications to be a child [day] care center staff member;

(3) a sworn statement by the applicant indicating whether, to the best of the applicant's knowledge, such applicant has ever been convicted of a misdemeanor or felony in New York State or any other jurisdiction and fingerprint images as required to comply with the requirements of 413.4 of this Title; [and]

(4) the information necessary to determine whether the applicant is the subject of an indicated report of child abuse and maltreatment as required by section 418-1.10(b)(1)(i) of this Subpart;[.]

(5) the information necessary to determine whether the applicant is listed on the register of substantiated category one cases of abuse or neglect maintained by the Justice Center for the Protection of Persons with Special Needs, pursuant to Section 495 of the Social Services Law, as required by section 418-1.10(b)(1)(ii); and [.]

(6) The information necessary to complete the criminal history review and background clearance requirements as outlined in this Part. This information must be submitted to the Office on forms provided by the Office.

Subdivision (g) of section 418-1.13 is repealed and a new subdivision (g) is added to read as follows:

(g) Minimum education and experience qualifications:

(1) to be qualified as a director, a person must possess either:

(i) a bachelor's degree, including or in addition to 12 credits in Early Childhood, Child Development or a related field; one year of full-time teaching experience in a child care center, family or group family day care home or other early childhood program; and one year of experience supervising staff in a child care program or a related field of work; or

(ii) a New York State Children's Program Administrator Credential; one year of full-time teaching experience in a child care center, family or group family day care home or other early childhood program; and one year of experience supervising staff in a child care program or a related field of work; or

(iii) an associate's degree in Early Childhood or related field, with a plan of study leading to a bachelor's degree or a New York State Children's Program Administrator Credential; two years of full-time teaching experience in a child care center, family or group family day care home or other early childhood program; and two years of experience supervising staff in a child care program or a related field of work; or

(iv) a Child Development Associate Credential or other Office-recognized credential, with a plan of study leading to a bachelor's degree or a New York State Children's Program Administrator Credential; two years of full-time teaching experience in a child care center, family or group family day care home or other early childhood program; and two years of experience supervising staff in a child care program or a related field of work.

(2) To be qualified as a group teacher for a preschool class, a person must possess either:

(i) an associate's degree in Early Childhood, Child Development or related field; or

(ii) a Child Development Associate Credential or other Office-recognized credential specific to the preschool developmental period; and one year of experience related to caring for children; or

(iii) 9 college credits in Early Childhood, Child Development or a related field, with a plan of study leading to a Child Development Associate Credential, other Office-recognized credential specific to the preschool developmental period, or an associate's degree in Early Childhood, Child Development or a related field; and two years of experience related to caring for children.

(3) To be qualified as a group teacher for an infant or toddler class, a person must possess either:

(i) an associate's degree in Early Childhood, Child Development or a related field; and one year of experience related to caring for infants and toddlers; or

(ii) an Infant and Toddler Child Care and Education Credential, Infant Toddler Child Development Associate Credential or other Office-recognized credential specific to the infant/toddler development period; and two years of experience related to caring for children; or

(iii) a Child Development Associate Credential; and two years of experience related to caring for children, one of which must be related to caring for infants or toddlers; or

(iv) 9 college credits in Early Childhood, Child Development or a related field, with a plan of study leading to an Infant and Toddler Child Care and Education Credential, Infant Toddler Child Development Associate Credential, other Office-recognized credential specific to the infant/toddler developmental period or an associate's degree in Early Childhood, Child Development or a related field; and two years of experience related to caring for children, one of which must be related to caring for infants or toddlers.

(4) To be qualified as a group teacher for a school age class, a person must possess either:

(i) an associate's degree in Child Development, Elementary Education, Physical Education, Recreation or a related field; or

(ii) a School-Age Child Care Credential or other Office-recognized credential specific to the school-age developmental period; and one year of experience working with children less than 13 years of age; or

(iii) a high school diploma or its equivalent; and two years of direct experience working with children less than 13 years of age.

(5) To be qualified as an assistant teacher to any age class, a person must possess either:

(i) a high school diploma or its equivalent; or

(ii) one year of experience working with children less than 13 years of age.

	Education		Experience
Person responsible for program supervision functions (Director)	[B] bachelor's degree including, or in addition to, 12 credits in Early Childhood, Child Development or related field	AND	One year of <u>of</u> full-time teaching experience in a child day care center, family or group family day care home or other early childhood program AND one year of experience supervising staff in a child care program or a related field of work
	OR		
	New York State Children's Program Administrator Credential	AND	One year of <u>of</u> full-time teaching experience in a child day care center, family or group family day care home or other early childhood program AND one year of experience supervising staff in a child care program or related field of work
	OR		
	Associate's degree in Early Childhood or related field with a plan of study leading to:	AND	Two years of <u>of</u> full-time teaching experience in a child day care center, family or group family day care home, or other early childhood program AND

	<ul style="list-style-type: none"> • a [B]bachelor's degree; or • a New York State <u>Children's Program Administrator</u>[ion] [c]Credential 		Two years of experience supervising staff in a child care program or related field of work
	OR		
	Child Development Associate [c]Credential <u>or other Office-recognized credential</u> with a plan of study leading to: <ul style="list-style-type: none"> • a [B]bachelor's degree; or • a New York State Children's Program Administrator Credential 	AND	Two years <u>of</u> full-time teaching experience in a child day care center, family or group family day care home, or other early childhood program AND Two years of experience supervising staff in a child care program or related field of work
Group Teacher for preschoolers	Associate's degree in Early Childhood, Child Development or related field	AND	No additional experience necessary
	OR		
	Child Development Associate [c]Credential or other Office-recognized credential specific to the preschool developmental period[.]	AND	One year <u>of</u> experience related to caring for children
	OR		
	9 college credits in Early Childhood, Child Development or a related field, with a plan of study leading to a: <ul style="list-style-type: none"> • Child Development Associate [c]Credential; [or] 	AND	Two years['] <u>of</u> experience related to caring for children

	<ul style="list-style-type: none"> • <u>Other Office-recognized credential specific to the preschool developmental period;</u> or • Associate's Degree in Early Childhood, Child Development or a related field[.] 		
Group Teacher for infants/toddlers	Associate's degree in Early Childhood, Child Development or related field	AND	One year <u>of</u> experience related to caring for infants and toddlers
	OR		
	<ul style="list-style-type: none"> • Infant and Toddler Child Care and Education [c]Credential; or • Infant Toddler Child Development Associate [c]Credential; or • other Office-recognized credential specific to the infant/toddler developmental period 	AND	Two years['] <u>of</u> experience related to caring for children[.]
	OR		
	Child Development Associate [c]Credential	AND	Two years of experience caring for children, one on which must be related to caring for infants or toddlers
	OR		
	9 college credits in Early Childhood, Child Development or a related field, with a plan of study leading to: <ul style="list-style-type: none"> • Infant and Toddler Child Care and 	AND	Two years['] <u>of</u> experience related to caring for children, one of which must be related to working with infants or toddlers

	<p>Education [c]Credential; or Infant Toddler Child Development Associate [c]Credential; or</p> <ul style="list-style-type: none"> • other Office-recognized credential specific to the infant/toddler developmental period; or • Associate's Degree in Early Childhood, Child Development or a related field; 		
Group Teacher for school-age children	Associate's degree in Child Development, Elementary Education, Physical Education, Recreation or a related field	AND	No additional experience required
	OR		
	School-age Child care [c]Credential or other Office- recognized credential specific to the school-age developmental period[.]	AND	One year <u>of</u> experience working with children less than 13 years of age.
	OR		
	High School Diploma or its equivalent	AND	Two years <u>of</u> direct experience working with children less than 13 years of age.
Assistant teacher (all age groups)	High School diploma or its equivalent	OR	One year <u>of</u> experience working with children less than 13 years of age

Subdivision (k) of section 418-1.13 is amended to read as follows:

(k) Plan of Study

(1) All staff with plans of study, including plans of study permitted through a waiver request, must [register in New York's training registry for early childhood professionals] submit their approved plan and supporting enrollment documentation as directed by the Office.

(2) All staff must maintain on site and submit, as directed by the Office, documentation demonstrating continuous progress in their approved plan of study at least annually [Progress on plans of study will be monitored by the Office through the New York Registry].

Subdivision (b) of section 418-1.14 is repealed and a new subdivision (b) is added read as follows:

(b) Each applicant for, or individual in the position of director, teacher, or volunteer must complete Office-approved training that complies with federal minimum health and safety preservice or three-month orientation period requirements. This training must be obtained preservice or within three months of starting such position.

(1) Any teacher, director, or volunteer who has not completed this training must not be left unsupervised with children in care until such time as the training has been completed.

Subdivision (c) of section 418-1.14 is repealed and a new subdivision (c) is added to read as follows:

(c) Each staff person and volunteer must complete a minimum of thirty (30) hours of training every two years. The required thirty (30) hours of training every two years is subject to the following conditions:

(1) Fifteen (15) of the required thirty (30) hours of training must be obtained during the person's first six months at the program.

(2) A minimum of five (5) hours of Office-approved training must be obtained each year which addresses topics or subject matters set forth in 418-1.14(d).

Subdivision (d) of section 418-1.14 is amended to read as follows:

(d) [The thirty (30) hours of required t] Training must address [the following topics] all topics or subject matters required by state and federal law. The required state topics are:

(1) principles of childhood development, focusing on the developmental stages of the age groups for which the program provides care;

[(i) Principles of childhood development include such things as meeting the physical, social and developmental needs of children, including those with special needs; behavior management and discipline; promoting play and physical activity; individual development variation and learning styles; infant and toddler brain development and cross cultural skills and knowledge.]

(2) nutrition and health needs of children;

[(i) Nutrition and health needs of children include such things as healthy menu planning, obesity prevention, benefits of and how to encourage breastfeeding for mothers returning to work, training in infectious diseases, cardiopulmonary resuscitation(CPR), first aid, health and safety practices, prevention techniques in sudden infant death syndrome, medication administration training.]

(3) child [day] care program development;

[(i) Child [day] care program development topics include such things as the benefits of continuity of care practices, staff supervision and coaching, program variety and activity; infant, toddler, pre-school, and school age quality programming, promoting children's language development and social and emotional skills, and establishing nurturing, stimulating environments; rest time policies and procedures including meeting the needs of children who do not nap; hand washing; meeting the program needs of mixed age groups.]

(4) safety and security procedures;

[(i) Safety and security procedures include such things as communication between parents and staff, emergency preparedness and response practices and procedures, fire safety, pool and water sports safety, playground safety, supervising daily activities and family engagement techniques.]

(5) business record maintenance and management;

[(i) business record maintenance and management includes such things as training in New York State and Federal requirements as a business owner and employer, child day care record keeping and documentation requirements, time maintenance, organizational skills, scheduling and coverage, staff supervision and coaching.]

(6) child abuse and maltreatment identification and prevention;

[(i) child abuse and maltreatment identification and prevention includes such things as reporting protocol; how to make a report to the state central register; documenting incidents and daily health checks; child abuse policy/procedure including safety plan.]

(7) statutes and regulations pertaining to child [day] care;

(8) statutes and regulations pertaining to child abuse and maltreatment; and

[(i) statutes and regulations pertaining to child abuse and maltreatment includes such things as Mandated Reporter training; responsibilities of a mandated reporter; and]

(9) education and information on the identification, diagnosis and prevention of shaken baby syndrome.

Subdivision (e) of section 418-1.14 is amended to read as follows:

(e) Training received [after the application has been submitted but] before the application has been approved and the license granted may be counted towards the initial fifteen (15) hours required in 418-1.14(c) of this Part provided that such training was completed within 12 months of licensure.

Subdivision (f) of section 418-1.14 is amended to read as follows:

(f) After satisfying all [of] the training requirements for a two-year period, an individual can carry over all training hours earned within the last 90 days of the two-year period, to count toward the training requirements for the next two-year period. Individuals must still obtain a minimum of five (5) hours of training annually pursuant to section 418-1.14(c)(2) of this Part.

Subdivision (g) of section 418-1.14 is amended to read as follows:

(g) For the thirty (30) hours of training that must be received every two years, any person responsible for developing, directing, and supervising the daily activity programs for children who can demonstrate basic competency in a particular topic to the Office may determine in which of the specified topics he or she needs further study. The Office [also] may also exempt any person responsible for developing, directing, and supervising the daily activity programs for children from participating in training on a particular topic upon demonstration of substantially equivalent knowledge or experience related to that topic. All persons with such exemptions must still complete a minimum of thirty (30) hours of training every two years, and a minimum of five (5) hours of training each year.

Subdivision (k) of section 418-1.14 is amended to read as follows:

(k) All child care programs must have at least one staff person who holds a valid [certificate] certification in cardiopulmonary resuscitation (CPR) and first aid on the premises of the program during the program's operating hours.

Subdivision (l) of section 418-1.14 is amended to read as follows:

(l) Cardiopulmonary resuscitation and first aid [certificates] certifications must be appropriate to the ages of the children in care. All certifications in CPR and first aid must contain an in-person competency component.

Subdivision (n) of section 418-1.14 is repealed.

Paragraph (1) of subdivision (a) of section 418-1.15 is amended to add a heading to read as follows:

(1) Obtain a License and Operate in Compliance with Applicable Laws and Regulations

Paragraph (6) of subdivision (a) of section 418-1.15 is amended to read as follows:

(6) The effective period of the initial license for a child [day] care center will be up to four years and any subsequent licenses will be up to [two] four years each so long as the program remains in compliance with applicable laws and regulations during such periods.

Paragraph (10) of subdivision (b) of section 418-1.15 is amended to add a heading to read as follows:

(10) Inspectors, Representatives of the Office and Child Protective Services

Subparagraph (i) of paragraph (11) of subdivision (b) of section 418-1.15 is amended to read as follows:

(i) must notify the Office immediately in writing when there is any proposed change in director;

Subparagraph (ii) of paragraph (11) of subdivision (b) of section 418-1.15 is amended to read as follows:

(ii) must submit to the Office [within 15 days of the written notification of the change in director], prior to the start date, the name of any proposed new director and the supporting documentation needed to complete the approval process including:

(a) ...

(b) ...

(c) ...

(d) ...

(e) [three (3)] two acceptable references;

Subparagraph (v) of paragraph (12) of subdivision (b) of section 418-1.15 is added to read as follows:

(v) any change in email address for the director or other designee when such change becomes effective; and

Subparagraph (vi) of paragraph (12) of subdivision (b) of section 418-1.15 is added to read as follows:

(vi) any change to contact information when such changes become effective.

Paragraph (14) of subdivision (b) of section 418-1.15 is amended to read as follows:

(14) The program must immediately notify the parent and Office 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:

(i) death,

(ii) serious incident,

(iii) serious injury,

(iv) serious condition,

(v) communicable [illness] disease,

(vi) transportation to a hospital[, of a child, which occurred while the child was in care at the program or was being transported by the program. A serious incident includes any event in which a child requires medical attention other than routine illness, is left without competent supervision for any period of time, or leaves the program without an approved teacher or designated person].

Paragraph (17) of subdivision (b) of section 418-1.15 is amended to add a heading to read as follows:

(17) Fire and Police Notifications

Subparagraph (i) of paragraph (17) of subdivision (b) of section 418-1.15 is amended to read as follows:

(i) Within five days after receiving the initial license and before actually commencing operation, the licensee must, using a form specified by the Office or an approved equivalent for that purpose, notify the local police and fire departments of the municipality within which the day care center is located of the following:

(a) ...

(b) ...

(c) ...

(d) ...

Subparagraph (v) of paragraph (21) of subdivision (b) of section 418-1.15 is amended to read as follows:

(v) the behavior management [policy] plan;

Subparagraph (ii) of paragraph (22) of subdivision (b) of section 418-1.15 is amended to read as follows:

(ii) the name(s), addresses and telephone numbers of person(s) with the legal responsibility and administrative authority for the operation of the child day care center; [and]

Subparagraph (iii) of paragraph (22) of subdivision (b) of section 418-1.15 is amended to read as follows:

(iii) the address and telephone number of the appropriate regional office of the Office which may be contacted to lodge a complaint against the center for violations of statutory and regulatory requirements; and

Subparagraph (iv) of paragraph (22) of subdivision (b) of section 418-1.15 is added to read as follows:

(iv) a copy of the most recent compliance history report immediately after it is issued to the program by the Office.

Paragraph (23) of subdivision (b) of section 418-1.15 is repealed and a new paragraph (23) is added to read as follows:

(23) Upon termination or resignation of the director:

- (i) An acting director must be immediately named by the licensee.
- (ii) The appointment of the acting director must be shared with the Office by the next day of business.
- (iii) The acting director must be knowledgeable about the program's operation and policies.
- (iv) An approved, permanent director must be on-site, performing the duties of the position, within 90 days.

Paragraph (31) of subdivision (b) of section 418-1.15 is added to read as follows:

(31) Programs must follow safety plans developed by the Office when allegations of risk of harm to child(ren) against the program, staff, volunteer or visitor are under investigation.

Paragraph (6) of subdivision (c) of section 418-1.15 is amended to read as follows:

(6) children's individual health care plans; [records, including] parental consents for emergency medical treatment;[,] child's medical statement;[,] and immunizations[;], and any available results of lead screening for children not yet enrolled in kindergarten or a higher grade only; the name and dosage of any medications used by a child;[,] the frequency of administration of such medications;[,] and a record of their administration by child [day] care center staff; daily health check documentation;[and] a record of illnesses[,] and injuries occurring while in care; and any indicators of child abuse or maltreatment;

Paragraph (11) of subdivision (c) of section 418-1.15 is amended to read as follows:

(11) personnel information including a list of all staff with job assignments and schedules; each staff and volunteer's final and, if applicable, provisional criminal history review and background check approval letter(s) [Statewide Central Register clearance results; Justice Center for the Protection of Persons with Special Needs background check forms; criminal history review information]; staff resumes; medical statements;[,] acceptable references and other information required by section 418-1.13 of this Subpart;

Paragraph (16) of subdivision (a) of section 418-2.2 is amended to read as follows:

(16) the names, addresses and day time telephone numbers of at least [three] two acceptable references each for the provider and any assistant, as specified in section 418-2.13 of this Subpart;

Paragraph (20) of subdivision (a) of section 418-2.2 is amended to add a heading to read as follows:

(20) Statewide Central Register of Child Abuse and Maltreatment and Justice Center for the Protection of Persons with Special Needs

Paragraph (22) of subdivision (a) of section 418-2.2 is repealed and a new paragraph (22) is added to read as follows:

(22) an email address for the provider or other person designated to receive communications from the Office. If the applicant is unable to provide at least one valid email address, the applicant must provide a valid mailing address for the provider or other person designated to receive written communications from the Office.

Subdivision (c) of section 418-2.2 is repealed and a new subdivision (c) is added to read as follows:

(c) An application will only be accepted by the Office when the applicant submits the minimum threshold of information as required by Office policy. An application sent to the Office that does not meet the minimum threshold will not be accepted and will be returned to the applicant. Once an application has been accepted, all additional required information must be submitted within no later than 90 days. Failure to submit all required information within the required timeframes shall be considered a withdrawal of the application.

Paragraph (11) of subdivision (e) of section 418-2.2 is added to read as follows:

(11) an email address for the provider or other person designated to receive communications from the Office. If the applicant is unable to provide at least one valid email address, the applicant must provide a valid mailing address for the provider or other person designated to receive written communications from the Office.

Paragraph (1) of subdivision (a) of section 418-2.5 is added to read as follows:

(1) The program must take suitable precautions to prevent the following:

(i) serious injury of a child while in care at the program or being transported by the program; and

(ii) death of a child while in care at the program or being transported by the program.

Subparagraphs (vii), (viii), and (ix) of Paragraph(3) of subdivision (b) of section 418-2.5 are amended to read as follows:

(vii) notification of authorities and the children's parents; [and]

(viii) roles of staff[.]; and

(ix) procedures related to the reunification of children and caretakers.

Paragraph (1) of subdivision (l) of section 418-2.5 is amended to read as follows:

(1) Any [pet or] animal [kept indoors or outdoors] present at the [small child day care center] program must present no evidence of disease or parasite[s] and pose no threat.

Paragraph (2) of subdivision (l) of section 418-2.5 is amended to read as follows:

(2) All [pets] animals present at the program [housed at or permitted to visit the center] that require a license must be licensed.

Paragraph (3) of subdivision (l) of section 418-2.5 is amended to read as follows:

(3) All required [vaccines] vaccinations must be kept current.

Paragraph (4) of subdivision (l) of section 418-2.5 is amended to read as follows:

(4) The license and record of [vaccines] vaccinations must be available to the Office when requested.

Paragraph (5) of subdivision (l) of section 418-2.5 is repealed and a new paragraph (5) is added to read as follows:

(5) The program must immediately notify the parents of children in care and the Office when an animal kept on the premises harms any person, including a child in care.

Paragraph (6) of subdivision (l) of section 418-2.5 is repealed and a new paragraph (6) is added to read as follows:

(6) The provisions of this subdivision apply to all animals present at the program regardless of who owns the animal.

Paragraph (7) of subdivision (l) of section 418-2.5 is repealed and a new paragraph (7) is added to read as follows:

(7) The program must provide parents with a written description of all animals kept on the premises prior to a child's enrollment in the program.

Paragraph (8) of subdivision (l) of section 418-2.5 is renumbered paragraph (10) and a new paragraph (8) is added to read as follows:

(8) Within twenty-four (24) hours that an animal is first kept on the premises of a child care program, the program must provide written notice to the Office and parents of children in care that such animal is being kept on the premises.

Paragraph (9) of subdivision (l) of section 418-2.5 is added to read as follows:

(9) Animals that have bitten a person must be immediately and permanently removed from the program.

Subdivision (t) of section 418-2.5 is amended to read as follows:

(t) Operating carbon monoxide detectors and alarms must be located in accordance with applicable laws[, and used in all programs where children nap].

Subdivision (ac) of section 418-2.5 is added to read as follows:

(ac) Staff and volunteers must take suitable precautions to prevent children from receiving burns caused by contact with hot liquids.

Subdivision (n) of section 418-2.6 is added to read as follows:

(n) Child care programs are prohibited from transporting child care children 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.

Subdivision (m) of section 418-2.7 is amended to read as follows:

(m) Sleeping arrangements for infants through 12 months of age require that the infant be placed flat on his or her back to sleep, unless medical information from the child's health care provider is presented to the program by the parent that shows that arrangement is inappropriate for that child.

Subdivision (n) of section 418-2.7 is amended to read as follows:

(n) Cribs, bassinets and other sleeping areas for infants through 12 months of age must include an appropriately sized fitted sheet, and must not have bumper pads, toys, [large] stuffed animals, [heavy] blankets, pillows, wedges or infant positioners[unless medical information from the child's health care provider is presented indicating otherwise]. Wedges or infant positioners will be permitted with medical documentation from the child's health care provider.

Subdivision (d) of section 418-2.8 is repealed and a new subdivision (d) is added to read as follows:

(d) Only approved caregivers may be left unsupervised with day care children.

Subdivision (b) of section 418-2.10 is amended to read as follows:

(b) In accordance with the provisions of sections 413 and 415 of the Social Services Law, caregivers must immediately report any suspected incidents of child abuse or maltreatment concerning a child receiving child [day] care to the Statewide Central Register of Child Abuse and Maltreatment or cause such a report to be made when the caregiver has reasonable cause to suspect that a child coming before them in their capacity as caregiver in a small day care center is an abused or maltreated child. Such report must be followed by a written report within forty-eight (48) hours, in the form and manner prescribed by the Office, to the child protective service of the social services district in the county in which the child resides.

Subdivision (a) of section 418-2.11 is amended to read as follows:

(a) Child Enrollment Requirements for Children Not Enrolled in Kindergarten or a Higher Grade.

Paragraph (1) of subdivision (a) of section 418-2.11 is amended to read as follows:

(1) [Other than children who are enrolled in kindergarten or a higher grade, no] No child may be accepted for care in a child care program unless the program has been furnished with a written statement signed by a health care provider verifying that the child is able to participate in child [day] care and currently appears to be free from contagious or communicable diseases. A child's medical statement must have been completed within the 12 months preceding the date of enrollment.

Paragraph (13) of subdivision (b) of section 418-2.11 is added to read as follows:

(13) Caregivers must be aware of each child's special health care needs identified in the child's individual health care plan. This includes, but is not limited to, allergies, disabilities and medical conditions.

Paragraph (14) of subdivision (b) of section 418-2.11 is added to read as follows:

(14) Caregivers must obtain assistance as identified in the child's individual health care plan if the child has a medical emergency.

Paragraph (9) of subdivision (f) of section 418-2.11 is amended to add a heading to read as follows:

(9) Documentation of Medication Administration

Paragraph (11) of subdivision (f) of section 418-2.11 is amended to read as follows:

(11) [For all children for whom the caregivers' administer over-the-counter medications] All verbal permissions received pursuant to section 418-2.11(f) of this Subpart[, the caregiver] must be documented[that the parent or guardian gave verbal instructions and approval].

Paragraph (1) of subdivision (h) of section 418-2.11 is amended to read as follows:

(1) The caregivers must immediately call 911 for children who require [obtain] emergency medical [health] care [for children who require such care] and also must:

(i) ...

(ii) ...

(iii) ...

(iv) ...

Paragraph (6) of subdivision (i) of section 418-2.11 is amended to read as follows:

(6) All rooms, equipment, surfaces, supplies and furnishings accessible to children must be cleaned and then sanitized or disinfected, using an EPA registered product, as needed to protect the health of children, and in a manner consistent with the program's health care plan [guidelines issued] approved by the Office.

Subdivision (ai) of section 418-2.12 is added to read as follows:

(ai) Individual children's food allergies must be posted in a discreet location visible only to caregivers.

Subdivision (aj) of section 418-2.12 is added to read as follows:

(aj) Caregivers must take steps to prevent a child's exposure to the foods to which the child is allergic.

Paragraph (4) of subdivision (a) of section 418-2.13 is amended to read as follows:

(4) provide to the Office the names, addresses and daytime telephone numbers of at least [three (3)] two acceptable references, other than relatives. At least one of the references must be able to attest to the employment history, work record and qualifications, if the person had ever been employed outside the home. At least one of the references must be able to attest to the character, habits and personal qualifications to be a caregiver or substitute at a small day care center; and

Subdivision (b) of section 418-2.13 is amended to read as follows:

(b) All operators, employees [caregivers] and [those] volunteers [with the potential for regular and substantial contact with children enrolled in the program] are required to comply with the criminal history review provisions of this Subpart and Part 413 of this Title.

Subdivision (c) of section 418-2.13 is amended to read as follows:

(c) All operators, employees [caregivers] and volunteers hired after June 30, 2013 must comply with the background check requirements for the register of substantiated category one cases of abuse or neglect maintained by the Justice Center for the Protection of Persons with Special Needs pursuant to section 495 of the Social Services Law.

Subdivision (d) of section 418-2.13 is amended to read as follows:

(d) All [caregivers] operators, employees, and volunteers are required to complete a Statewide Central Register database check.

Subdivision (f) of section 418-2.13 is added to read as follows:

After completion of required inquiries as provided for in this section and all other criminal history review and background clearances as provided for in section 413.4 of this Title, the Office shall notify the applicant and program whether the applicant is authorized or unauthorized to care for children based on the outcome of such inquiries.

Subdivision (b) of section 418-2.14 is repealed and a new subdivision (b) is added to read as follows:

(b) Each applicant for, or individual in the position of provider, caregiver, or volunteer must complete Office-approved training that complies with federal minimum health and safety preservice or three-month orientation period requirements. This training must be obtained preservice or within three months of starting such position.

(1) Any caregiver or volunteer who has not completed this training must not be left unsupervised with children in care until such times as the training has been completed.

Subdivision (c) of section 418-2.14 is repealed and a new subdivision (c) is added to read as follows:

(c) Each staff person and volunteer must complete a minimum of thirty (30) hours of training every two years. The required (30) hours of training every two years is subject to the following conditions:

(1) Fifteen (15) of the required thirty (30) hours of training must be obtained during the person's first six months at the program.

(2) A minimum of five (5) hours of Office-approved training must be obtained each year which addresses topics or subject matters set forth in 418-2.14(d).

Subdivision (d) of section 418-2.14 is amended to read as follows:

(d)[The thirty (30) hours of required t] [Training must address [the following topics] all topics or subject matters required by state and federal law. The required state topics are:

(1) principles of childhood development, focusing on the developmental stages of the age groups for which the program provides care;

[(i) Principles of childhood development include such things as meeting the physical, social and developmental needs of children, including those with special needs; behavior management and discipline; promoting play and physical activity; individual development variation and learning styles; infant and toddler brain development and cross cultural skills and knowledge.]

(2) nutrition and health needs of infants and children;

[(i) Nutrition and health needs of infants and children include such things as healthy menu planning, obesity prevention, benefits of and how to encourage breastfeeding for mothers returning to work, training in infectious diseases, cardio pulmonary resuscitation(CPR), first aid, health and safety practices, preventive techniques in sudden infant death syndrome, medication administration training.]

(3) child [day] care program development;

[(i) Child day care program development topics include such things as the benefits of continuity of care practices, supervision and coaching of caregivers, program variety and activity; infant, toddler, pre-school, and school age quality programming, promoting children's language development and social and emotional skills, and establishing nurturing, stimulating environments; rest time policies and procedures including meeting the needs of children who do not nap; hand washing; meeting the program needs of mixed age groups in a small day care program.]

(4) safety and security procedures;

[(i) Safety and security procedures include such things as communication between parents and caregivers, emergency preparedness and response practices and procedures, fire safety, pool and water sports safety, playground safety, supervising daily activities and family engagement techniques.]

(5) business record maintenance and management;

[(i) business record maintenance and management includes such things as training in New York State and federal requirements as a business owner and employer, child day care record keeping and documentation requirements, time maintenance, organizational skills, scheduling and coverage, supervision, and coaching of caregivers.]

(6) child abuse and maltreatment identification and prevention;

[(i) child abuse and maltreatment identification and prevention includes such things as reporting protocol; how to make a report to the Statewide Central Register; documenting incidents and daily health checks; child abuse policy/procedure including safety plan.]

(7) statutes and regulations pertaining to child [day] care;

(8) statutes and regulations pertaining to child abuse and maltreatment; and

[(i) statutes and regulations pertaining to child abuse and maltreatment includes such things as Mandated Reporter training; responsibilities of a mandated reporter; and]

(9) education and information on the identification, diagnosis and prevention of shaken baby syndrome.

Subdivision (e) of section 418-2.14 is amended to read as follows:

(e) Training received [after the application has been submitted, but] before the application has been approved and the registration granted, may be counted towards the initial fifteen (15) hours required in section 418-2.14(c)(1) of this Subpart provided that such training was completed within 12 months of registration.

Subdivision (f) of section 418-2.14 is amended to read as follows:

(f) After satisfying all [of] the training requirements for a two-year period, an individual can carry over all training hours earned within the last 90 days of the two-year period, to count toward the training requirements for the next two-year period. Individuals must still obtain a minimum of five (5) hours of training annually pursuant to section 418-2.14(c)(2) of this Part.

Subdivision (g) of section 418-2.14 is amended to read as follows:

(g) For the thirty (30) hours of training that must be received every two years, any[,] person who can demonstrate basic competency in a particular topic to the Office may determine in which of the specified topics he or she needs further study. The Office [also] may also exempt any person from participating in training on a particular topic

upon demonstration of substantially equivalent knowledge or experience related to that topic. All persons with such exemptions must still complete a minimum of thirty (30) hours of training every two years, and a minimum of five (5) hours of training each year pursuant to section 418-2.14(c)(2) of this Part.

Subdivision (k) of section 418-2.14 is amended to read as follows:

(k) All child [day] care programs must have at least one staff person, who holds a valid [certificate] certification in cardiopulmonary resuscitation (CPR) and first aid, on the premises of the child care program during the program's operating hours.

Subdivision (l) of section 418-2.14 is amended to read as follows:

(l) Cardiopulmonary resuscitation and first aid [certificates] certifications must be appropriate to the ages of the children in care. All certifications in CPR and first aid must contain an in-person competency component.

Subdivision (n) of section 418-2.14 is repealed.

Paragraph (1) of subdivision (a) of section 418-2.15 is amended to add a heading to read as follows:

(1) Obtain a Registration and Operate in Compliance with Applicable Laws and Regulations

Paragraph (6) of subdivision (a) of section 418-2.15 is amended to read as follows:

(6) The effective period of the [initial] registration for a small day care center will be up to [two] four years [and any subsequent registrations will be up to four years each]so long as the program remains in compliance with applicable laws and regulations during such periods.

Paragraph (10) of subdivision (b) of section 418-2.15 is amended to add a heading to read as follows:

(10) Inspectors, Representatives of the Office and Child Protective Services

Subparagraph (i) of paragraph (11) of subdivision (b) of section 418-2.15 is amended to read as follows:

(i) must notify the Office immediately in writing when there is any proposed change in provider;

Subparagraph (ii) of paragraph (11) of subdivision (b) of section 418-2.15 is amended to read as follows:

(ii) must submit to the Office [within 15 days of the written notification of the change in provider], prior to the start date, the name of such person and the supporting documentation needed to complete the approval process including:

(a) ...

(b) ...

(c) ...

(d) ...

(e) three (3) two acceptable references;

Subparagraph (iv) of paragraph (12) of subdivision (b) of section 418-2.15 is amended to read as follows:

(iv) Immediately upon learning of any other change that would place the small day care center out of compliance with applicable regulations;[.]

Subparagraph (v) of paragraph (12) of subdivision (b) of section 418-2.15 is added to read as follows:

(v) any change in email address for the provider or other designee when such change becomes effective; and

Subparagraph (vi) of paragraph (12) of subdivision (b) of section 418-2.15 is added to read as follows:

(vi) any change to contact information when such changes become effective.

Paragraph (14) of subdivision (b) of section 418-2.15 is amended to read as follows:

(14) The program must immediately notify the parent and Office 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:

(i) death,

(ii) serious incident,

(iii) serious injury,

(iv) serious condition,

(v) communicable [illness] disease,

(vi) transportation to a hospital[, of a child which occurred while the child was in care at the program or was being transported by the program. A serious incident includes any event in which a child requires medical attention other than routine illness, is left without competent supervision for any period of time, or leaves the program without an approved caregiver or designated person].

Paragraph (17) of subdivision (b) of section 418-2.15 is amended to add a heading to read as follows:

(17) Fire and Police Notifications

Subparagraph (i) of paragraph (17) of subdivision (b) of section 418-2.15 is amended to read as follows:

(i) Within five days after receiving the initial registration and before actually commencing operation, the registrant must, using a form specified by the Office or an approved equivalent for that purpose, notify the local police and fire departments of the municipality within which the small day care center is located of the following:

(a) ...

(b) ...

(c) ...

(d) ...

Subparagraph (v) of paragraph (21) of subdivision (b) of section 418-2.15 is amended to read as follows:

(v) the behavior management [policy] plan;

Subparagraph (ii) of paragraph (22) of subdivision (b) of section 418-2.15 is amended to read as follows:

(ii) the name(s), addresses and telephone numbers of person(s) with the legal responsibility and administrative authority for the operation of the small day care center; [and]

Subparagraph (iii) of paragraph (22) of subdivision (b) of section 418-2.15 is amended to read as follows:

(iii) the address and telephone number of the appropriate regional office of the Office which may be contacted to lodge a complaint against the small center for violations of statutory and regulatory requirements; and

Subparagraph (iv) of paragraph (22) of subdivision (b) of section 418-2.15 is added to read as follows:

(iv) a copy of the most recent compliance history report immediately after it is issued to the program by the Office.

Paragraph (23) of subdivision (b) of section 418-2.15 is amended to read as follows:

(23) Upon termination or resignation of the provider[,];

(i) An [an] acting provider must be immediately named by the registrant.

(ii) The appointment of the acting provider must be shared with the Office by the next day of business.

(iii) The acting provider must be knowledgeable about the program's operation and policies.

(iv) An approved, [A] permanent provider must be on-site, assuming the role, within [90] ninety days.

Paragraph (31) of subdivision (b) of section 418-2.15 is added to read as follows:

(31) Programs must follow safety plans developed by the Office when allegations of risk of harm to child(ren) against the program, staff, volunteer or visitor are under investigation.

Paragraph (6) of subdivision (c) of section 418-2.15 is amended to read as follows:

(6) children's individual health care plans; [records, including] parental consents for emergency medical treatment;[,] child's medical statement, [and] immunizations[;], and any available results of lead screening for children not yet enrolled in kindergarten or a higher grade only; the name and dosage of any medications used by a child, [and] the frequency of administration of such medications, [;] and a record of their administration by caregivers; daily health check documentation; [and] a record of illnesses[,] and injuries occurring while in care; and any indicators of child abuse or maltreatment;

Paragraph (11) of subdivision (c) of section 418-2.15 is amended to read as follows:

(11) personnel information including a list of all staff with job assignments and schedules; each staff and volunteer's final and, if applicable, provisional criminal history review and background check approval letter(s)[Statewide Central Register clearance results; Justice Center for the Protection of Persons with Special Needs background check forms; criminal history review information]; staff resumes; medical statements;[,] acceptable references and other information required by section 418-2.13 of this Subpart;