New York State Child Day Care Regulations
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Part 414
School-Age Child Care

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414.1 Definitions, Enforcement and Hearings.

The provisions of Part 413 of this Title apply to this Part.

414.2 Procedures for Applying for and Renewing a Registration

(a) Applicants for a registration must submit to the Office:

(1) a completed application, including required attestations, on forms furnished by the Office or approved equivalents. Such application and attestations must include an agreement by the applicant to operate the school-age child care program in conformity with applicable laws and regulations;

(2) certificate of occupancy or other documentation from the local government authority having jurisdiction for determining compliance with the Fire Code and Building Code of New York State, or other applicable fire and building codes when the Fire and Building Code of New York State is not applicable, showing that the facility has been inspected and approved within the 12 months preceding the date of application for use as a child school age child care program, in accordance with the appropriate provisions of such code;

(3) documentation from local zoning authorities or officials, where such authorities or officials exist, that a school-age child care program is a permitted use under any zoning code applicable to the area in which the school-age child care program is located;

(4) documentation from the local health department or the New York State Department of Health showing that the facility has been inspected and approved within the 12 months preceding the date of application;

(5) where a program uses a private water supply, a report from a state licensed laboratory or individual, based on tests performed within the 12 months preceding the date of application, showing that the water meets standards for drinking water established by the New York State Department of Health;

(6) certification, on forms provided by the Office, that the building, its property and premises, and the surrounding neighborhood and environment are free from environmental hazards. Such hazards include but are not limited to, dry cleaners, gas stations, nuclear laboratories or power plants, property designated as a federal superfund clean-up site, and any property with known contaminated ground or water supplies. Where the historical or current use of the building, its property and premises, or the surrounding neighborhood indicate that an environmental hazard may be present, inspection or testing must be completed by the appropriate local official or authority to determine if such hazard exists. Documentation of the inspection or testing must be appended to the statement required by this paragraph and include a statement from the appropriate local official or authority following this inspection and/or testing that the building, its property and premises, and the surrounding neighborhood meet applicable standards for sanitation and safety;

(7) documentation from service personnel licensed by the New York State Department of State to perform fire alarm systems maintenance, repair and testing which shows that fire alarm and detection systems have been inspected, tested and maintained in accordance with the applicable requirements of the Fire Code and Building Code of New York State, or other applicable fire and building codes when the Fire and Building Code of New York State is not applicable, for use of the building as a school age child care program;

(8) documentation from service personnel qualified to perform fire suppression systems testing showing that fire suppression equipment and systems have been tested and maintained in accordance with the requirements of the Fire Code and Building Code of New York State, or other applicable fire and building codes when the Fire and Building Code of New York State is not applicable, for use of the building as a school age child care program;

(9) documentation from an inspector from 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 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 application;

(10) a diagram of the portion of the building to be occupied by the school-age child care program and all adjacent areas of such building, as required in section 414.3(a) of this Part;

(11) a description of program activities offered to meet the needs of children, as described in section 414.7(a) of this Part;

(12) a copy of the emergency plan and emergency evacuation diagram, as required in section 414.5(b) of this Part, specifying alternate means of egress;

(13) a health care plan developed in accordance with the requirements of section 414.11(c) of this Part;

(14) copies of sample menus for snacks and, where meals are provided, for meals, or a copy of the current letter of approval from the New York State Child and Adult Care Food Program;

(15) where meals are provided but are not prepared at the program, a description of food service arrangements;

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

(17) certification, on forms provided by the Office, that the applicant is in compliance with child support obligations or payments, in accordance with the requirements of section 3-503 of the General Obligations Law;

(18) certification, on forms provided by the Office, that the school-age child care program is in compliance with workers' compensation in accordance with the requirements of New York State law;

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

(i) the Statewide Central Register database form necessary to complete required screening by the Statewide Central Register of Child Abuse and Maltreatment to determine if the applicant is the subject of an indicated report of child abuse or maltreatment;

(ii) the forms 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;

(20) a description of specific procedures which will assure the safety of a child who is reported to the Statewide Central Register of Child Abuse and Maltreatment as well as other children provided care in the school age child care program, as required in section 414.10(d) of this Part;

(21) a description of the procedure to be used to review and evaluate the background information supplied by applicants for employment and volunteer positions, as required in section 414.13 of this Part;

(22) copies of the school age child care program's personnel policies and practices;

(23) a description of policies and practices regarding appropriate supervision of children as required in section 414.8 of this Part;

(24) an outline of a plan for training as required in section 414.14 of this Part, including use of both in-service training and outside training resources;

(25) a copy of a certificate of insurance from an insurance company showing the intent to provide general liability insurance to the school age child care program upon registration;

(26) when the school-age child care program is owned by an individual, corporation, partnership or other entity using a business or assumed name, a copy of the certificate of doing business under an assumed name obtained from the county clerk; and

(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.

(b) School-age child care programs located in public school buildings currently used for elementary, middle or secondary public education programs approved by the New York State Education Department are exempt from the requirements set forth in section 414.2(a)(2)-(9) of this Part. Each such program must submit a copy of the current certificate of occupancy issued by the State Education Department as part of the application. For those programs not issued such certificates of occupancy, the appropriate local equivalent, acceptable to the State Education Department, must be submitted.

(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.

(d) Applicants for a registration may not be issued a registration until an inspection of the school-age child care program has been conducted showing compliance with the requirements of this Part and the relevant provisions of the Social Services Law.

(e) Renewal. Applicants for renewal of a registration must submit to the Office at least 60 days in advance of the expiration date of the registration the following:

(1) a completed application for renewal, including required attestations, on forms furnished by the Office, or approved equivalents. Such application and

attestations must include an agreement by the applicant to operate the school-age child care program in conformity with applicable laws and regulations;

(2) certification, on forms provided by the Office, of the status of the individual applicant's child support obligations or payments, in accordance with the requirements of Section 3-503 of the General Obligations Law;

(3) certification, on forms provided by the Office, that the program is in compliance with workers' compensation in accordance with the requirements of New York State law;

(4) documentation of inspections and approvals as set forth in section 414.15(c) of this Part;

(5) documentation showing compliance with the training requirements of section 414.14 of this Part;

(6) certification, on forms provided by the Office, that the building, its property and premises, and the surrounding neighborhood and environment are free from environmental hazards. Such hazards include but are not limited to, dry cleaners, gas stations, nuclear laboratories or power plants, property designated as a federal superfund clean-up site, and any property with known contaminated ground or water supplies. Where the historical or current use of the building, its property and premises, or the surrounding neighborhood indicate that an environmental hazard may be present, inspection or testing must be completed by the appropriate local official or authority to determine if such hazard exists. Documentation of the inspection or testing must be appended to the statement required by this paragraph and include a statement from the appropriate local official or authority following this inspection and/or testing that the building, its property and premises, and the surrounding neighborhood meet applicable standards for sanitation and safety;

(7) documentation from the local health office or the New York State Department of Health showing that the facility has been inspected and approved within the 12 months preceding the date of application for renewal;

(8) where a program uses a private water supply, a report from a state licensed laboratory or individual, based on tests performed within the 12 months preceding the date of the application for renewal, showing that the water meets the standards for drinking water established by the New York State Department of Health;

(9) documentation from service personnel licensed by the New York State Department of State to perform fire alarm systems maintenance, repair and testing which shows that fire alarm and detection systems have been inspected, tested and maintained during the current registration period in accordance with the applicable requirements of the Fire and Building Code of New York State;

(10) documentation from service personnel qualified to perform fire suppression systems testing showing that fire suppression equipment and systems have been tested and maintained during the current registration period in accordance with the requirements of the Fire and Building Code of New York State, or other applicable fire and building codes when the Fire and Building Code of New York State is not applicable, for use of the building as a school age child care program;

(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;

(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

(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.

(f) Applicants for renewal of a registration may not be issued a registration until an inspection of the program has been conducted showing compliance with the requirements of this Part and the relevant provisions of the Social Services Law.

(g) School-age child care programs located in public school buildings currently used for elementary, middle or secondary public education programs approved by the New York State Education Department are exempt from the requirements set forth in section 414.2(e)(6)-(11). Each such program must submit a copy of the current certificate of occupancy issued by the State Education Department as part of the application for renewal. For those programs not issued such certificates of occupancy, the appropriate local equivalent, acceptable to the State Education Department, must be submitted.

414.3 Building and Equipment

(a) Each applicant must submit to the Office a diagram of the proposed school-age child care program at the time of application for registration.

(1) The diagram must be labeled with the planned occupancy or use of all areas of the building and all outside areas to be used or occupied by the school-age child care program. The diagram must show: room dimensions; the age group(s) using each room; the size of the group(s) using each room; kitchen

and bathrooms for children and staff; exits; alternate means of egress; plumbing fixtures such as toilets, sinks and drinking fountains; and the outdoor play area showing its relationship to the building.

(2) Whenever change(s), addition(s) or expansion(s) are proposed which will affect, or reasonably may be expected to affect, those portions of the building designated for the care of children or for their egress in case of an emergency, the program must receive written approval from the Office prior to initiating such change(s), addition(s), or expansion(s).

(b) Areas that will be used by the children must be well-lighted and well-ventilated. Heating, ventilation and lighting equipment must be adequate for the protection of the health of the children.

(c) Before any change is made, the Office must be notified and must approve the re-designation of a classroom to a different age group of children.

(d) A temperature of at least 68 degrees Fahrenheit must be maintained in all rooms to be occupied by children.

(e) Children who require a rest period must be provided with clean, safe and sanitary individual sleeping arrangements.

(f) Toxic paints or finishes must not be used on room surfaces, furniture or any other equipment, materials or furnishings which may be used by children or are within their reach.

(g) Peeling or damaged paint or plaster must be repaired.

(h) Concrete floors used by the children must be covered with appropriate material.

(i) Readily accessible outdoor play space which is adequate for active play must be provided. Outdoor space may include public parks, school yards or public play areas. A written diagram outlining how children will safely travel to and from this location must be developed and approved by the Office.

(j) Toilet facilities and wash basins.

(1) Convenient, adequate and sanitary toilet facilities must be provided for the children in a separate, properly ventilated room readily accessible to children.

(2) Toilets must be in private stalls or have other provisions that ensure privacy.

(3) One sanitary toilet and one wash basin must be available for every group of 20 children, or part thereof.

(k) Adequate and safe water supply and sewage facilities must be provided and must comply with State and local laws. Hot and cold running water must be available and accessible at all times.

(l) All buildings used for school-age child care programs must remain in compliance with the applicable provisions of the Fire Code and Building Code of New York State or other applicable fire and building codes when the Fire Code and Building Code of New York State is not applicable.

(1) Any part of any building used as a school age child care program shall meet the requirements applicable under the Fire Code and Building Code of New York State or other applicable fire and building codes as appropriate to the ages of the children in care.

(2) Buildings, systems and equipment must be kept in good repair and operate as designed.

(m) The building number of the day care program shall be conspicuously displayed and visible from the street.

(n) Children must be accommodated in rooms having a minimum of 35 square feet for each child, unless the room is used solely for activities where children will be seated while working on a particular activity or skill, then the room shall have a minimum of 20 square feet for each child.

(i) Areas used for staff lounges, storage spaces, halls, bathrooms, kitchens and offices may not be used in calculating the 35 square feet per child requirement.

(ii) When determining total program capacity, there must be 35 square feet per child available. Areas used for large motor activity may only be counted toward the 35 feet per child if this space is available and dedicated for the sole use of the program during program hours.

(o) There must be a separate quiet area, which can be adequately supervised, for children who become ill or who develop symptoms of illness.

414.4 Fire Protection

(a) Suitable precautions must be taken to eliminate all conditions which may contribute to or create a fire hazard.

(b) Evacuation drills.

(1) Evacuation drills must be conducted at least monthly during various hours of operation of the school age child care program.

(2) When conducting evacuation drills the exit route must be varied to ensure that all approved means of egress are practiced.

(3) When morning and afternoon shifts of care are provided, such drills must be conducted monthly during each shift of care.

(4) The program must maintain on file a record of each evacuation drill conducted, using forms furnished by the Office or approved equivalents.

(c) Fire detection, alarm and firefighting equipment appropriate to the type of building construction, size, height and occupancy must be provided maintained and operate as designed.

(d) All fire alarm and detection systems must be inspected, tested and maintained in accordance with the applicable requirements of Fire Code and Building Code of New York State or other applicable fire and building codes when the Fire Code and Building Code of New York State is not applicable.

(1) All such inspections, testing and maintenance must be conducted by service personnel licensed by the New York State Department of State to perform fire alarm systems maintenance, repair and testing.

(2) All staff must be instructed in the function and operation of fire alarm and detection systems used in the school-age child care program.

(e) All fire suppression equipment and systems must be tested and maintained in accordance with the applicable requirements of the Fire Code and Building Code of New York State or other applicable fire and building codes when the Fire Code and Building Code of New York State is not applicable.

(1) All such inspections, testing and maintenance must be conducted by service personnel qualified to perform fire suppression systems maintenance, repair and testing.

(2) All staff must be instructed in the function and operation of fire suppression equipment and systems used in the school-age child care program.

(f) Adequate means of egress must be provided. Children may be cared for only on such floors as are provided with readily accessible alternate means of egress to other floors, in the case of fire-resistant buildings, and to the outside in the case of non-fire-resistant buildings.

(1) Designated means of egress must be remote from each other.

(2) All corridors, aisles, and approaches to exits must be kept unobstructed at all times.

(g) Trash, garbage and combustible materials must not be stored in the furnace room or in rooms or outdoor areas adjacent to the facility that are ordinarily occupied by or accessible to children.

(h) The director or a designated qualified staff member must conduct monthly inspections of the premises to observe possible fire and safety hazards. Any such hazard must be corrected immediately.

(i) A record of all inspections and all corrections must be maintained at the program or at a central location available for review upon request.

(j) Steam or hot water boilers must be inspected and approved in accordance with the requirements of the New York State Department of Labor by an inspector from the New

York State Department of Labor or by an insurance company which is licensed to write boiler insurance in the State. All other fuel burning heating systems and equipment and boilers not subject to the New York State Department of Labor requirements must be serviced by a heating contractor once every 24 months.

414.5 Safety

(a) Suitable precautions must be taken to eliminate all conditions in areas accessible to children which pose a safety or health hazard.

(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.

(b) The program must submit a written Emergency Plan and Emergency Evacuation Diagram using forms furnished by the Office or an approved equivalent form. Primary emphasis must be placed on the safe and timely evacuation and relocation of children. The plan must account for the variety of needs of children, including those with disabilities.

(1) The plan, as submitted with the application or changed thereafter, must be reviewed with the parents of the children in the program and all staff that work in the program.

(2) The Emergency Evacuation Diagram, as approved by the Office, must be posted in a conspicuous place in every room used by the school age child care program.

(3) The Emergency Plan must include the following:

(i) how children and staff will be made aware of an emergency;

(ii) a designation of primary and secondary evacuation routes;

(iii) methods of evacuation, including where children and staff will meet after evacuating the building, and how attendance will be taken;

(iv) a plan for the safe evacuation of children from the premises, for each shift of care (morning and afternoon);

(v) the designation of primary and secondary emergency relocation sites to be used in the case of an emergency, which prohibits re-entry to the child care premises, and how the health, safety and emotional needs of children will be met in the event it becomes necessary to evacuate to another location;

(vi) a strategy for sheltering in place, and how the health, safety and emotional needs of children will be met in the event it becomes necessary to shelter-in-place;

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

(viii) roles of staff; and

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

(4) Each program must hold two shelter-in-place drills annually during which procedures and supplies are reviewed. Parents must be made aware of this drill in advance.

(5) The program must maintain on file a record of each shelter-in-place drill conducted, using forms provided by the Office or approved equivalents.

(6) Parents must be made aware of the primary and secondary relocation sites and any changes to the plan in advance. In the case that a program is directed to a different location by emergency services, the program must notify parents and the Office as soon as possible. In the event that relocation is required, a written notice must be placed on the main entry to the child care space unless an immediate threat precludes the program from doing so.

(7) Each program must have on site a variety of supplies including food, water, first aid and other safety equipment to allow for the protection of the health and safety of children in the event parents are unable to pick up children due to a local disaster. The plan must take into account a child's needs for an overnight stay. Food supplies must be non-perishable and of sufficient quantity for all children for an overnight stay. Programs that serve food daily and have a food supply stored on site for their daily operation or are co-located at a site with a cafeteria, pantry or eatery of some kind are not required to store emergency food or water supplies if they can show that they have access to and permission to use those foods in a declared emergency.

(c) Portable electric heaters or other portable heating devices, regardless of the type of fuel used, may not be used in school-age child care programs.

(d) Whenever the heating system is in use, pipes and radiators accessible to children must have barriers or covers to protect children from injury, unless rooms are only used for sedentary activities such as homework, arts and crafts. Radiators and pipes accessible to children, located in rooms used for physical activity and active play must have barriers or covers to protect children from injury whenever the heating system is in use.

(e) Porches, decks and stairs 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, banisters, intermediate rails, and heavy screening.

(f) Barriers must exist to prevent children from gaining access to unsafe areas. Such areas include, but are not limited to, swimming pools, drainage ditches, wells, ponds, or

other bodies of open water, holes, wood and coal burning stoves, fireplaces, pellet stoves, permanently installed gas space heaters, or any other unsafe area.

(g) The use of pools that have not received a Department of Health permit to operate, spa pools and all fill-and-drain wading pools are prohibited

(1) No child shall participate in aquatic activities including, fishing, boating, swimming or any other activity on a body of water without a certified lifeguard present.

(a) The certified lifeguard can be either a staff person of the program, or an employee of the venue.

(b) If provided by the school age child care program, the certified lifeguard must be certified for the body of water they are supervising children in or near.

(2) No child shall participate in activities at or near a body of water, without a staff person who is certified in cardio-pulmonary resuscitation and first aid present.

(3) Only those swimming pools and bathing beaches that have a valid permit to operate issued from the local health department having jurisdiction for the bathing facility or those operated by a government agency may be used.

(4) The program shall develop and implement a method to keep track of the location and maintain safety for all children during swimming and other off-site activities. The program shall establish and follow a written plan which details the system of supervising and checking swimmers. This includes a plan for children who are non-swimmers. In addition, a plan for a lost swimmer must be established.

(5) All staff attending the aquatic activity must review the aquatic activity plan before departing for the activity.

(h) Public swimming pools and adjacent areas used by the children must be constructed, maintained, staffed and used in accordance with Chapter 1, subpart 6-1, of the New York State Sanitary Code, and in such a manner as will safeguard the lives and health of children.

(i) When swimming is included as part of the program activities each child shall have a signed statement of permission from the parent to participate.

(j) All field trips with an itinerary that includes an activity where emergency medical care is not readily available and/or an activity such as, but not limited to, wilderness hiking, rock climbing, horseback riding, bicycling, must be accompanied by a staff who possess a current first aid certificate and Cardio Pulmonary Resuscitation (CPR) certification.

(k) If off-site events are part of the program's activities, the school age child care program must develop and share with its program staff written plans that cover field trip

events. The safety plan must at least include requirements set in 414.5(g), 414.6 and 414.8(o).

(l) Animals and pets.

(1) Any animal present at the program must present no evidence of disease or parasite and pose no threat.

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

(3) All required vaccinations must be kept current.

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

(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.

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

(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.

(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.

(m) Communication.

(1) The school age child care program must have immediate access to a minimum of one working landline telephone for general use and emergencies. A working mobile phone(s) is permitted for the purpose of promoting children's safety and ensuring the orderly operation of the program, but its use does not remove the requirement for a designated on-site landline telephone.

(2) 911 and the Poison control phone number must be posted conspicuously on or next to all stationary telephones designated for the school age child care program's use.

(3) Devices used for purposes of caller identification or call blocking shall not be used to block in-coming calls from parents of children in care, representatives of the Office or agents of the state or local government during the hours of operation of the child day care program.

(n) Materials and play equipment.

(1) Materials and play equipment used by the children must be sturdy and free from rough edges and sharp corners.

(2) Play equipment must be installed and used in accordance with the manufacturer's specifications and instructions, be in good repair, and be placed in a safe location.

(3) Play equipment must be used in a safe manner.

(4) Play equipment and apparatus may be used only by the children for whom it is developmentally appropriate.

(5) All programs that substantially modify, or install new, outside play equipment must do so in accordance with the U.S. Consumer Product Safety Commission's Public Playground Safety Handbook.

(o) Clear interior or exterior glass doorways must be marked clearly to avoid accidental impact.

(p) Glass in outside windows less than 32 inches above the floor level must be of safety grade or otherwise protected by use of barriers to avoid accidental impact.

(q) Windows above the first floor that are accessible to children and present a fall hazard must be protected by permanent barriers or restrictive locking devices to prevent a window from opening fully thus preventing children from falling out the windows.

(r) An operable flashlight or battery powered lantern must be kept in the child care area. Such equipment must be properly maintained for use in the event of a power failure.

(s) Door latches, locks and covers

(1) Every closet door latch in rooms used by the program, must be constructed to enable children to open the door from inside the closet.

(2) Every bathroom door lock must be designed to permit opening of the locked door from the outside in an emergency. The opening device must be readily accessible to the staff.

(3) Egress doors from the program must be able to be opened from inside without using a key.

(t) Operating carbon monoxide detectors and alarms must be located in accordance with applicable laws.

(u) The use of trampolines by day care children is prohibited, except for small one person exercise trampolines.

(v) All matches, lighters, medicines, drugs, cleaning materials, detergents, aerosol cans and other poisonous or toxic materials must be stored in their original containers. Such materials must be used in such a way that they will not contaminate play surfaces, food or food preparation areas, or constitute a hazard to children. Such materials must be kept in a place inaccessible to children.

(w) Cleaning materials must be stored in their original containers unless the product's use or the program's health care plan indicates that the product be mixed with water before use. In this case, the container used for subsequent use of the mixed product must state the name of the cleaning material contained within. Cleaning materials must be used in such a way that they will not contaminate play surfaces, food or food preparation areas, or constitute a hazard to children. Such materials must be kept in a place inaccessible to children.

(x) Firearms, shotguns and rifles are prohibited at the child care program, except that nothing in this section shall be construed to prohibit a police officer or peace officer, as those terms are defined in section 1.20 of the criminal procedure law, or a security guard, as defined in section 89-f of the general business law, from possessing a firearm, shotgun or rifle on the premises for the protection of the child care program. Each child care program shall post signs providing notification of such prohibition that read: "No firearms, shotguns or rifles are permitted on these premises." Such signs, not less than eight and one-half inches by eleven inches, shall be posted in a prominent manner and within reasonable distance of each entrance of the child care program. Such signs shall be distributed by the Office of Children and Family Services.

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

414.6 Transportation

(a) The program must obtain written consent on forms furnished by the Office or approved equivalents from the parent of the child for any transportation of the children in care at the school-age child care program provided or arranged for by the program.

(b) When transportation is provided or arranged for by the program, parents must be informed when the person who is providing transportation changes.

(c) Parents must be informed of and agree to a transportation plan before a child can be transported by the program.

(d) A child must never be left unattended in any motor vehicle or other form of transportation. The program must develop and follow procedures to guarantee no children are left alone on a bus, vehicle or other transportation modes without adult supervision at any time, including insuring all children have departed the vehicle.

(e) Each child must board or leave a vehicle from the curbside of the street.

(f) All children must be secured in child safety seats properly installed per manufactures recommendation, or with safety belts, as appropriate for the age of the child in accordance with the requirements of the Vehicle and Traffic Law, before any child may be transported in a motor vehicle where such transportation is provided or arranged for by the program.

(g) Programs that offer transportation services either directly or by contract with a third party must ensure that drivers and vehicles meet all Department of Motor Vehicles and Department of Transportation requirements.

(h) Drivers must be 18 years of age or older and hold a current valid license to drive the class of vehicle they are operating.

(i) Any motor vehicle, other than a public form of transportation, used to transport children in care at the school age child care program must have a current registration and inspection sticker.

(j) Parents whose children receive transportation services must receive, at the time of enrollment of their children, a copy of the program's transportation plan. If the plan is amended, parents must receive a copy of the amended plan prior to its start date.

(k) No person transporting child care children shall operate a motor vehicle while using a mobile phone, or other electronic communication device, including hands-free devices. All communications made or received by the driver while the motor vehicle is in use for the transportation of child care children must be made from a legally permitted parked position off the road.

(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.

414.7 Program Requirements

(a) A written daily schedule of program activities and routines is required.

(1) The program must establish and implement a written daily schedule of an organized, informal and non-scholastic program activities appropriate to the age, needs and interests of the children, including children with disabilities. There must be physical activity, appropriate to the ages of the children in care, every day.

(b) Children must receive instruction, consistent with their age, needs and circumstances, in techniques and procedures which will enable them to protect themselves from abuse and maltreatment.

(c) The program must make a sufficient quantity and variety of materials and play equipment available to the children. Such materials and equipment must be appropriate to the ages of the children and their developmental levels and interests, including children with developmental delays or disabilities, and promote the children's cognitive, educational, social, cultural, physical, emotional, language and recreational development.

(d) Children may not spend the majority of their program time in rooms used solely for activities where children will be seated while working on a particular activity or skill.

(e) Children must be provided an opportunity to choose between quiet activities and active play.

(f) Children must be provided with a program of self-initiated, group-initiated and staff-initiated activities which are intellectually stimulating, and foster self-reliance and social responsibility.

(g) Program activities which offer reasonable regularity in routines, including snack and meal periods, quiet activities and active play, and activities which provide children with opportunities for learning and self-expression is required.

(h) If television or other electronic visual media is used, it must be part of a planned developmentally appropriate program with an educational, social, physical or other learning objective that includes identified goals and objectives. Television and other electronic visual media must not be used solely to occupy time.

(1) Television and other electronic visual media must be turned off when not part of a planned developmentally appropriate program activity.

(2) Children must not watch television or other electronic visual media during meals.

(3) Children's exposure to age and developmentally appropriate television and other screen time activities must be balanced with other program components that engage children in active physical, intellectual and creative activities.

(i) At the time of the child's admission to the program, the program must furnish parents with appropriate instructional materials that will assist them in evaluating the program, and its staff. Such materials must include information concerning child abuse and maltreatment, and guidance on the steps the parent may take if they suspect their child has been abused or maltreated.

(j) The program must offer information about other community resources to families when they are in need of supportive social services not otherwise provided by the school age child care program.

414.8 Supervision of Children

(a) Children cannot be left without competent direct supervision at any time. Competent supervision includes awareness of and responsibility for the ongoing activity of each child. It requires that all children be within a teacher's range of vision and that the teacher be near enough to respond when redirection or intervention strategies are needed. Competent supervision must take into account the child's age emotional, physical, and cognitive development.

(b) School-age child care programs must employ staff who will promote the physical, intellectual, social, cultural and emotional well-being of the children.

(c) The school-age child care program must provide supervision of the staff responsible for the care of children. Workloads and assignments must be arranged to provide consistency of care to children and to allow staff to fulfill their respective responsibilities.

(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.

(e) A group teacher, meeting the qualifications of section 414.13, is required for every group of children.

(f) An additional group teacher or an assistant teacher is required when the number of children in the group dictate that a second teacher be present to meet the teacher/child ratio.

(g) Whenever the school-age child care program is in operation and the director is away from the premises, there must be a staff person to act on behalf of the director, who is knowledgeable about the programs operation and policies.

(h) A staff person who is qualified to perform the duties of an absent staff member must be provided when needed to comply with the applicable teacher/child ratios.

(i) In other than emergency situations such as illness or accident, parents must be notified in writing 2 weeks prior to any long-term absence of the teachers. This notice must include specific start and end dates of the absence and who will be taking the teacher's place in the day care program.

(j) When a school-age child care program is in operation, an adequate number of qualified staff must be on duty to protect the health and safety of the children in care.

Minimum Supervision Ratios Based on Group Size

AGE OF CHILDREN	TEACHER/CHILD MAXIMUM RATIO	MAXIMUM GROUP SIZE
through 9 years	1:10	20
10-12 years	1:15	30

(k) The supervision ratios are as follows:

(1) for a child of school-age through the age of nine years old:

(i) there must be one teacher for every ten children;

(ii) the maximum group size is twenty children.

(2) for children between the ages of ten years old and twelve years old:

(i) there must be one teacher for every fifteen children;

(ii) the maximum group size is thirty children.

(l) Group size and mixing different age children within groups.

(1) Group size refers to the number of children cared for together as a unit. Group size is used to determine the minimum teacher/child ratio based upon the age of the children in the group.

(2) Group size must be maintained in common areas of the building and grounds.

(3) Groups of children may not be mixed together to use outdoor play areas, exercise areas, gym rooms or other common areas of the center unless, the space is large enough to accommodate multiple groups which must be kept separate.

(4) When a school-age child care program cares for children in groups including children both over and under 10 years of age, the teacher/child ratio used must be that ratio applicable to the youngest child in the group.

(m) There must be a director, group teacher or assistant teacher supervising all applicants, volunteers and persons in the process of approval.

(n) The use of any type device for social or entertainment purposes, listening to music on headphones, playing screen games, using the internet, or making personal calls while supervising children is prohibited. The use of mobile phones is permitted as necessary to promote the children's safety and ensuring the orderly operation of the program.

(o) The director must approve all plans for field trips, including the type of activity, development needs of children and whether there is the need for additional staff to provide adequate supervision. Such plans must take into consideration the developmental needs of the children.

(p) Releasing children from care.

(1) No child can be released from the school-age child care program to any person other than his or her parent(s), person currently designated in writing by such parent to receive the child, or any other person authorized by law to take custody of a child.

(2) No child can be released from the school-age child care program unsupervised except upon written permission of the child's parent. Such permission must be acceptable to the school-age child care program and should take into consideration such factors as the child's age and maturity, proximity to his or her home, and safety of the neighborhood.

(3) When transportation is provided as a service by the program, no child can be released from the day care program directly to the child's home or other destination without first verifying that the parent or person(s) designated by the parent to receive the child is present at that destination to receive the child.

(q) Visitor control procedures.

(1) Each school-age child care program shall require any and all visitors to the facility to:

(i) sign in upon entry to the premises;

(ii) indicate in writing the date of the visit and the time of entry to the facility;

(iii) clearly state in writing the purpose of the visit; and

(iv) sign out upon departure from the facility indicating in writing the time of departure.

(2) Each school-age child care program shall establish written rules and policies as are necessary to provide for monitoring and control of visitors to protect the health, safety and welfare of children in care.

(r) A teacher must accompany children to the bathroom whenever the bathroom used by the children in care is also available to the public or shared by multiple parties using the facility.

(s) When bathrooms are exclusively used by the children at the school age child care program, children may go to the bathroom independently under the following circumstances:

(1) the bathroom entrance is within sight of the child care space or activity area being used at the time the child asks to use the bathroom; and

(2) the child has permission from the teacher; and

(3) a plan is followed that allows one child at a time to use the bathroom; and

(4) there is a plan followed that requires a teacher to be mindful of the time elapsing since the child left to use the bathroom; and

(5) that a teacher locates the child using the bathroom, if that child does not return to the group after a reasonable time period has elapsed.

414.9 Behavior Management

(a)The program must establish and follow a written plan for behavior management that is acceptable to the office. This plan must include how the staff will approach challenging behaviors, help children solve problems and encourage acceptable behaviors.

(b) The staff must use acceptable techniques and approaches to help children solve problems.

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

(d) Behavior management must promote self-esteem in children and guide children in such a way as to help each child develop self-control and assume responsibility for his or her actions through clear and consistent rules and limits appropriate to the ages and development of the children in care.

(e) Any discipline used must relate to the child's action and be handled without prolonged delay on the part of the staff so that the child is aware of the relationship between his or her actions and the consequences of those actions.

(f) Isolating a child in a closet, darkened area, or any area where the child cannot be seen and supervised by a staff member is prohibited.

(g) Where a child's behavior harms or is likely to result in harm to the child, others or property, or seriously disrupts or is likely to seriously disrupt group interaction, the child may be separated briefly from the group, but only for as long as is necessary for the child to regain enough self-control to rejoin the group. The child must be placed in an area where he or she is in the view of, and can be supervised and supported by, a staff member. Interaction between a staff member and the child must take place immediately following the separation to guide the child toward appropriate group behavior. Separation of a child from the group in a manner other than that provided for herein is prohibited.

(h) Physical restraint is prohibited. Physical restraint is the act of using force to extremely limit a child's body movements for a lengthy period of time. It involves holding a child against his/her will and putting pressure on the child's chest and/or extremities in an effort to significantly restrict his/her movement, thereby making it extremely difficult for a child to move. It may also involve holding a child flat on the ground and restricting his/her body from movement.

(i) Physical intervention is permitted. Physical intervention is the act of using bodily contact as a short-term immediate response to prevent children from incurring substantial or serious injury to themselves or injuring others. It may involve: picking a child up and moving him or her away from danger or conflict, holding the child's hands or gently touching the body to direct their movement, rocking a child to soothe them, blocking a child's path when they are about to injure themselves or others or destroy property. This technique allows the child to regain self-control as quickly and safely as possible. A consultation with a child's parent is required if the child is not receptive to physical intervention.

(j) Corporal punishment is prohibited. For the purposes of this part, the term corporal punishment means punishment inflicted directly on the body including, but not limited to, physical restraint, spanking, biting, shaking, slapping, twisting or squeezing; demanding excessive physical exercise, prolonged lack of movement or motion, or strenuous or bizarre postures; and compelling a child to eat or have in the child's mouth soap, foods, hot spices, irritants or the like.

(k) Withholding or using food, or rest as a punishment is prohibited.

(l) A child may only be disciplined by a director, group teacher or assistant teacher.

(m) Methods of discipline or interaction which frighten, demean or humiliate a child are prohibited.

414.10 Child abuse and Maltreatment

(a) Any abuse or maltreatment of a child is prohibited. A school-age child care program must prohibit and may not tolerate or in any manner condone an act of abuse or maltreatment by a staff, volunteer or any other person. An abused child or maltreated child means a child defined as an abused child or maltreated child pursuant to section 412 of the Social Services Law.

(b) Screening requirements for school-age child care programs registered with the Office are as follows:

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

(i) School-age child care programs must submit to the Office the information necessary to inquire of the Statewide Central Register of Child Abuse and Maltreatment whether any prospective 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. 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.

(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 prospective operator, director, employee, or volunteer.

(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) an inquiry will be made to determine whether such person is the subject of an indicated report of child abuse or maltreatment on file with the Statewide Central Register of Child Abuse and Maltreatment, and

(ii) an inquiry will be made to determine whether such person 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 per Section 495 of the Social Services Law.

(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.

(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 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) school age child care program 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) After making the initial report, the reporting staff person must immediately notify the director or registrant of the school age child care program that the report was made.

(d) The director or registrant of the school-age child care program is responsible for implementing procedures which ensure the safety and protection of any child named in a report of child abuse or maltreatment involving a situation which occurs while the child is in attendance at the program. Immediately after making or causing to be made a report pursuant to section 414.10(c), the director or registrant of the program must take such appropriate action as is necessary to ensure the health and safety of the children involved in the report and, as necessary, of any other children in the care of the program. The director or registrant must also take all reasonable steps to preserve any potential evidence of abuse or maltreatment. Insofar as possible, any action taken under this subdivision must cause as little disruption as possible to the daily routine of the children in the program.

(e) In meeting his or her responsibilities pursuant to section 414.10, the director or registrant of the school-age child care program may, consistent with any appropriate collective bargaining agreements or applicable provisions of law, take one or more of the following actions with regard to staff of the program relevant to a report of child abuse or maltreatment involving a child while in attendance at the program:

(1) dismissal, suspension or transfer of any staff, volunteer or other person who is the subject of a child abuse or maltreatment report;

(2) increased supervision over a person who is the subject of a report;

(3) provision of instruction and/or remedial counseling to a person who is the subject of a report;

(4) initiation of appropriate disciplinary action where applicable; and/or

(5) provision of appropriate training to and/or increased supervision of staff and/or volunteers pertinent to the prevention and remediation of child abuse and maltreatment.

414.11 Health and Infection Control

(a) Child Enrollment Requirements.

(1) The program must obtain an individual health plan for any child identified as a child with special health care needs, prior to the child being in attendance at the program.

(i) A child's individual health care plan must provide all information needed to safely care for the child.

(ii) A child's individual health care plan must be developed with the child's parent and health care provider.

(b) Staff and Volunteers Health Requirements.

(1) Staff and volunteers must each submit a medical statement on forms furnished by the Office or an approved equivalent from a health care provider:

(i) at the time of initial school age child care program application;

(ii) before such person has any involvement in child care work.

(2) Thereafter a medical statement will be required when an event or condition reasonably calls into question a staff person's ability to provide safe and suitable child care.

(3) Initial medical statements sent in with the application or as a result of a new hire must be dated within 12 months preceding the date of application or hiring date.

(4) The medical statement must give satisfactory evidence that the individual is physically fit to provide child day care and has no diagnosed psychiatric or emotional disorder which would preclude such individual from providing child day care.

(5) All staff and volunteers must be free from communicable disease unless his/her health care provider has indicated that the presence of the communicable disease does not pose a risk to the health and safety of the children in care.

(6) The initial medical statement for staff and volunteers must include the results of a Mantoux tuberculin test or other federally approved tuberculin test performed within the 12 months preceding the date of the application.

(7) After the initial medical statement, tuberculin tests are only required at the discretion of the staff person's or volunteer's health care provider or at the start of new employment.

(8) Consumption of, or being under the influence of, alcohol by any staff person or volunteer is prohibited during child day care hours.

(9) Consumption of or being under the influence of an illegal drug by any staff person or volunteer is prohibited during child day care hours.

(10) Consumption of or being under the influences of a controlled substance by any staff person or volunteer is prohibited during day care hours, unless the controlled substance is prescribed by a health care provider is being taken as directed, and does not interfere with the person's ability to perform his or her child day care functions.

(11) Smoking in indoor or outdoor areas in use by children and in vehicles when children are occupying the vehicles is prohibited.

(12) The director and all teachers must have knowledge of and access to children's individual health records and all emergency information.

(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.

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

(c) The Health Care Plan.

(1) The registrant must prepare a health care plan on forms furnished by the Office. Such plan must protect and promote the health of children. The health care plan must be on site, followed by all staff and available upon demand by a parent or the Office. In those instances in which the program will administer medications, the health care plan must also be approved by the program's health care consultant unless the only medications to be administered are:

(i) over-the-counter topical ointments, lotions and creams, sprays, including sunscreen products and topically applied insect repellant; and/or

(ii) epinephrine auto injectors, diphenhydramine in combination with the auto injector, asthma inhalers and nebulizers.

(2) The health care plan must describe the following:

(i) how a daily health check of each child for any indication of illness, injury, abuse or maltreatment will be conducted and documented;

(ii) how a record of each child's illnesses, injuries and signs of suspected abuse or maltreatment will be maintained;

(iii) how professional assistance will be obtained in emergencies;

(iv) the advance arrangements for the care of any child who has or develops symptoms of illness or is injured, including notifying the child's parent;

(v) which designated staff will be administering medication. The plan must state that only a trained, designated staff may administer medications to children, except in those programs in which the only administration of medications offered will be the administration of over-the-counter topical ointments, lotions, creams, and sprays including sunscreen products and topically applied insect repellant.

(vi) the contents of the first aid kit;

(vii) that the trained designated staff person may only administer medications to children if the designated staff person is:

(a) at least 18 years of age,

(b) possesses a current certification in first aid and cardio-pulmonary resuscitation (CPR) appropriate to the ages of the children in care,

(c) and has completed the Medication Administration Training (MAT) pursuant to section 414.11(e) or in the case of administering epinephrine auto injectors, Diphenhydramine in combination with the auto injector, asthma inhalers and nebulizers has received training on its use from the parent, health care provider or a health care consultant;

(viii) the designation of the health care consultant of record for programs, as indicated in section 414.11(c)(1) of this Part; and

(ix) When a health care consultant is required to approve a health care plan the schedule of visits by a health care consultant to programs administering medications, must occur at least once every two years and must include a review of the health care policies and procedures and a review of the documentation.

(d) Health Care Consultant.

(1) Programs must demonstrate to the health care consultant how medications are administered in the program. A program is not required to schedule a visit

with a health care consultant or include a schedule of visits by a health care consultant in their health care plan when:

(i) only over-the-counter topical ointments, lotions, creams and sprays, including sunscreen products and topically applied insect repellant are administered; and/or

(ii) epinephrine auto injectors, diphenhydramine in combination with the auto injector, and asthma inhalers and nebulizers are the only medications administered in the program.

(2) Should the health care consultant determine, after a visit to the day care program, that the approved health care plan is not being reasonably followed by the program, the health care consultant may revoke his or her approval of the plan. If the health care consultant revokes his or her approval of the health care plan, the health care consultant must immediately notify the registrant and the registrant must immediately notify the Office, no longer than 24 hours later. In that instance, the health care consultant may also notify the Office directly if he or she so desires.

(3) A program authorized to administer medications, which has had the authorization to administer medications revoked, or otherwise loses the ability to administer medications, must advise the parent of every child in care before the next day the program operates that the program no longer has the ability to administer medications.

(4) A program, whose health care consultant terminates his or her relationship with the program, will be granted a 60 day-grace period to hire another health care consultant, obtain approval of a health care plan from the new health care consultant and submit the plan to the office without the child care program losing the ability to administer medications as long as:

(i) the former health care consultant did not revoke his or her approval prior to terminating the relationship with the child care program;

(ii) Staff who have been trained in medication administration are available to continue administration of medications as per the health care plan;

(iii) the child care program follows the approved health care plan, as currently written, for the 60-day period;

(iv) the child care program notifies the Office, within 24 hours, of the termination of the relationship with the health care consultant; and

(v) the child care program has the newly hired health care consultant review and approve the health care plan and sends the signed approved health care plan to the Office before the sixty-day window expires.

(5) Once the sixty-day period has expired if no health care plan approval is issued, the child care program will be issued a new registration, which will state

that it is no longer able to administer medications other than over-the-counter topical medications and emergency medications.

(e) Training for the Administration of Medications.

(1) All staff, except those excluded pursuant to sections 414.11(e)(5), 414.11(f), and 414.11(h)(5), of this Part who have agreed to administer medication must complete the Office-approved medication administration training or an Office-approved equivalent before administering medications to children in day care. The certification of training in the administration of medications to children in day care shall be effective for a period of three-years from the date of issuance. The staff person must complete a recertification training approved by the Office in order to extend the certification for each additional three-year period. Where a certification lapses, the staff person may not be recertified unless the staff person completes the initial medication administration training or the recertification training, as required by the office. Where enforcement action has been taken against the registrant based on a failure by the program to comply with requirements for the administration of medications set forth in 414.11, the office may require retraining or may prohibit a staff person from being involved in the administration of medications.

(2) Staff who will be responsible for administering medications must receive training in the methods of administering medications prior to administering any medications in a child day care setting. Upon completion of the training, the staff person must receive a written certificate from the trainer that indicates that the trainee has successfully completed this training program, as required, and demonstrated competency in the administration of medications in a day care setting.

(i) In order to be trained in the administration of medications in a day care setting, a staff person must be literate in the language or languages in which health care instructions from parents and health care providers will be received.

(ii) Persons who receive training in the administration of medications in day care settings pursuant to this section may not otherwise administer medications or represent themselves as being able to administer medications except to the extent such persons may be able to do so in accordance with the relevant provisions of the Education Law.

(3) The training in the administration of medications must be provided by a health care provider or registered nurse who has been certified by the office to administer the office approved curriculum.

(4) The training must be documented and must include, but need not be limited to the following:

(i) Training objectives;

(ii) a description of the methods of administration including principles and techniques of application and dispensation of oral, topical, medication

patches and inhalant medication, including the use of nebulizers, and the use of epinephrine auto-injector devices when necessary to prevent anaphylaxis in emergency situations with respect to the various age groups of children;

(iii) administering medication to an uncooperative child;

(iv) an evaluation of whether the trainee demonstrates competency in:

(a) understanding orders from the health care professional or licensed authorized prescriber;

(b) the ability to correctly carry out the orders given by the health care provider or licensed authorized prescriber;

(c) recognition of common side effects of medications and ability to follow written directions regarding appropriate follow-up action;

(d) avoidance of medication errors and what action to take if an error occurs;

(e) understanding relevant commonly used abbreviations;

(f) maintaining required documentation including the parent's permission, written orders from health care professionals and licensed authorized prescribers, and the record of administration of medications;

(g) safe handling of medications, including receiving medications from a parent

(h) proper storage of medications, including controlled substances; and

(i) safe disposal of medications.

(5) A person who can produce a valid New York State license as a physician, physician's assistant, registered nurse, nurse practitioner, licensed practical nurse or advanced emergency medical technician will not be required to attend the training required by section 414.11(e) of this Part in order to administer medications in a day care program. Documentation establishing the person's credentials in one of the above fields will be required and a copy of the documentation must be provided to the Office.

(f) Administration of Medication.

(1) Staff may administer medication only in accordance with the following:

(i) All programs that choose to administer medications other than epinephrine auto injectors, diphenhydramine in combination with the auto injector, asthma inhalers and nebulizers, topical ointments, lotions,

creams and sprays to children must have a health care consultant of record and must address the administration of medications in the health care plan in accordance with the requirements of section 414.11 of this Part.

(ii) The program must confer with a health care consultant regarding the program's policies and procedures related to the administration of medications. This consultation must include a review of the documentation that all staff authorized to administer medications have the necessary professional license or have completed the necessary training.

(iii) Policies regarding the administration of medications must be explained to the parent at the time of enrollment of the child in care and when substantive changes are made thereafter. Parents must be made familiar with the policies of the day care program relevant to the administration of medications.

(iv) Nothing in section 414.11 shall be deemed to require any program to administer any medication, treatment, or other remedy except to the extent that such medication, treatment or remedy is required under the provisions of the Americans with Disabilities Act.

(v) Nothing in Part 414 shall be deemed to prevent a parent, or relative within the third degree of consanguinity of the parents or step-parents of a child, even if such a person is a staff person or volunteer of the program, from administering medications to a child while the child is attending the program even if the registrant has chosen not to administer medications or if the staff designated to administer medications is not present when the child receives the medication.

(2) If the registrant elects not to administer medications, the program must still document the dosages and time as per section 414.11(f)(9) of this Part that the medications were given to the child by the child's parent, or relative within the third degree of consanguinity of the parents or step-parents of the child.

(i) Relatives within the third degree of consanguinity administering medications to the child in day care must be at least 18 years of age, unless that relative is the parent of the child.

(ii) If the only administration of medication in a day care program is done by a parent, or relative within the third degree of consanguinity of the parents or step-parents of a child, the staff of the program do not have to complete the administration of medication training requirements pursuant to section 414.11(e).

(3) No child in care will be allowed to independently administer medications, except for those medications administered pursuant to section 414.11(h)(6) of this Part, without the assistance and direct supervision of staff who are authorized to administer medications pursuant to section 414.11 of this Part. Any program that elects to offer the administration of medication to children when children who attend the program independently administer medications or when

children assist in the administration of their own medications must comply with all the provisions of section 414.11 of this Part.

(4) Staff may administer prescription and non-prescription (over-the-counter) medications for eyes or ears, oral medications, topical ointments, creams, lotions, sprays and medication patches and inhaled medications in accordance with section 414.11 of this Part.

(5) Staff may not administer medications by injection, vaginally or rectally except as follows:

(i) where the staff person has been certified to administer medications in a day care setting and the parent and the child's health care provider have indicated such treatment is appropriate and received instruction on the administration of the medication; or

(ii) for a child with special health care needs, where the parent, day care program and the child's health care provider have agreed on a plan pursuant to which the staff may administer medications by injection, vaginally or rectally; or

(iii) where the staff person has a valid license as a physician, physician's assistant, registered nurse, nurse practitioner, licensed practical nurse or advanced emergency medical technician.

(6) Staff authorized to administer medication who agree to administer medications to a child must do so, unless they observe the circumstances, if any, specified by the health care provider or the medication label, under which the medication must not be administered. In such instances, the program must contact the parent immediately.

(7) Permissions needed from parent and/or health care provider in order to administer medications.

(i) Over-the-counter products, including but not limited to over-the-counter topical ointments, lotions, creams, sprays, including sunscreen products and topically applied insect repellant can be administered by the program for one day only, with verbal permission of the parent. If an over-the-counter product is to be administered on a subsequent day or an ongoing basis, written permission from the parent must have been provided to the program.

(ii) Prescription medications, oral over-the-counter medications, medicated patches, and eye, ear, or nasal drops or sprays, can be administered by the program for one day only, with the verbal permission of the parent. If prescription medications, oral over-the-counter medications, medicated patches, and eye, ear, or nasal drops or sprays are to be administered on a subsequent day or an ongoing basis, written permission from the parent and written instructions from the health care provider must have been provided to the program prior to such administration.

(iii) A staff person cannot administer medication to any child in care, if the parent's instructions differ from the instructions on the medication's packaging, until the program receives permission from a health care provider or licensed authorized prescriber on how to administer the medication.

(iv) The program must immediately notify the parent if the program will not administer medication due to differing instructions related to the administration of medication.

(8) Staff who are authorized to administer medications must administer medication as follows:

(i) to the right child,

(ii) at the right dose,

(iii) at the right time,

(iv) with the right medication, and

(v) through the right route,

(9) Documentation of Medication Administration

(i) At the time of administration, the staff person must document the dosages and time that the medications are given to the child.

(ii) All observable side effects must be documented and communicated to the parent, and when appropriate, the child's health care provider.

(iii) Documentation must be made if the medication was not given and the reason for such a decision.

(10) The parent must be notified immediately and the Office must be notified within 24 hours of any medication administration errors. Notification to the Office must be reported on a form provided by the Office or on an approved equivalent.

(11) All verbal permissions received pursuant to Section 414.11(f) of this Part must be documented.

(12) Staff who are authorized to administer medications must be literate in the language for which the permissions and instructions for use are written.

(13) Medication must be returned to the parent or guardian when it is no longer required by the child or, with the permission of the parent or guardian, be properly disposed of by the program.

(14) Where the program has received written permission of the parent and written instructions from the health care provider authorizing administration of a

specified medication if the staff person observes some specified condition or change of condition in the child while the child is in care, the staff person may administer the specified medication, without obtaining additional authorization from the parent or health care provider.

(15) Prescription and over-the-counter medications must be kept in their original bottles or containers.

(16) Prescription medication labels must include the following information or be available through the licensed authorized prescriber on the form provided by the Office or equivalent form:

(i) Child's first and last name;

(ii) Licensed authorized prescriber's name, telephone number, and signature;

(iii) Date authorized;

(iv) Name of medication and dosage;

(v) Frequency the medication is to be administered;

(vi) Method of administration;

(vii) Reason for medication (unless this information must remain confidential pursuant to law);

(viii) Most common side effects or reactions; and

(ix) Special instructions or considerations, including but not limited to possible interactions with other medications the child is receiving, or concerns regarding the use of the medication as it relates to a child's age, allergies, or any pre-existing conditions.

(17) Medications must be kept in a clean area that is inaccessible to children.

(18) If refrigeration is required, the medication must be stored in either a separate refrigerator or a leak-proof container in a designated area of a food storage refrigerator, separated from food and inaccessible to children.

(19) Day care programs must comply with all Federal and State requirements for the storage and disposal of all types of medications, including controlled substances.

(20) In the case of medication that needs to be given on an ongoing, long-term basis, the authorization and consent forms for children must be reauthorized at least once every 12 months. Any changes in the medication authorization related to dosage, time or frequency of administration shall require a program to obtain new instructions written by the licensed authorized prescriber. All other

changes to the original medication authorization require a change in the prescription.

(g) Stocking medications.

(1) A child care program may keep a supply of over-the-counter medications at a program site to be used in the event that a child in the program develops symptoms while in care that indicate the need for over-the-counter medication.

(2) Child care programs that store and administer medication that is not labeled for a specific child must have an over-the-counter stock medication policy in place before beginning to store any over-the-counter medications. The over-the-counter stock medication's policy must address the safe storage and proper administration of the stored over-the-counter medication and must address the need for strict infection control practices as they pertain to stock medication.

(3) Stock medication must be kept in a clean area that is inaccessible to children and any stock medication must be stored separate from child specific medication.

(4) Stock medications must be kept in the original container and have the following information on the label or in the package insert:

(i) Name of the medication,

(ii) Reasons for use,

(iii) Directions for use, including route of administration,

(iv) Dosage instructions,

(v) Possible side effects and/or adverse reactions,

(vi) Warnings or conditions under which it is inadvisable to administer the medication, and

(vii) Expiration date.

(5) Child care programs that stock supplies of over-the-counter medication, which are not in single dose packaging, must provide a separate mechanism to administer the medication for each child that may need the medication. Once a device has been used for a specific child in care, that specific device must be disposed of or reused only for that specific child and must be labeled with the child's first and last name. The program must include the procedure in the over-the-counter stock medication policy for dispensing the stock medication from the container to the device, or directly administering to the child, without contaminating the stock medication.

(6) All stock medication must be administered using best practice techniques in accordance with the directions for use on the medication package.

(7) School age child care programs may not stock prescription medication.

(h) Emergency care and the Administration of Epinephrine, Diphenhydramine in combination with the auto injector, Asthma inhalers and Nebulizers.

(1) The program must immediately call 911 for children who require emergency medical care and also must:

(i) obtain written consent at the time of admission from the parent which authorizes the program to obtain emergency health care for the child;

(ii) arrange for the transportation of any child in need of emergency health care, and for the supervision of the children remaining in the program;

(iii) in the event of an accident or illness requiring immediate health care, secure such care and notify the parent; and

(iv) advise a parent or the person authorized to pick up the child that day, of any developing symptoms of illness or minor injury sustained while child is in care.

(2) The school age child care program must be equipped with a portable first aid kit which is accessible for emergency treatment. The first aid kit must be stocked to treat a broad range of injuries and situations and must be restocked as necessary. The first aid kit and any other first aid supplies must be kept in a clean, covered container or cabinet inaccessible to children.

(3) Rectal thermometers may not be used.

(4) The program must provide a child who has or develops symptoms of illness a place to rest quietly that is in the view of, and under the supervision of a staff person until the child receives medical care or the parent or approved parental designee arrives. In the event that a child has or develops symptoms of illness, the program is responsible for immediately notifying the parent.

(5) When a program has not been authorized to administer medications in a day care setting in accordance with the requirements of section 414.11(f) of this Part a designated staff may administer emergency care through the use of epinephrine auto-injector devices, diphenhydramine, when prescribed in combination with the auto injector, asthma inhaler and asthma nebulizer when necessary to prevent anaphylaxis or breathing difficulty for an individual child but only when the parent and the child's health care provider have indicated such treatment is appropriate. In addition:

(i) A written Individual Health Care Plan must be developed for the child;

(ii) The child’s health care provider must issue a standing order and prescription for the medication;

(iii) The parent must approve, in writing, the administration of the medication as prescribed by the health care provider and keep medications current;

(iv) All staff administering an emergency medication pursuant to section 414.11(h)(5) of this Part, must be instructed on its use; and, the instruction must be provided by the parent, the child's health care provider or a health care consultant;

(v) Staff who have been instructed on the use of the auto injector, diphenhydramine, inhaler or nebulizer must be present during all hours the child with the potential emergency condition is in care;

(vi) The staff person administering the auto-injector, diphenhydramine, asthma medication or nebulizer must be at least 18 years old;

(vii) The program must immediately contact 911 after administration of epinephrine;

(viii) If an inhaler or nebulizer for asthma is administered, the program must call 911 if the child's breathing does not return to its normal functioning after its use; and

(ix) Storage, documentation of the administration of medication and labeling of the auto-injector, asthma inhaler and asthma nebulizer must be in compliance with Section 414.11 of this Part.

(6) When a program is approved to administer an inhaler to a child with asthma or other diagnosed respiratory condition, or an epinephrine auto injector for anaphylaxis, a school-aged child may carry and use these devices during day care hours if the program secures written permission of such use of a duly authorized health care provider, parental consent and completes a special health care plan for the child.

(7) The special health care plan, parental consent and health care provider consent documenting permission for a school-age child to carry an inhaler or auto injector must be maintained on file by the program.

(i) Infection Control.

(1) Staff and volunteers must thoroughly wash their hands with soap and running water at the beginning of each day, before and after the administration of medications, when they are dirty, after toileting, before and after food handling or eating, after handling pets or other animals, after contact with any bodily secretion or fluid, and after coming in from outdoors.

(2) Staff and volunteers must ensure that children thoroughly wash their hands or assist children with thoroughly washing their hands with soap and running water when they are dirty, after toileting, before and after food handling or eating, after handling pets or other animals, after contact with any bodily secretion or fluid, and after coming in from outdoors.

(3) Staff must assist children in keeping clean and comfortable, and in learning appropriate personal hygiene practices.

(4) When soap and running water is not available, hand sanitizer may be used by children, staff and volunteers on visibly clean hands. Package directions must be followed including supervision of children so that ingestion does not occur.

(i) When soap and running water is not available and hands are visibly soiled, individual wipes may be used in combination with hand sanitizer.

(5) Safety precautions relating to blood must be observed by all staff and volunteers as follows:

(i) Disposable gloves must be immediately available and worn whenever there is a possibility for contact with blood, including but not limited to:

(a) touching blood or blood-contaminated body fluids;

(b) treating cuts that bleed; and

(c) wiping surfaces stained with blood.

(ii) In an emergency, a child's well-being must take priority. A bleeding child must not be denied care because gloves are not immediately available.

(iii) Disposable gloves must be discarded after each use.

(iv) If blood is touched accidentally, the exposed skin must be thoroughly washed with soap and running water.

(v) Clothes contaminated with blood must be placed in a securely tied plastic bag and returned to the parent at the end of the day.

(vi) Surfaces that have been blood stained must be cleaned and then disinfected with an Environmental Protection Agency (EPA) registered product that has an EPA registration number on the label.

(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 approved by the Office.

(7) Equipment that is frequently used or touched by children on a daily basis must be cleaned and then sanitized or disinfected, using an EPA registered product, when soiled and at least once weekly.

(8) The premises must be kept clean and free from dampness, odors and the accumulation of trash.

(9) The premises must be kept free of vermin.

(10) Carpets contaminated with body fluids must be spot cleaned.

(11) Extensive cleaning, such as shampooing carpets or washing windows and walls, must occur when children are not present.

(12) Garbage receptacles must be cleaned as needed after emptying.

(13) Thermometers must be washed and disinfected before use by another child.

(14) Individual drinking cups or disposable cups must be provided daily. Once a drinking cup or eating utensils have been used by a child they may not be used by another child unless they are washed first.

(15) Between uses, dishes and utensils must be washed with soap and hot water and rinsed in hot running water.

(16) Linens, blankets and bedding must be cleaned at least weekly and before use by another child. Cots, beds, mats and mattresses must be cleaned thoroughly between uses by different children and at least monthly.

(17) Sanitizers and disinfectants must be used as directed on the product label.

(18) Hygiene and bathroom facilities.

(i) Toilet facilities must be kept clean at all times, and must be supplied with toilet paper, soap and towels accessible to the children.

(ii) Air blowers/dryers may be used in place of hand towels where available.

(j) Pesticide use.

(1) Any application of pesticides (as the term pesticide is defined in section 33-0101 of the Environmental Conservation Law) shall be completed in accordance with the requirements of section 390-c of the Social Services Law and sections 33-1004 and 33-1005 of the Environmental Conservation Law.

(2) In addition to the requirements of section 390-c of the Social Services Law, each day care facility must send a notice home with each child or otherwise provide notification to the parent of each child not less than forty-eight hours prior to the application of pesticides. Such notice must include:

(i) the location and specific date of the application of pesticides and may include two alternate dates in the event that an outdoor application cannot be made due to weather conditions;

(ii) the pesticide product name and pesticide registration number assigned by the United States Environmental Protection Agency;

(iii) the following statement: "This notice is to inform you of a pending pesticide application at this facility. You may wish to discuss with a representative of the day care facility what precautions are being taken to protect your child from exposure to these pesticides. Further information about the product or products being applied, including any warnings that appear on the label of the pesticide or pesticides that are pertinent to the protection of humans, animals or the environment, can be obtained by calling the National Pesticide Information Center at 1-800-858-7378 or the New York State Department of Health Center for Environmental Health Info Line at 1-800-458-1158"; and

(iv) the name of a representative of the day care facility and contact number for additional information.

(3) Any day care program that fails to send the appropriate notice of pesticide application as set forth in section 414.11(j)(2) of this Part, for a first such violation, shall be issued a written warning in lieu of penalty. For a second violation, such program shall be subject to a penalty not to exceed one hundred dollars. For any subsequent violation, such program shall be subject to a penalty not to exceed two hundred fifty dollars for each violation. No penalty may be assessed by the Commissioner without affording the registrant with notice and an opportunity for a hearing pursuant to section 413.5 of this Article.

(4) Any finding by the Department of Environmental Conservation of a violation by the program of the requirements set forth in sections 33-1004 or 33-1005 of the Environmental Conservation Law shall be deemed a safety hazard to children in care and a violation of section 414.11(j) of this Part.

414.12 Nutrition

(a) The school-age child care program must provide plentiful and nutritious snacks to children.

(b) When a program operates during school holidays and/or school vacations, the program must ensure that each child in care for more than four hours a day receives a nutritious meal.

(c) Each child in care for more than ten hours a day must receive a minimum of two nutritious meals.

(d) Food must be prepared and stored in a safe and sanitary manner and served at appropriate intervals.

(e) If the program does not furnish meals, there must be adequate nutritious supplemental food available in the event that no meal is provided by the parent or if the meal provided by the parent is of inadequate nutritional value.

(f) Programs changing their meal policy must provide adequate notice to parents.

(g) Where meals are furnished by the program, food preferences for personal, religious or medical reasons may be accommodated. If resultant meal patterns or serving sizes

will not meet the child's nutritional needs, a medical statement must be obtained documenting the appropriateness of the variation.

(h) Where meals are furnished by the school age child care program, the servings must be in portions suitable for the size and age of the children. There must be a sufficient amount of food available to children to permit second helpings of nutritious food.

(i) Children must be encouraged to learn acceptable table manners appropriate to their developmental levels.

(j) Sufficient time, based on age and individual needs, must be allowed for meals so that children will not be hurried.

(k) Perishable food and liquids must be refrigerated.

(l) Safe drinking water must be available to children at all times and must be offered at intervals that are responsive to the needs of the individual children.

(m) Disposable cups and plates and plastic eating utensils may be used if discarded after use.

(n) If foods for children are heated in a microwave, the food must be stirred and allowed to reach serving temperature before serving them to prevent burns from hot spots.

(o) A staff person must not force or bribe a child to eat nor use food as a reward or punishment.

(p) Fluid milk, 100% juice and/or water, are the only beverages a program may provide to children in care.

(q) When milk is served as a beverage, low-fat or fat-free milk (1% fat or less) must be served.

(r) Programs that provide meals and/or snacks to children must be in compliance with the USDA Child and Adult Food Program (CACFP) meal patterns.

(s) When provided by the parent, meals, snacks and beverages are not subject to the CACFP meal pattern or regulatory beverage standards.

(t) All children with dietary restrictions based on a child’s medical condition or religious beliefs of the family are exempt from CACFP meal pattern requirements and/or beverage requirements in regulation when instructed in writing by the parent to the program.

(u) The program must share information on healthy food and beverage choices and the prevention of childhood obesity with the parent.

(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.

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

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

414.13 Staff Qualifications

(a) Staff members must be qualified by training and experience to carry out their respective functions in the administration, operation and maintenance of the school-age child care program.

(1) Staff and volunteers must be mature, of good character and possess suitable personal qualifications.

(2) Staff and volunteers must be in good physical and mental health and have the energy and emotional stability necessary to fulfill the responsibilities of their positions.

(b) School-age child care programs must review and evaluate the backgrounds of all applicants for staff and volunteer positions. All applicants whose backgrounds must be reviewed must be required to provide the following:

(1) a statement or summary of each applicant's employment history including, but not limited to, any relevant child-caring experience;

(2) the names, addresses and day time telephone numbers of at least 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 413.4 of this Title;

(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.

(c) If an applicant discloses in the sworn statement furnished in accordance with section 414.13(b)(3) that he or she has been convicted of a misdemeanor or felony, the school-age child care program must inform the Office and provide a copy of the statement to the Office so the Office may take appropriate action in conformance with the provisions of section 413.4 of this Article.

(d) Each program must have a staff person who meets the qualifications set forth in section 414.13(g)(1) to perform supervision functions for that program.

(1) Each school-age child care program must be staffed to perform administrative/fiscal management functions and, during all hours of operation, program supervision functions, including developing, directing and supervising the daily activity programs for children. These functions may be performed by one individual or may be shared in any combination between two or more individuals.

(2) When an agency operates multiple registered programs, the person performing the administrative/fiscal management functions may be shared across such programs.

(3) With the prior written approval of the Office, a staff person who is qualified to perform program supervision functions may perform such functions at up to four different programs operated by a single agency. In order to obtain Office approval, the agency will be required to demonstrate how the staff person will provide adequate supervision and program development support to each site.

(e) In school-age child care programs where the registered capacity is less than 45 children, a group teacher or an assistant teacher may also perform administrative/fiscal management functions and/or program supervision functions, provided that the qualifications for such positions as set forth in 414.13(g)(1) have been met.

(f) In school-age child care programs with a registered capacity of 45 or more children enrolled, the administrative/fiscal management functions and program supervision functions may not be performed by a group teacher or an assistant teacher.

	Education		**Experience**
Person responsible for program supervision functions (Director)	Associate degree in Child Development, Elementary Education, Physical Education, Recreation or a related field	AND	Two years 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		

	New York State Children's Program Administrator credential	AND	Two years direct experience working with children under the age of 13 years, including at least one year in a supervisory capacity in a child care program or related field of work.
	OR		
	School Age Child Care Credential or other Office recognized credential specific to the school-age developmental period.	AND	Two years direct experience working with children under the age of 13 years, including at least one year in a supervisory capacity in a child care program or related field of work.
	OR		
	Two years of college with 18 credits in Child Development, Elementary Education, Physical Education, Recreation or a related field	AND	Two years direct experience working with children under the age of 13 years including at least one year in a supervisory capacity in a child care program or related field of work. .
Group Teacher	Associate degree in Child Development, Elementary Education, Physical Education, Recreation or a related field	AND	No additional experience required
	OR		
	School-age Child Care Credential or other Office recognized credential specific to the school- age developmental period.	AND	One year experience working with children less than 13 years of age.
	OR		
	High School diploma or its equivalent	AND	Two years direct experience working with children under 13 years of age

Assistant teacher	High School diploma or its equivalent	OR	One year experience working with children under 13 years of age

(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 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 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.

(h) The provision of 414.13(g) notwithstanding, persons holding positions in a school-age child care program prior to the effective date of these regulations who met the qualifications which were in effect at the time they were hired may continue to be employed in such positions.

(i) No person other than a director, group teacher or assistant teacher may supervise a group independently even for brief periods of time, except in an emergency.

(j) The minimum age of a staff person is 16 years of age.

414.14 Training

(a) Before the Office issues an application for a school age child care program registration, to a person or entity yet to hold a day care license or registration, the applicant must complete an Office approved pre-application orientation session.

(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 pre-service or three-month orientation period requirements. This training must be obtained pre-service 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.

(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).

(d) Training must address 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;

(2) nutrition and health needs of children;

(3) child care program development;

(4) safety and security procedures;

(5) business record maintenance and management;

(6) child abuse and maltreatment identification and prevention;

(7) statutes and regulations pertaining to child care; and

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

(e) Training received 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.

(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.

(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 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.

(h) The program must submit verification of completion of the training requirements to their program's designated registration office on forms provided by the Office or an approved equivalent.

(i) All training that counts toward the required thirty hours of training must be approved by the Office of Children and Family Services as per office policies regarding training and trainers.

(j) Staff who will be responsible for administering medications must receive training pursuant to section 414.11(e) of this Part.

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

(l) CPR and first aid 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.

(m) The staff persons who hold the valid certification in CPR and First Aid must have their certification available for review during their working hours at the program.

414.15 Management and administration

(a) General registration requirements.

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

(i) Each school-age child care program must obtain a registration from the Office. No person or entity may operate a school-age child care program without a registration from the Office.

(ii) Each school age child care program must operate in compliance with the regulations of the Office and all other applicable laws and regulations.

(iii) Each school age child care program must operate in compliance with all emergency health guidance promulgated by the Department of Health in the interest of public health during a designated public health emergency. Provided that, during a designated public health emergency, any relevant emergency directives from the executive chamber or from the Department of Health shall supersede regulations of the Office in the case of any conflict.

(2) Each school age child care program that has been issued a registration by the Office must openly display such registration, along with any restrictions, limitations and waivers to the registration, in the program for which it was issued.

(3) A new application for a registration must be submitted to the Office when there is a change in the address or owner or when a registration is sought following the revocation of or denial of an application to renew a registration.

(4) The provisions specified on the registration are binding and the school-age child care program must operate in compliance with the terms of the registration. The number and age range of children specified thereon are the maximum number and age range of children who may be in the care of the school-age child care program at any one time.

(5) No registration will be issued unless the program is in full compliance with the regulations of the Office and all other applicable laws and regulations except where a waiver of one or more requirements of this Part has been approved in writing by the Office in accordance with section 413.5 of this Title.

(6) The effective period of the initial registration for a school age child care program will be up to 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.

(7) A registration is not transferable to any other person, entity or location.

(8) A school age child care program required to be registered with the Office will not be exempt from this requirement through registration with another State agency or certification, registration or licensure by any local governmental agency or authorized agency.

(9) Before denial of an application for a registration or renewal of a registration, the registrant is entitled to a hearing before the Office pursuant to Part 413 of this Title.

(b) General operation requirements.

(1) Individual children must be cared for less than 24 hours a day. No teacher may work more than two consecutive shifts.

(2) The registrant must make a written request to the Office before providing an additional shift of care beyond what was specified and approved in the initial application.

(3) The registrant cannot provide an additional shift of care until the changes have been approved in writing by the Office.

(4) The staff and volunteers must be in good health and be of good character and habits.

(5) The submission of fraudulent or altered documents to the Office or its representatives is prohibited.

(6) Confidentiality.

(i) Information relating to an individual child is confidential and cannot be disclosed without written parental permission to anyone other than the Office, its designees or other persons authorized by law.

(ii) Information relating to an individual child may be disclosed to a social services district where the child receives a day care subsidy from the district, where the child has been named in a report of alleged child abuse or maltreatment, or as otherwise authorized by law.

(iii) Redisclosure of confidential HIV-related information, as defined in section 360-8.1 of the Public Health Law, concerning a child receiving school-age child care is not permitted except in a manner consistent with article 27-F of the Public Health Law.

(7) A school-age child care program may not refuse to admit a child to the program solely because the child has a developmental delay or a disability or has been diagnosed as having human immunodeficiency virus (HIV), HIV-related illness or acquired immune deficiency syndrome (AIDS). Each such child must be evaluated by the program to determine whether the child could be accommodated in the program if reasonable modifications are made to the

premises and/or program. Nothing contained in section 414.11 shall be deemed to require the program to incur significant additional expenses to modify the premises and/or program to accommodate such a child.

(8) The parent of a child receiving care must have:

(i) unlimited and on demand access to such child;

(ii) the right to inspect all parts of the building used for child day care or which could present a hazard to the health or safety of the child whenever the parent requests at any time during the hours of operation of the school age child care program;

(iii) unlimited and on demand access to the director and teachers whenever such child is in care or during the normal hours of operation; and

(iv) unlimited and on demand access to written records concerning such child except where access to such records is otherwise restricted by law;

(9) Electronic monitors and surveillance equipment.

(i) The parents of all children receiving care in a school age child care program equipped with electronic monitoring devices or surveillance cameras installed for the purpose of allowing parents to view their children in the day care setting by means of the internet must be informed that cameras will be used for this purpose. All staff of the school age child care program must also be informed if video surveillance cameras will be used for this purpose.

(ii) All parents of children enrolled in the school age child care program and all staff and volunteers of the program must be made aware of the locations of all video surveillance cameras used at the school age child care program.

(iii) School age child care programs opting to install and use electronic monitoring devices or surveillance cameras must comply with all State and federal laws applicable to the use of such equipment.

(iv) Electronic monitoring devices or surveillance cameras may not be used as a substitute for competent direct supervision of children.

(v) Electronic monitoring devices or surveillance cameras are permitted to transmit images of children in common rooms, hallways and play areas only. Bathrooms and changing areas must remain private and free of all video surveillance equipment.

(vi) School age child care programs that use electronic monitoring devices or surveillance cameras must allow inspectors and other representatives of the Office to have access to such equipment and to have viewing privileges as required by the Office

(vii) Parents of children, staff and volunteers must be notified when electronic monitoring devices or surveillance cameras are used.

(viii) School age child care programs opting to allow parents to view their children in the day care setting by means of the internet must use and maintain adequate internet security measures at all times. Such measures include but are not limited to: frequent changes of passwords; filtering measures that prohibit public access to or viewing of program activities via the internet; and immediate corrective action in response to any report of abuse of the system or inappropriate access. Such programs must also advise the parents having access to views of the school age child care program through the internet of the importance of security in regard to such viewing and of the importance of the privacy rights of other children who may be viewed.

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

(i) The school age child care program must admit inspectors and other representatives of the Office onto the grounds and premises at any time during the hours of operation of the program. Inspectors and representatives of the Office must be given free access to the building or buildings used by the school age child care program staff and children and any records of the program.

(ii) A school age child care program must cooperate with inspectors and other representatives of the Office in regard to any inspections or investigations that are conducted by the Office or its representatives.

(iii) A school age child care program must cooperate with local Child Protective Services' Staff conducting any investigation of alleged child abuse or maltreatment.

(iv) No staff person or volunteer may place or attempt to place an Office representative, who is performing his/her role as such, in reasonable fear of physical injury.

(v) Any intentional display of physical or verbal force, which would give an Office representative reason to fear or expect bodily harm, is prohibited.

(vi) Intentional and wrongful physical contact with an office representative is prohibited.

(11) In hiring a director subsequent to issuance of a registration, a program:

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

(ii) must submit to the Office within 15 days of the written notification of

the change in director the name of any new director and the supporting documentation needed to complete the approval process including:

(a) the forms necessary for the Office to inquire whether the applicant is the subject of an indicated report of child abuse or maltreatment on file with the Statewide Central Register of Child Abuse and Maltreatment;

(b) the forms 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 pursuant to Section 495 of the Social Services Law,

(c) fingerprint images necessary for the Office to conduct a criminal history review;

(d) a sworn statement indicating whether, to the best of the applicant's knowledge, he or she has ever been convicted of a misdemeanor or felony in New York State or any other jurisdiction; and

(e) two acceptable references;

(iii) must obtain a medical statement before the person has any involvement with children in care, as required in section 414.11 of this Part;

(iv) may, during the Office's review of all documentation for any proposed director, continue to operate the program; and

(v) may not leave the proposed director in sole charge of or unsupervised with children until such time as the Office approves the proposed director.

(12) The school age child care program must report to the Office:

(i) immediately upon learning of a change that affects those portions of the building and property in which the program is operating or which are used for the children's egress in the case of emergency;

(ii) at least thirty days in advance of any proposed changes to the area used for child care;

(iii) immediately or no later than the next day of business of the director's resignation or termination;

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

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

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

(13) All staff and volunteers of the school age child care program must be familiar with the Office regulations and policies governing such programs, and the program's policies. Such regulations and policies must be readily accessible to staff and volunteers for reference purposes.

(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 disease, or

(vi) transportation to a hospital.

(15) Parents must be given the opportunity to discuss issues related to their children and the care of their children with the director, group teacher or assistant teacher. Such opportunities must occur at the time of enrollment and as frequently as needed thereafter, but at least annually.

(16) The indoor and outdoor areas of the school age child care program where the children are being cared for must not be used for any non-child care activity or other business or social purpose when children are present such that the attention of staff is diverted from the care of the children.

(17) Fire and Police Notifications

(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) the address of the school age child care program;

(b) the maximum capacity of the school age child care program;

(c) the age range of children that will be in care; and

(d) the hours during which children will be in care.

(ii) If the local municipality does not have a police or fire department, the sheriff of the county within which the program is located must be notified instead. The program must notify the local police and fire departments or the county sheriff, as appropriate, if there is any change in any of the information required to be provided pursuant to section 414.15(b)(17)(i) of this Part.

(18) When the Office notifies the program that such a statement is required, the program must provide a statement from the appropriate local official or authority that the building meets standards for sanitation and safety.

(19) The school age child care program must comply with all applicable State and federal laws relating to equal employment opportunities.

(20) All school age child care programs that accept direct and indirect payments from a social services district, or a payment from a parent or caretaker, for providing subsidized child care must comply with all relevant requirements of the child care subsidy program and section 415.4(h) of this Title.

(21) A school age child care program must give the parent, at the time of admission of a child, a written policy statement including, but not limited to:

(i) the responsibilities of the program;

(ii) the responsibilities of the parent;

(iii) the policies of the school age child care program regarding admission and disenrollment policies;

(iv) how parents will be notified of accidents, serious incidents and injuries;

(v) the behavior management plan;

(vi) a summary of the program's evacuation plan including the primary and secondary evacuation sites,

(vii) the program activities to be provided;

(viii) a summary of the program's health care policies, including the level of illness the program will accommodate;

(ix) actions the school age child care program will take in the event the child is not picked up as scheduled;

(x) the food service arrangements;

(xi) instructional materials on the available procedures and legal remedies if they suspect their child has been abused or maltreated;

(xii) how to access the regulations;

(xiii) contact information for the Office including the Child Care Complaint Line;

(xiv) transportation policy; and

(xv) information on healthy food and beverage choices and the prevention of childhood obesity.

(22) The school age child care program must post or display conspicuously in a place to which parents have free and daily access, the following:

(i) the Office's school age child care program regulations;

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

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

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

(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 ninety days.

(24) When a school age child care program is operated by an entity other than a sole proprietor, such entity shall immediately notify the Office upon any transfer or reapportionment of stock or any change in ownership.

(25) When a school age child care program is located in a multi-use building, those portions of the building designated for the care of children must be used exclusively for child day care during the hours that children are present.

(26) Each school age child care program must be staffed to perform administrative/fiscal management functions and, during all hours of operation, program supervision functions, including developing, directing and supervising daily activity programs for children. These functions may be performed by one

individual or may be shared in any combination between two or more individuals.

(27) When an agency operates multiple school age child care programs, the staff person performing the administrative/fiscal management functions may be shared across such programs.

(28) Child day care programs must keep all records relevant to the current licensing period, and the immediately preceding registration period.

(29) Mid-point requirements for four-year registration holders. At the two-year calendar date in a four-year registration cycle, a program must be in compliance with the following mid-point requirements and be able to show proof of compliance to the Office when requested, as follows:

(i) proof of compliance with the training requirements of section 414.14;

(ii) where a program uses a private water supply, a report from a state licensed laboratory or individual, based on tests performed within the 12 months preceding the calendar date of the two-year mark in a four year registration, showing that the water meets standards for drinking water established by the New York State Department of Health;

(iii) documentation from service personnel licensed by the New York State Department of State to perform fire alarm systems maintenance, repair and testing which shows that the fire alarm and detection systems have been inspected, tested and maintained during the current registration period in accordance with the applicable requirements of the Fire and Building code of New York State or other applicable fire and building codes when the Fire and Building Code of New York State is not applicable, for use of the building as a school age child care program;

(iv) documentation from service personnel qualified to perform fire suppression systems testing showing that fire suppression equipment and systems have been tested and maintained during the current registration period in accordance with the requirements of the Fire Code and Building Code of New York State, or other applicable fire and building codes when the Fire and Building Code of New York State is not applicable, for use of the building as a school age child care program; and

(v) documentation from an inspector from 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 license 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 application for renewal.

(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.

(c) The program must maintain on file at the program, available for inspection by the Office or its designees at any time, the following records in a current and accurate manner:

(1) a copy of the evacuation plan, evacuation drills, and shelter-in-place drills conducted, on forms furnished by the Office or approved equivalents, as required in sections 414.4 and 414.5 of this Part;

(2) an approved health care plan on forms furnished by the Office, as required in section 414.11 of this Part;

(3) the name, address, gender, and date of birth of each child and each child's parents' names, addresses, telephone numbers and place(s) at which the parents or other persons responsible for the child can be reached in case of an emergency;

(4) the names and addresses of persons authorized to take the child(ren) from the program;

(5) daily attendance records, which must be filled out at the time a child arrives and departs, and must include arrival and departure times;

(6) children's individual health care plans; parental consents for emergency medical treatment; 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 program staff; daily health check documentation; a record of illnesses and injuries occurring while in care; and any indicators of child abuse or maltreatment;

(7) copies of current staff and volunteers' health statements;

(8) copies of the program's personnel policies and practices;

(9) a description of program activities offered to meet the needs of children, as described in section 414.7 of this Part;

(10) a description of the procedure to be used to review and evaluate the background information supplied by applicants for employment and volunteer positions, as required in section 414.13 of this Part;

(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); staff resumes; medical

statements; acceptable references and other information required by section 414.13 of this Part;

(12) a current daily schedule documenting the arrival and departure times of each staff person and volunteers;

(13) a description of the schedule and content of training as required in section 414.14 of this Part, including use of both in-service training and outside training resources;

(14) when the registrant is an entity other than a sole proprietorship, the following additional documentation:

(i) a copy of the certificate of incorporation, partnership agreement, or articles of organization and any amendments thereto;

(ii) verification of filing of the certificate of incorporation, partnership agreement, or articles of organization and any amendments thereto with the Secretary of State;

(iii) a current list of the names of the board of directors, partners or members and their addresses, telephone numbers of the current principal officers and members, and the business and civic qualifications of all such individuals;

(15) a copy of the notification form provided to the local police and fire departments or the county sheriff as required in section 414.15(b)(17)(i) of this Part;

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

(17) the transportation policy and written parental permission for the transportation of each child in care;

(18) written parental permission for aquatic activities and the plan which details the system of supervising and checking children who are swimming, pursuant to section 414.5(g)(4) of this Part;

(19) current cardio-pulmonary resuscitation and first aid certificates as required pursuant to section 414.14 of this Part;

(20) a sample copy of all forms used in the program;

(21) all records relevant to the current registration period, and the immediately preceding licensing period;

(22) documentation from the local health department or the New York State Department of Health showing that the facility has been approved in accordance with the requirements of the New York State Department of Health;

(23) a description of specific procedures which will assure the safety of a child who is reported to the Statewide Central Register of Child Abuse and Maltreatment as well as other children provided care in the program;

(24) a description of policies and practices regarding appropriate supervision of children in conformance with section 414.8 of this Part;

(25) a description of the pattern of supervision of staff by the director or other responsible person, and procedures to assure adequate and appropriate supervision of staff and volunteers of the program;

(26) when meals are provided by the facility:

(i) evidence that four weeks of current menus for snacks and meals have been reviewed by a person qualified in nutrition as being compliant with USDA Child and Adult Food Program meal patterns, as required in section 414.12(v) of this part; or

(ii) a copy of the current letter of approval of the food program issued by the Federal Child and Adult Care Food Program; or

(iii) a description of food service arrangements if meals are not prepared at the center;

(27) when the school age child care program is owned by an individual, corporation, partnership or other entity using a business or assumed name, a copy of the certificate of doing business under an assumed name obtained from the county clerk;

(28) a copy of a certificate of insurance from an insurance company showing the intent to provide general liability insurance to the program upon registration and a copy of the insurance policy issued after licensure;

(29) where a program uses a private water supply, a report from a state licensed laboratory or individual, based on tests performed within the 12 months preceding the date of application for registration, showing that the water meets standards for drinking water established by the New York State Department of Health;

(30) a copy of the certification that the building, property and premises and the surrounding neighborhood and environment are free from environmental hazards, as required in section 414.2(a)(6) and 414.2(e)(6) of this Part;

(31) documentation from service personnel licensed by the New York State Department of State to perform fire alarm systems maintenance, repair and testing which shows that the fire alarm and detection systems have been inspected, tested and maintained during the current registration period in accordance with the applicable requirements of the Fire and Building Code of New York State;

(32) documentation from service personnel qualified to perform fire suppression systems maintenance, repair and testing showing that fire suppression equipment and systems have been tested and maintained during the current registration period in accordance with the applicable requirements of the Fire and Building Code of New York State;

(33) documentation from the local government authority having jurisdiction for determining compliance with the Fire and Building Code of New York State showing that the facility has been inspected and approved once every 12 months during the current registration period for compliance with the applicable fire safety provisions of the Fire and Building Code of New York State;

(34) documentation showing inspection and approval of any steam or hot water boilers performed in accordance with the requirements of the New York State Department of Labor and service performed once every 24 months during the current registration period on all other fuel burning heating systems and equipment and boilers not subject to the New York State Department of Labor requirements.

(d) A school age child care program located in a public school building currently used for an elementary, middle or secondary public education program approved or inspected by the State Education Department is exempt from the requirements set forth in sections 414.15(b)(29)(ii-v), and 414.15(c)(29-34). Such program must maintain on file copies of the current certificate of occupancy issued by the State Education Department. If a program is not issued a certificate of occupancy, the appropriate local equivalent, acceptable to the State Education Department, must be maintained on file.

(e) Where multiple sites are operated by one organization, records, other than those of children currently enrolled in the school age child care program, may be retained at a central administrative location. The organization of these programs must make all such records available on site upon request by the Office or its designees.