



April 2014

Dear Provider:

This year the idea that spring signifies new beginnings couldn't be truer for those of us who work in the child care world. The new regulations will keep us focused on better health and safety standards and making or adapting to the changes they bring. This letter could not possibly cover the entirety of regulatory changes, so I strongly recommend that providers order or download the regulations and become familiar with the new requirements.

You can download regulations at: <http://ocfs.ny.gov/main/legal/Regulatory/final/default.asp#daycare> or call (518) 473-0971 to request copies. So, let's start with some updates on the adopted regulations!



May 1, 2014

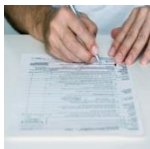
Many providers attended the OCFS-sponsored video conference in November on the topic of new regulations in order to begin preparing for changes. The video conference was recorded and posted to the Division of Child Care Services website at: <http://ocfs.ny.gov/main/childcare/newregsvideo.asp>. If you haven't yet seen it, I recommend that you do. While only those attending the video training session in person received training credits, all providers will benefit from the information provided. In addition, many CCR&Rs, Regional Office managers, and your union representatives are offering additional training in your area of the state. Contact these agencies for updates.

What is Shelter-in- place?

Shelter-in-place is a technique or precaution taken in response to an emergency where it becomes safer to remain in the home or program, rather than trying to evacuate. Simply put, it means staying indoors. Some situations may include locking all doors, closing all available window shades, remaining in a room away from large windows or in some situations turning off heat and air conditioning systems. Most situations calling for sheltering-in-place are in response to events that have a relatively short duration, of hours, not days or weeks. Drills do not include actually keeping children overnight. A drill typically takes a half hour or less to conduct. In addition, forms are being developed to assist in recording drills. OCFS training on emergency preparedness, which includes shelter-in-place guidance, can be taken through E-Learning at:

http://ecetp.pdp.albany.edu/elearn_catalog.shtm. Training credit is given upon completion of this course.


More information on sheltering-in-place strategies in the home can be found at the Center for Disease Control and Prevention website at: <http://emergency.cdc.gov/preparedness/shelter/home/index.asp>.



Forms

New regulations offer an opportunity to both redesign current forms and to create forms for new requirements. As the new forms are approved, they will be added to the website at:

<http://www.ocfs.state.ny.us/main/documents/docsChildCare.asp>.

Look for the  forms symbol. The new attendance form meets the requirements of the child care regulations by recording all arrival and departure times of children in care and will also be accepted for the

Children and Adult Food Program (CACFP) purposes . The attendance form also includes a box to check when you have completed a daily health care check for each child. Additional health care notes are needed only when a health care issue is identified. Come visit the forms web page and get started early. If you have created your own equivalent form, please contact the regional office for approval. New forms will be added over time, so keep checking the website.



E-learning and Information Sharing

There are **two** new approved E-learning courses available to providers. They are *Obesity Prevention* and *Emergency Preparedness*. You can find these two approved courses at: http://www.ecetp.pdp.albany.edu/elearn_catalog.shtm . In addition, OCFS, in collaboration with the NYS Department of Health, is near completion of an on-line training titled *Healthy Beverages*. The training will cover regulatory requirements and best practices for beverages served in child care. Healthy Beverages training is approved and counts toward credit hours. Look for Healthy Beverage training to be listed on our web page under **News** at: <http://www.ocfs.state.ny.us/main/childcare/default.asp>. I also want to point out a **noncredit** video posting that shares valuable information on safe sleep practices. It is a short 7-minute video and can be viewed at: http://ocfs.ny.gov/main/cps/safe_sleep_video.asp .

These training opportunities support the rationales for the changes in regulation and were produced to assist providers with new health and safety standards. Also, on the topic of information sharing, you will find a brochure in this mailing that was developed to meet the requirement in regulation that: programs share information on healthy food and beverage choices and the prevention of childhood obesity with the parent. Make copies and share or order additional brochures as directed on the brochure.



Supervision Issues

The new regulations call for a number of changes in supervision practices. It is important that you focus attention on section.8 (supervision) to keep your program in compliance. I am highlighting some of the changes that go into effect May 1, 2014.

- The provider must be the main caregiver at a child care program. An approved assistant will be permitted to work in place of the provider for up to 30 days per year
- The regulations limit the number of days that the provider can be absent from the program.
- A provider must be approved by the Office or its representatives prior to assuming the role of on-site provider in any family or group family child care program.
- Whenever a person pending approval as a caregiver is being counted in ratio for the program, the provider must be at the program and supervising this person.
- For the purposes of off-site activities or transportation, if the group of children is divided, the ratio requirements must be maintained.
- When the provider is absent for more than 3 consecutive days or has reason to be absent on a recurring basis, the Office must be notified in advance.
- The program is required to keep a written record of the caregiver in place of the absent provider, regardless of the length of the absence.
- In other than emergency situations such as illness or accident, parents must be notified in writing 2 weeks prior to any long-term absence (more than 3 consecutive days) of the provider.
- Volunteers may **not** count in ratio. If you use an individual on a regular basis and would benefit from using them to count in ratio, he/she must be approved as an assistant.

- All substitutes will have new requirements to meet on May 1, 2014. He/she will be required to submit a medical statement, TB testing, three acceptable references and meet minimal qualifications associated with the role. Medical statements and TB tests completed within the past year will be accepted as meeting the regulatory requirement. Substitutes that are also household members and have a medical on file will not need to submit a new medical, but must submit the results of the TB testing.
- Providers must document daily schedules of the arrival and departure times of each caregiver, employees and volunteers.
- The licensee must make a written request and have the request approved by the Office before providing an additional shift of care beyond what was specified and approved in the initial application.
- All caregivers must have their medicals and TB testing submitted to the program prior to any contact with children.
- All caregivers must also have approval from the Office prior to any unsupervised contact with children in care.



On-Site Providers and Owners of Multiple Programs

If you are a licensee or registrant and you have already appointed an “on-site” provider to serve as the main caregiver at one or more of your programs, you will be able to continue operating these specific programs with an on-site provider. However, if the current on-site provider leaves the program, he/she may only be replaced by a person who has been approved by OCFS after meeting all the requirements: medical exams, background checks and qualifications including the mandatory Health and Safety course. These requirements are not new; these are the exact requirements a provider must have in place in order for their initial application to be approved as licensed or registered. Child day care providers who operate with an on-site provider or operate multiple programs must develop a strategy for staff development in these areas in order to keep their business in compliance with regulation.

The new regulations also require that a licensee/registrant operating more than one licensed or registered family-based day care program must complete training in the management and administration of multiple day care sites. The Office of Children and Family Services will sponsor this training. The Training is free of charge and may be counted toward the 30 hours of required training and must be completed by May 1, 2015. Here is a schedule of the first training dates available:

- Tuesday, August 26th 2014 at the Child Care Council in Rochester
- Thursday, September 4th 2014 at the Long Island Regional Office in Hauppauge
- Tuesday, September 16th 2014 at the OTDA Harlem Training Center in Manhattan
- Wednesday, September 17th 2014 at the OTDA Harlem Training Center in Manhattan

Call the Professional Development Program at 1-800-295-9616 to reserve a training slot.



Limits on Screen Time Activities

The new regulations limit screen time for children. TVs should be on only when they are part of a **planned developmentally appropriate program with an educational, social, physical or other learning objective that includes identified goals and objectives.** *There must be an educational, social or physical learning experience and the provider must know what that learning experience is.* Television and other electronic visual media must not be used solely to occupy time. Children must not watch television or other electronic visual media during meals or established nap times.

What’s better than watching television? Fun physical activities! The regulations now require that there be physical activity, appropriate to the ages of the children in care, every day.



Hang Up and Supervise

Listening to music on headphones, playing screen games, using the Internet, or making personal calls by caregivers while supervising children is prohibited. However, a caregiver may have brief and necessary phone call as long as it is directly related to the child care program, such as communication with parents or the Office.



Record Keeping

The Management and Administration Section of the regulations at: .15(b)(22) lists the items a provider must give to a parent at the time of admission of the child. Be aware of the changes to this list and update your intake procedures.



Glass Gun Cabinet May Be Used As a Safe Storage Depository and Question and Answers Posted to the Website

At the November video training on the new regulations, a question was asked as to whether a glass front gun cabinet would comply with regulation. The answer given at the time was no; a glass cabinet would not be sufficient. However, since that airing of the video conference, the Office has reviewed the response and changed its guidance. A gun cabinet with a glass front meets the “safe storage depository” definition as long as the lock is incapable of being opened without a key, combination or other unlocking mechanism. This and other questions and answers that were submitted at the video conference and provider forums can be found posted to the website just above the **News** heading at: <http://www.ocfs.state.ny.us/main/childcare/default.asp> .

If you have questions about any items listed in this letter or questions about the new regulations, please contact your licensor or registrar. We wish you successful implementation of the new regulations!

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.