

## **Summary of Substance**

This rule is necessary to implement statutory requirements pursuant to the federal Child Care and Development Block Grant Act (CCDBG) of 2014 and associated changes to the New York Social Services Law (SSL). This rule amends Title 18 of the New York State Codes, Rules and Regulations (NYCRR) Subpart 358-3 and Parts 403, 404, 405, 406 and 415 so to require enhanced background checks, annual inspections, annual training, removal of the family share for youth in foster care, enhanced health and safety requirements in specified areas and other necessary changes.

**Enhanced Background Clearances:** This rule will increase the safety of children in care. All legally-exempt child care providers, except relative-only providers, and all employees, volunteers, and family child care household members age 18 or older must complete criminal history review and background clearances. An individual found to have been convicted of a mandatory disqualifying offense or who engages in certain uncooperative behaviors associated with the background check process is ineligible to be a provider, director, employee or volunteer at a child care program. Additionally, applicant to become a legally-exempt child care provider subject to the background check requirements cannot be enrolled by an enrollment agency when a family child care household member age 18 or older, who is not related in any way to all children in care, engaged in such conduct.

**Training:** This rule increases training requirements to be in accordance with the federal requirements. In addition to the pre-service health and safety training, all legally-exempt child care providers, unless exempted by statute, and all employees and volunteers are required to obtain a minimum of five hours of training annually addressing topics or subject matters required by state and federal law.

**Inspections:** This rule increases the number of inspections required to be conducted by enrollment agencies annually. Enrollment agencies must conduct annual, on-site inspections, of all currently enrolled legally-exempt child care providers, unless otherwise exempted by statute.

**Immunization/medical Records:** This rule replaces the current emergency rule regarding non-medical vaccinations to make the language consistent with other provisions in this package.

**Family Share:** This rule removes the family share requirement for a child in foster care in receipt of child care assistance.

**Health and Safety Requirements:** This rule adds health and safety mandates in accordance with the federal requirements including transportation, supervision of sleeping children, child abuse and maltreatment reporting, among others. Legally-exempt group child care programs that are operating under the auspices of another agency are required to submit a health and safety checklist to the enrollment agency as part of the enrollment application, and to comply with all such health and safety requirements.

**Supervision of sleeping children:** This rule requires legally-exempt family and in-home child care providers to have a written agreement with parents that addresses sleeping and napping arrangements.

**Back to sleep:** This rule requires legally-exempt child care providers to put children on their backs to sleep throughout the first year of life.

**Emergency Plan:** This rule requires all legally-exempt child care providers to have a written emergency plan for the safe and timely evacuation of children.

**Allergy Information:** This rule requires all legally-exempt group child care programs to discreetly post child-specific food allergy information.

**Certificate of Occupancy:** This rule requires legally-exempt group child care programs to submit a certificate of occupancy or equivalent documentation showing the facility has been approved for use as a child care program to the enrollment agency prior to enrollment.

**Child Abuse and Maltreatment:** This rule requires legally-exempt providers, employees and volunteers, who are not related to all children in care by federal definition, to submit to a background check of the Statewide Central Register of Child Abuse and Maltreatment (SCR). Additionally, legally-exempt providers, directors, employees and volunteers must make a report to the SCR when there is reasonable cause to suspect abuse to maltreatment of a child in care.