

Summary of Substance

This rule is necessary to implement statutory requirements pursuant to the federal Child Care and Development Block Grant Act (CCDBG) of 2014 and associated changes to the New York Social Services Law (SSL). This rule amends Title 18 of the New York State Codes, Rules and Regulations (NYCRR) Parts 413, 414, 416, and 417 and Subparts 418-1 and 418-2 so to require enhanced background checks, annual inspections, annual training, enhanced health and safety requirements in specified areas and other necessary changes.

Enhanced Background Clearances: All prospective and existing operators, employees, volunteers, and household members age 18 or older must complete enhanced criminal background checks. Individuals who are found to have been convicted of mandatory disqualifying offenses will be prohibited from having a role in any child care program. This rule will increase the safety of children in care.

Training: Every staff person and volunteer is required to obtain a minimum of five hours of training annually addressing topics or subject matters required by state and federal law. Prorating the number of training hours is no longer permitted.

Health and Safety Requirements: This rule adds health and safety mandates in accordance with the federal requirements including prevention of scalding, supervision of sleeping children, prohibition of certain passenger vans and other such health and safety requirements as included below.

Prevention of Scalding: All child care programs are required to take suitable precautions to prevent burns by contact with hot liquids.

Supervision of Sleeping Children: The Office has clarified the requirement for family day care, group family day care, and day care centers with regard to supervising sleeping children. The caregiver is required to conduct a check every 15 minutes to assess the overall safety and well-being of the children, and to make sure infant's heads are uncovered.

Prohibition of Certain Passenger Vans: The Office is prohibiting all child care programs from transporting children in a vehicle built to hold more than 10 passengers, including the driver, unless the vehicle: 1) meets the National Highway Traffic Safety Administration

definition of a school bus or a multifunction school activity bus, 2) complies with the National Highway Traffic Safety Administration Federal Motor Vehicle Safety Standards applicable to a school bus or multifunction school activity bus, and 3) is inspected per New York State Department of Transportation rules and regulations.

Safety Plans: The Office conducts collateral investigations with local child protective services (CPS) agencies. In some instances, the allegations, if true, would be reason to suspend and/or revoke the license or registration of the program. The Office will be requiring all child day care programs follow a safety plan developed by the Office during the investigation.

Identifying Unlicensed/Unregistered Programs: The Office may request attestations from parents describing the relationship of their children to the provider when investigating whether an unlicensed, unregistered program is operating a program for which a license or registration is required.

Back to Sleep: Revisions are being made to comply with the American Academy of Pediatrics recommendation of putting babies on their backs to sleep throughout the first year of life, rather than until the age of 18 months. The Office will no longer allow the use of blankets and stuffed animals in cribs with infants under 12 months of age and will require use of an appropriately sized fitted sheet.

Nutritional Content for School-Age Meal and Snack Plans: School-age child care (SACC) programs are required, as part of the regulations and the state's obesity prevention initiative, to operate in compliance with the federal Child and Adult Care Food Program (CACFP) meal patterns. SACC programs will now have their menus reviewed for nutritional content, variety and quality at the time of initial application, and once every 24 months by CACFP 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.

Health Care Consultant: Day care centers that care for infants, toddlers, or moderately ill children will need to have a health care consultant to review its health care plan and practices.

Special Health Care Needs: The Office is requiring that all staff working and substituting in classrooms that have children with special health care needs know those children's individual needs and how to obtain appropriate assistance. If these special needs include allergies, a message to this effect is to be posted in a discreet location as a reminder to staff.