

Rural Area Flexibility Analysis

1. Types and estimated numbers of Rural areas

This rule applies statewide including to any legally exempt child care programs operating in rural areas of the state. 18 NYCRR Subpart 358-3 and Parts 403, 404, 405, 406 and 415 affect local social services districts, legally-exempt caregiver enrollment agencies, and providers of legally-exempt child care in all 44 rural areas of the State.

2. Reporting, recordkeeping and other compliance; and professional services

This rule is necessary to implement statutory requirements pursuant to the federal Child Care and Development Block Grant Act (CCDBG) of 2014 and corresponding changes to the New York Social Services Law (SSL). This legislation requires enhanced background checks and annual inspections of legally-exempt child care providers. There is an increase in record keeping associated with the proposed changes in background checks. Prospective and existing providers, employees, volunteers and adult family child care household members, unless specifically exempted, are required to complete the background check. Federal law requires rescreening through the background check process no less than once every five years. Additional documentation on health and safety compliance is also required.

3. Costs

The costs associated with this rule are necessary to implement requirements under the CCDBG Act of 2014. While such costs are significant, they are largely born by the Office of Children and Family Services (OCFS). New requirements around enhanced background checks, annual inspections, and additional annual training of legally-exempt child care providers have been estimated to cost approximately \$43 million. At this time, OCFS does not intend to pass the costs related to inspections, training or criminal background checks on to providers, except for the \$25 processing fee for conducting a check of the Statewide Central Registry of Child Abuse and Maltreatment. Compliance with the enhanced background checks and additional training requirements is anticipated to be the primary fiscal burden for child care providers due to time lost from providing care. However, the Office offers a variety of training courses, at no cost to child care programs, that would satisfy the proposed annual training requirement for providers of legally-exempt child care. For those providers that use the Office training courses to satisfy this requirement, the costs will be minimal.

4. Minimizing adverse impact

This rule will have minimal adverse impact on child care programs or local social services districts in rural areas. Prior to developing this rule, OCFS collected stakeholder input and developed the standards in a way to minimize a detrimental impact and avoid undue costs. OCFS has exempted relative-only legally-exempt child care providers from the background and inspection requirements. Additionally, these regulations only establish minimal health and safety standards. These requirements do not raise the legally-exempt health and safety standards to the same level of licensed and registered health and safety standards.

5. Rural Area Participation

OCFS received comment from legally exempt child care directors, providers and owners during forums and conferences. The Civil Service Employees Association (CSEA) and the United Federation of teachers (UFT) provided feedback and comment in the development of the proposed regulations. OCFS has also led discussions and received comment on regulations at professional conferences and forums.