



January 2014

Dear Provider:

This letter contains important information regarding proposed changes to day care center, school age child care, and small day care center regulations:

- Part 413 Definitions, Enforcement and Hearings;
- Part 418-1 Day Care Center
- Part 414 School Age Child Care
- Part 418-2 Small Day Care Center

I ask that you take a few minutes to read this letter, review the proposed changes and think about how those changes might affect your child care program. The Office of Children and Family Services (Office) is collecting comments on the proposed regulations from child care directors, employees, other government agencies, parents and the public as a whole. If you have comments you would like to submit, this letter will provide you with instructions on how to do just that. All comments submitted will be reviewed.

A notice of Proposed Rulemaking will be published in the *State Register* on January 29, 2014 at: <http://www.dos.ny.gov/info/register.htm>. The Division of Child Care Services is posting the proposed regulations to its website at: <http://ocfs.ny.gov/main/childcare/>.

We want to hear your comments regardless of whether they are pro or con! But remember, in order to consider your comments we must hear from you by March 17, 2014.

You may be asking yourself, why is the Office considering changes to the regulations? There are a variety of reasons. The Office's main objectives in proposing changes to current child day care regulations is to strengthen health and safety standards, correct conflicting regulatory language discovered in existing citations in the administration of medication, add recently adopted law and to make the regulations easier to understand. In addition, modifications are proposed that will break up long citations into clearer more concise requirements. This will help make the regulation more readable, easier to locate in the text and the Office website will more accurately reflect what violation was cited.

The proposed changes come as a result of numerous planning and informational sessions with child care programs, directors, NYS Education Department, NYS Department of Health, infant

and toddler specialists, health care consultants, social services districts, Child Care Resource and Referral agencies, the New York State Afterschool Network (NYSAN), other child care advocates, and the Office's Regional Office staff. We are pleased to announce to these groups that we have completed this milestone.

Highlights of the Proposed Changes to Regulations



Supervision is the most important element in providing a safe environment to children. Some would argue it is the central safety component in keeping children safe from harm. The meaning and significance of competent supervision, as a way of protecting children from injury, was studied and the Office is proposing rewording the definition and responsibilities of supervision by including the need to be focused on the children in care without distractions, be close enough to redirect a child and to be aware of each child's ongoing activity.



Administering medications is a serious responsibility, performed best by those who work with a health care consultant and receive training in administering all types of medications. Those requirements will stay in place, but there was room for improvement in this section of the regulations as well. The proposed changes reflect comments we received from the field since 2005, when the administration of medication regulations were first adopted. As you know, waivers were needed to address these concerns and allow flexibility. Now that we have the opportunity to propose revisions, these waivers are no longer needed. The proposed regulatory changes include clarity on when permission to administer medications is required and by whom, and when a child's dose of medication can be altered without requiring a new prescription and added cost. The Office is also seeking to end the requirement that staffs in child care programs receive medical exams and TB testing after the initial exam and TB test is completed when hiring. The proposed regulations also answer important questions, such as: What is permitted when a health care consultant ends his/her role with the program? May a program refuse to administer a medication? May a program stock medication? When may a program administer an auto injector or allow a child to carry an asthma inhaler? We also believe the reorganization of this section helps you, the program director, to find what you are looking for.



Obesity has reached epidemic levels in New York State and across the nation. Prevention efforts have to address children in child care settings. On this topic, the Office worked in collaboration with the Centers for Disease Control and Prevention, and the NYS Department of Health. The group researched best practice and the practicality of adding obesity prevention measures to child day care regulations. As a result of combined efforts, the Office was able to craft balanced regulatory requirements for programs that would also allow for parent choice. The regulations will require that day care centers and school age child care programs follow the Child Care and Adult Food Program (CACFP) Meal Pattern Standards and serve only low-fat milk, water, or 100% juice to children two years of age and older, unless the parent

supplies written directions to the contrary. To be clear, the Office is not requiring that all programs enroll in CACFP, just that the meal pattern endorsed by this agency be followed. In addition, children must have physical activity every day, and screen-time activities must be limited during the child day care hours of care.



Health, safety and emergency preparedness was also a focus in drafting proposed changes. The proposed regulations address emergency evacuation plans and drills for sheltering in place, firearms, carbon monoxide alarms, changes in technology around phone service, and safe sleep practices for infants.



Another proposed change concerns the need for completing an orientation session for those persons seeking to open a new child care program. Any person who has yet to hold a license or registration in child care in New York State will be required to take the orientation prior to receiving an application. The on-line orientation will be offered at no charge to the applicant.



As already noted, one reason to update regulations is to add laws that were adopted in the past several years. You are already aware of, and required to be in compliance with, those laws. To name just a few, they include:

- a change to the licensing/registration cycle from 2 to 4 years;
- caregiver onsite trained in CPR and first aid;
- new crib standards, and
- carbon monoxide detectors



In addition, the Office proposes additional safety requirements for field trips and aquatic activities. You will see most of these proposed changes under .5 (Safety) and .8 (Supervision). Examples include: the requirement for a director to approve all field trips, the need for a certified lifeguard when fishing, boating, or swimming (if the venue does not provide one), programs must develop and implement a method to keep track of the location and safety of all children during swimming and other off-site activities.

You will find these changes **and more** reflected in the proposed regulations. While we remain interested in your feedback on recent changes in law, we also want you to know the Office does not have the authority to change laws. We can, however, propose changes to regulations that are not based on law.

Your knowledge, experience and love of children have a direct bearing on the regulation process and we encourage your comments. **The public comment period is from January 29, 2014 to March 17, 2014.** There are two methods in which to comment:

- Via the Division of Child Care Services' website at: <http://ocfs.ny.gov/main/childcare/>

Or

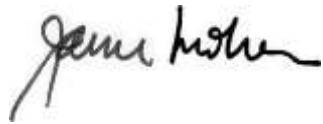
- Write or fax a letter and send it to:

**New York State Office of Children and Family Services
Division of Child Care Services - Child Care Public Comment
52 Washington Street, Room 309 South
Rensselaer, NY 12144**

Or fax to: (518) 474-9617

Thank you for all you do for the children of New York State.

Sincerely,



Janice M. Molnar, Ph.D.
Deputy Commissioner
Division of Child Care Services

Si necesita leer esta carta en español, visite el portal de la División de Servicios de Cuidado Infantil en <http://www.ocfs.state.ny.us/main/childcare/letters.asp>. Si no tiene acceso a la Red o Internet, contacte al encargado de licencias o registros para recibir ayuda.