



Proposed School Age Child Care Regulations

The Office of Children and Family Services (OCFS) has released proposed new school-age child care regulations.

<http://ocfs.ny.gov/main/childcare/Notice%20of%20Proposed%20Rulemaking.asp>.

New York State Afterschool Network (NYSAN) has reviewed the proposed new regulations and provided the following summary of what we believe the changes to the regulations to be. This summary is not prepared or endorsed by OCFS.

We urge you to submit your comments on these proposed regulations to OCFS by the deadline of March 17, 2014.

<http://ocfs.ny.gov/main/childcare/Notice%20of%20Proposed%20Rulemaking.asp> These changes could have substantial effects on your program operations. Please review the exact wording of the proposed changes for each section of interest. The below text is only intended as a guide and does not convey the full details of any part of the proposed regulations.

NYSAN cannot answer questions regarding these proposed regulations. All questions should be submitted through the comment process as outlined at

<http://ocfs.ny.gov/main/childcare/Notice%20of%20Proposed%20Rulemaking.asp>.

Summary of proposed changes:

- 414.2 12-13 & 20-25 pg 3-4: Items which were previously required to be maintained on file but not submitted as part of the registration application, such as the emergency plan and health care plan, must now be submitted as part of the registration application.
- 414.2 14-15 pg 3: Information about snacks and meals must be submitted as part of the registration application.
- 414.3 c pg 7: OCFS must be notified and approve the re-designation of a classroom to a different age group of children.
- 414.3 n pg 8: Rooms for seated activities can have 20 square feet per child as opposed to 35 square feet. The program in total must still have 35 per square feet per child available.
- 414.5 b pg 10: Emergency plans must account for the needs of children with disabilities.
- 414.5 b4 pg 11: Programs must hold two shelter-in-place drills annually.
- 414.4 b7 pg 11: Programs must have on site emergency supplies including non-perishable food of sufficient quantity for all children for an overnight stay. Programs that serve food daily and have food stored on site or are co-located at a site with a cafeteria, pantry, or eatery aren't required to store emergency food if they can show that they have permission to use the food on-site in a declared emergency.



- 414.5 d pg 11: Radiators do not need barriers or covers if in a room that is used solely for sedentary activities such as homework and arts and crafts.
- 414.5 g-i pg 12-13: Updates on pools. Pools used by programs must have a Department of Health permit to operate, and a certified lifeguard must be present. Programs also have to develop a plan for supervising all children effectively during pool use.
- 414.5 j-k pg 13: Field trips where emergency medical care is not readily available must be accompanied by a CPR-certified staff member. There must be a field trip safety plan for off-site events.
- 414.5 l pg 13: New details on regulations around animals and pets that visit the program. These requirements include that pets housed at or visiting the program which are required to have a license must be licensed and must have current vaccines. Additionally, parents must be informed of pets that are regularly at the program.
- 414.5 m pg 13: Mobile phones are permitted in programs, but one landline is still required. 911 and the Poison control number are required to be posted on or near all stationary phones designated for program use.
- 414.5 t pg 15: Programs need carbon monoxide detectors and alarms if children nap at the program during program hours.
- 414.5 u pg 15: Trampolines are prohibited except for small one-person exercise trampolines.
- 414.5 x pg 15: Firearms are not allowed in programs, and programs must post signs to that regard which will be distributed by OCFS.
- 414.6 i pg 15: Parents must receive a copy of the program's transportation plan if their children receive transportation services.
- 414.7 a1 pg 16: There must be physical activity every day.
- 414.7 d-e pg 17: Children can't 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. They also need to be allowed to choose between quiet activities and active play.
- 414.7 h pg 17: New limitations on the use of television and other electronic visual media. For example, children must not watch television or other electronic visual media during meals.
- 414.7 i pg 17: Parents must be given instructional materials that will assist them in evaluating the program and its staff.
- 414.8 a pg 18: New, more detailed description of appropriate supervision. 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.
- 414.8 d1 pg 18: Only directors, group teachers, or assistant teachers may supervise a group independently, even for brief periods of time.



- 414.8 l3 pg 19: Groups of children may not be mixed together unless the space is large enough to accommodate multiple groups, which must be kept separate.
- 414.8 m pg 19: A director, group teacher, or assistant teacher must supervise all applicants, volunteers, and persons in the process of approval.
- 414.8 n pg 20: Limits on the use of electronics by staff. As written, this includes prohibiting use of the internet while supervising children, but allows use of cell phones as necessary to promote safety.
- 414.8 o pg 20: The director must approve all plans for field trips.
- 414.8 p3 pg 20: When transporting children home, programs must verify that the parent or designee is at the drop off location before releasing the child.
- 414.8 s pg 21: Requires accompaniment to the bathroom except for limited circumstances under which a child may use the restroom independently. These circumstances include that the entrance be within sight of the activity and that the restroom be for the exclusive use of the program.
- 414.9 pg 21-22 : Significant changes to regulations around behavior management. The regulations require that the program establish and follow a written plan for behavior management. Specific descriptions are given for physical restraint, physical intervention, corporal punishment and other acceptable and unacceptable behavior management techniques.
- 414.10 b1ii pg 23: Programs now need to check the Justice Center for the Protection of Persons with Special Needs register for employees, administrators, consultant interns, volunteers, or contractors who may have regular contact with children cared for by the center. NYSAN is unsure at this time if there is a separate fee for accessing this registry, and whether the program or the state would be required to pay for this fee.
- 414.10 c1 pg 25: Program staff must personally make, or cause to be made, an immediate report of suspected child abuse or maltreatment to the Statewide Central register and within 48 hours to child protective services.
- 414.11 a1ii pg 26: Programs must develop a child's individual health care with the parent and health care provider for children with special health needs.
- 414.11 b5 pg 27: Health care providers can now indicate that staff members having a communicable disease would not pose a risk to the children in care, and therefore that staff member would be able to work with the program.
- 414.11 b7 pg 27: After the initial medical statement, tuberculin tests (TB tests) and medical exams are only required at the discretion of the health care provider or the start of new employment. This removes the requirement for staff and volunteers to submit TB tests or medical exams after the initial statement when they begin working with the program.
- 414.11 b12 pg 27: The director and all teachers must have knowledge of and access to children's individual health records and all emergency information.



- 414.11 c1ii pg 28: Programs now do not need a health care consultant if they are only administering epinephrine auto injectors, diphenhydramine in combination with the auto injector, asthma inhalers and nebulizers in addition to the over-the-counter items that were previously allowed.
- 414.11 d3-5 pg 29: Updated Health Care Consultant information. This section clarifies protocol for what happens when the consultant revokes authorization or terminates the relationship with the program.
- 414.11 e pg 30: New requirements for training for administration of medications.
- 414.11 f-h pgs 32-39: New, more specific regulations regarding administration of medications and stocking and storing of medications.
- 414.11 i4 pg 39: Hand sanitizer may be used when soap and running water is not available.
- 414.11 i12-18 pg 40: Individual or disposable drinking cups must be provided daily. Specifications for washing dishes, garbage receptacles, thermometers, linens and bedding, and bathrooms. Also, programs must use EPA-registered products. These include such common cleaning products as Clorox and Lysol.
- 414.12 n-u pg 43: Additional information regarding food safety and content of meals served. This section also states that a staff person must not force or bribe a child to eat nor use food as a reward or punishment.
- 414.13 b5 pg 44: All applicants must provide information to determine whether they are listed on the Justice Center for the Protection of Persons with Special Needs register.
- 414.13 pg 46: Note that the term for Head of Group has now changed to Group Teacher. Group Teachers are now qualified if they have the 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. This qualification is in addition to other possible qualifications that were previously listed for Group Teachers/ Head of Group in the regulations.
- 414.14 a pg 48: An orientation is required for anyone seeking to open a new school-age child care center.
- 414.14 i pg 50: 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.
- 414.14 j-m pg 50: New additions referring to training for medication administration and CPR and first aid. All programs must have at least one staff member who is CPR and first aid certified on the premises during operating hours.
- 414.15 a5-9 pg 51: Updates to registration requirements, including increasing the effective period for registration renewals from 2 years to 4 years.



- 414.15 b1-5 pg 51: Updates to general operation requirements, including that children must be cared for for less than 24 hours a day and that no teacher may work more than two consecutive shifts.
- 414.5 b10v pg 54: Any intentional display of physical or verbal force, which would give an OCFS representative reason to fear or expect bodily harm, is prohibited.
- 414.15 b11 pg 54: Updated requirements for hiring staff and volunteers after issuance of registration. These include notifying the office within 15 days of the change in staff with the new staff member's name and supporting documentation for the approval process.
- 414.15 b14 pg 55: The program must immediately notify the parent and OCFS when children are left without competent supervision for any period of time or leave the program without an approved teacher or designated person.
- 414.15 b18-20 pg 56: The program must provide a statement that the dwelling meets standards for sanitation and safety if requested. The program must comply with equal employment opportunities laws. If the program accepts subsidies, it must comply with the subsidy program regulations.
- 414.15 b21 pg 56-57: Additions were made to the requirements for packets given to parents at the time of admission. These include how the parent will be notified of accidents, serious incidents, and injuries; a summary of the program's evacuation plan including the primary and secondary evacuation sites; how to access the regulations; contact information for OCFS including the Child Care Complaint Line; the transportation policy; information on healthy food and beverage choices and the prevention of childhood obesity; and the behavior management plan.
- 414.15 b22 pg 57: Updates to required items for posting, including OCFS SACC regulations; name, address, and telephone number of the person legally responsible for the operation of the program; and the address and telephone number of the regional OCFS office where complaints can be submitted.
- 414.15 b24 pg 57: Upon termination or resignation of a director, the program must immediately appoint an acting director and inform OCFS. A permanent director must be onsite within 90 days.
- 414.15 b29 pg 58: Mid-point requirements at the two-year calendar date in the four-year cycle include proof of compliance with training requirements; proof that water meets drinking standards if a private supply is used; documentation of fire alarm systems maintenance, repair, and testing; documentation that fire suppression equipment and systems have been tested and maintained, and documentation that all steam or hot water boilers have been inspected and approved.
- 414.15 c pg60: Substantial increase to the list of items which must be kept on file. Included in the files that programs must maintain on hand for inspection are: daily attendance records which must include arrival and departure times; a description of program activities offered; a current daily schedule documenting the arrival and departure times of each staff person and



volunteer; specified documentation for registrants other than a sole proprietorship (this section used to refer only to organizations that were incorporated); the napping agreement for each child; and a sample copy of all forms used in the program.