

# *Child Care Regulations in New York State*

## **Overview**

A summary of child care regulations in New York State (exclusive of New York City).

- Types of care that must be licensed
- Types of care that must be registered
- The New York Universal Pre-Kindergarten Program
- Types of care that may operate without a license or registration
- Age-group definitions
- Subsidized child care
- Licensing violations contact information
- Child abuse reporting
- Child care centers
- Small child care centers
- Group family child care homes
- Family child care homes
- School-age child care programs

Child care is regulated differently in every state and sometimes even in different counties or cities in the same state. In New York State, the Office of Children and Family Services is responsible for the licensing and registration of child care. For information on New York City and its five boroughs, please refer to the summary of child care regulations for New York City.

This guide explains the level of quality required by child care regulations in New York State. Some child care programs in the state operate at this level and some well above it. As a parent, you have your own standards and will look for providers you trust to meet them. Over time, your informed consumer choice and cooperation with the licensing agency can help raise the quality of child care in your community.

Both the law and licensing requirements are subject to change. To ensure that you have accurate and complete information, check with the licensing office to see whether there have been any changes since the information in this guide was last updated.

## **Types of care that must be licensed**

Child care licensing is a type of regulatory activity in which the state authorizes a provider to run a child care facility. The New York State Office of Children and Family Services is responsible for monitoring compliance with state standards, establishing procedures for revoking a license, and providing appeal mechanisms. Licenses are required of and issued to child care centers and group family child care homes, both of which take care of seven or more children.

In New York State, the following forms of child care must be licensed:

- *Child care centers.* A program not in a residence for seven or more children for more than three hours per day. Care is for children 6 weeks to 12 years old. However, care of children younger than 6 weeks old may be permitted if authorized by the state, and care of children 13 years or older may be allowed if they are under court supervision, if legal documentation deems them unable to care for themselves, or until September 1 or the start of the academic year after the prior academic year when they reached the maximum age.

- *Group family child care homes.* A program in a residence for seven to 12 children for more than three hours per day. There must be one assistant in addition to the provider. Care is for children 6 weeks to 12 years old. However, children younger than 6 weeks old may be permitted if authorized by the state, and care of children 13 years or older may be allowed if they are under court supervision or if legal documentation deems them unable to care for themselves.

### **Types of care that must be registered**

Child care registration is a type of regulatory activity in which the state authorizes a provider to operate child care. The New York State Office of Children and Family Services is responsible for monitoring compliance with state standards, establishing procedures for revoking a license, and providing appeal mechanisms. Registration is required of and issued to small child care centers, family child care homes, and school-age child care programs.

- *Small child care centers.* A program that is not in a residence for three to six children for more than three hours per day. Care is for children 6 weeks to 12 years old, although children younger than 6 weeks old may be permitted if authorized by the state, and care of children 13 years or older may be permitted if they are under court supervision or if legal documentation deems them unable to care for themselves.
- *Family child care homes.* A program in a residence for up to six children (with the possible addition of two school-age children) for more than three hours per day. Care is for children 6 weeks to 12 years old, although children younger than 6 weeks old may be permitted if authorized by the state, and care of children 13 years or older may be permitted if they are under court supervision or if legal documentation deems them unable to care for themselves. However, if any child is younger than 2 years old, then care is permitted for only five children.
- *School-age child care programs.* A program not in a residence before or after school, during school holidays, or during school vacations for seven or more children who are enrolled in kindergarten or a higher grade. Care may be provided for children older than 13 if approved by the state.

Please note that care for school-age children is not limited to school-age child care programs; any licensed or registered provider is able to take care of this age of children.

Further information about the types of child care can be found later in this guide.

### **The New York Universal Pre-Kindergarten Program**

This state-funded program is designed to provide 4-year-old children free access to pre-kindergarten programs. Any agency that provides child care and early education is eligible. The programs are a collaborative effort between the district

and any eligible agency. The district accepts proposals from eligible agencies and determines which agencies will implement the pre-K program. In addition to providing age-appropriate skills, the programs are designed to promote English literacy. Support services are provided to both the families and the children, including for any home language that is not English. Programs must last at least 2½ hours for five days per week. However, extended program services may be offered to accommodate the needs of the families. All premises used for the pre-K program shall comply with appropriate requirements of the Americans with Disabilities Act, the New York State Uniform Fire Prevention and Building Code, and the state education department's *Manual of Planning Standards*. The district is responsible for ensuring that qualified persons are designated for program implementation.

#### **Staff qualifications**

- All teachers must possess a teaching license or certificate, and if instruction is given to students with limited English, all teachers must have a bilingual certificate.
- An on-site educational director is required during the pre-kindergarten session.
- A teaching assistant must have a high school diploma and six hours of college credit in a related child education field. A teaching assistant must have bilingual proficiency if appropriate.

#### **Class size**

- The maximum class size is 20.
- If 19 or 20 children are present, one teacher and two teaching assistants are required.
- For 18 or fewer children, one teacher and one teaching assistant are required.

For more detailed information regarding the New York State Universal Pre-Kindergarten program, contact the New York State Education Department, your local school district, or go to [www.emsc.nysed.gov/nyc/upk.html](http://www.emsc.nysed.gov/nyc/upk.html) where you may also find a listing of pre-K program participants.

#### **Types of care that may operate without a license or registration**

Programs regulated by the Office of Children and Family Services must be licensed or registered. With only a few exceptions, every program that cares for more than two children three hours a day must have a license or registration certificate. When a provider cares for one or two children in addition to the provider's own, that care is exempt from licensing or registration. There are no agencies investigating or regulating these providers, so be sure to thoroughly check a provider's background and experience before choosing this type of care.

### **Age-group definitions**

- *Infant*: child between 6 weeks and 18 months
- *Toddler*: child between 18 and 36 months
- *Preschooler*: child who is 3 years and has not yet enrolled in kindergarten or a higher grade
- *School-age child*: child younger than 13 years who is enrolled in kindergarten or a higher grade

### **Subsidized child care**

The New York State Office of Children and Family Services makes child care funds available to help low-income families who receive public assistance; the amount of the payments depends on family size and income. To qualify, recipients of these funds must be working, in training for employment, or experiencing a crisis. Families who are eligible may receive assistance in any type of legal child care whether it is licensed, registered, or exempt.

For further information about program availability and how to qualify, contact the regional Office of Children and Family Services. The following are the local county Department of Social Services (DSS) contacts for the state:

#### **Albany County DSS**

162 Washington Avenue  
Albany, NY 12210  
518-447-7300  
[www.albanycounty.com/Departments/DSS](http://www.albanycounty.com/Departments/DSS)

#### **Allegany County DSS**

County Office Building  
7 Court Street  
Belmont, NY 14813-1077  
585-268-9622  
[www.alleganyco.com/default.asp?show=btn\\_dss](http://www.alleganyco.com/default.asp?show=btn_dss)

#### **Broome County DSS**

36-42 Main Street  
Binghamton, NY 13905-3199  
607-778-8850  
[www.gobroomecounty.com/dss](http://www.gobroomecounty.com/dss)

**Cattaraugus County DSS**

One Leo Moss Drive, Suite 6010

Olean, NY 14760-1158

716-373-8065

*[www.co.cattaraugus.ny.us/dss](http://www.co.cattaraugus.ny.us/dss)*

**Cayuga County DSS**

County Office Building

160 Genesee Street, 2nd floor

Auburn, NY 13021-3433

315-253-1011

*[www.co.cayuga.ny.us/hhs/humanservices/childrenandfamilyservices.html](http://www.co.cayuga.ny.us/hhs/humanservices/childrenandfamilyservices.html)*

**Chautauqua County DSS**

Hall R. Clothier Building

Mayville, NY 14757

716-753-4421

*[www.co.chautauqua.ny.us/bserveframe.htm](http://www.co.chautauqua.ny.us/bserveframe.htm)*

**Chemung County DSS**

Human Resource Center

425 Pennsylvania Avenue

Elmira, NY 14902

607-737-5306

**Chenango County DSS**

5 Court Street

Norwich, NY 13815

607-337-1500

**Clinton County DSS**

13 Durkee Street

Plattsburgh, NY 12901-2911

518-565-3300

*[www.clintoncountygov.com/Departments/DSS/index.htm](http://www.clintoncountygov.com/Departments/DSS/index.htm)*

**Columbia County DSS**

25 Railroad Avenue

P.O. Box 458

Hudson, NY 12534

518-828-9411

**Cortland County DSS**

County Office Building  
60 Central Avenue  
Cortland, NY 13045-5590  
607-753-5248  
*[www.cortland-co.org/dss](http://www.cortland-co.org/dss)*

**Delaware County DSS**

111 Main Street  
P.O. Box 469  
Delhi, NY 13753-1265  
607-746-2325

**Dutchess County DSS**

60 Market Street  
Poughkeepsie, NY 12601-3299  
845-486-3000  
*[www.co.dutchess.ny.us/CountyGov/Departments/SocialServices/SSIndex.htm](http://www.co.dutchess.ny.us/CountyGov/Departments/SocialServices/SSIndex.htm)*

**Erie County DSS**

Rath County Office Building  
95 Franklin Street, 8th floor  
Buffalo, NY 14202-3959  
716-858-8000  
*[www.erie.gov/depts/socialservices](http://www.erie.gov/depts/socialservices)*

**Essex County DSS**

7551 Court Street  
P.O. Box 217  
Elizabethtown, NY 12932  
518-873-3441

**Franklin County DSS**

355 West Main Street, Suite 331  
Malone, NY 12953  
518-483-6770

**Fulton County DSS**

4 Daisy Lane  
P.O. Box 549  
Johnstown, NY 12095  
518-736-5600

**Genesee County DSS**

5130 East Main Street, Suite #3

Batavia, NY 14020-3497

585-344-2580

*[www.co.genesee.ny.us/frameset.html?/dpt/socialservices/index.html&1](http://www.co.genesee.ny.us/frameset.html?/dpt/socialservices/index.html&1)*

**Greene County DSS**

411 Main Street

P.O. Box 528

Catskill, NY 12414-1716

518-943-3200

*[www.greenegovernment.com/department/socialserv/](http://www.greenegovernment.com/department/socialserv/)*

**Hamilton County DSS**

White Birch Lane

P.O. Box 725

Indian Lake, NY 12842-0725

518-719-3700

**Herkimer County DSS**

301 North Washington Street, Site 2110

Herkimer, NY 13350

315-867-1222

**Jefferson County DSS**

Human Services Building

250 Arsenal Street

Watertown, NY 13601

315-782-9030

*[www.co.jefferson.ny.us/Jefflive.nsf/socialse](http://www.co.jefferson.ny.us/Jefflive.nsf/socialse)*

**Lewis County DSS**

Outer Stowe Street

P.O. Box 193

Lowville, NY 13367

315-376-5400

*[www.lewiscountyny.org/content](http://www.lewiscountyny.org/content)*

**Livingston County DSS**

3 Murray Hill Drive

Mt. Morris, NY 14510-1699

585-243-7300

*[www.co.livingston.state.ny.us/ds.btm](http://www.co.livingston.state.ny.us/ds.btm)*

**Madison County DSS**

North Court Street  
P.O. Box 637  
Wampsville, NY 13163  
315-366-2548  
*[www.madisoncounty.org](http://www.madisoncounty.org)*

**Monroe County DSS**

111 Westfall Road, Room 660  
Rochester, NY 14620-4686  
585-274-6000  
*[www.monroecounty.gov/hs-index.php](http://www.monroecounty.gov/hs-index.php)*

**Montgomery County DSS**

County Office Building  
P.O. Box 745  
Fonda, NY 12068  
518-853-4646  
*[www.co.montgomery.ny.us/website](http://www.co.montgomery.ny.us/website)*

**Nassau County DSS**

60 Charles Lindbergh Boulevard  
Uniondale, NY 11553-3656  
516-358-9250  
*[www.nassaucountyny.gov/agencies/dss/DSSHome.htm](http://www.nassaucountyny.gov/agencies/dss/DSSHome.htm)*

**Niagara County DSS**

20 East Avenue  
P.O. Box 506  
Lockport, NY 14095-0506  
716-439-7600

**Oneida County DSS**

County Office Building  
800 Park Avenue  
Utica, NY 13501-2981  
315-798-5733  
*[www.ocgov.net/oneidacty/gov/dept/socialservices/dssindex.html](http://www.ocgov.net/oneidacty/gov/dept/socialservices/dssindex.html)*

**Onondaga County DSS**

Onondaga Co. Civic Center  
421 Montgomery Street  
Syracuse, NY 13202-2923  
315-435-2985  
[www.ongov.net/DSS](http://www.ongov.net/DSS)

**Ontario County DSS**

3010 County Complex Drive  
Canandaigua, NY 14424-1296  
Toll-free: 877-814-6907, or 585-396-4060  
[www.co.ontario.ny.us/social\\_services](http://www.co.ontario.ny.us/social_services)

**Orange County DSS**

150 Pike Street  
Port Jervis, NY 12771  
845-858-1420  
[www.co.orange.ny.us/orgMain.asp?orgid=55&storyTypeID=&sid=](http://www.co.orange.ny.us/orgMain.asp?orgid=55&storyTypeID=&sid=)

**Orleans County DSS**

14016 Route 31 West  
Albion, NY 14411-9365  
585-589-7000  
[www.orleansny.com/SocialServices/dss.htm](http://www.orleansny.com/SocialServices/dss.htm)

**Oswego County DSS**

100 Spring Street  
Mexico, NY 13114  
315-963-5000  
[www.co.oswego.ny.us/dss](http://www.co.oswego.ny.us/dss)

**Otsego County DSS**

County Office Building  
197 Main Street  
Cooperstown, NY 13326-1196  
607-547-4355  
[www.otsegocounty.com/depts/dss](http://www.otsegocounty.com/depts/dss)

**Putnam County DSS**

110 Old Route Six Center, Building #2  
Carmel, NY 10512-2110  
845-225-7040  
[www.putnamcountyny.com/socialservices](http://www.putnamcountyny.com/socialservices)

**Rensselaer County DSS**

133 Bloomingrove Drive  
Troy, NY 12180-8403  
518-283-2000

*[www.rensco.com/departments\\_socialservices.asp](http://www.rensco.com/departments_socialservices.asp)*

**Rockland County DSS**

Building L  
Sanatorium Road  
Pomona, NY 10970  
845-364-3100

*[www.co.rockland.ny.us/Social](http://www.co.rockland.ny.us/Social)*

**Saratoga County DSS**

152 West High Street  
Ballston Spa, NY 12020  
518-884-4140

**Schenectady County DSS**

487 Nott Street  
Schenectady, NY 12308  
518-388-4470

*[www.schenectadycounty.com/index.php?page\\_id=378](http://www.schenectadycounty.com/index.php?page_id=378)*

**Schoharie County DSS**

County Office Building  
P.O. Box 687  
Schoharie, NY 12157  
518-295-8334

**Schuyler County DSS**

County Office Building  
105 Ninth Street  
Watkins Glen, NY 14891  
607-535-8303

*[www.schuylercounty.us/dss.htm](http://www.schuylercounty.us/dss.htm)*

**Seneca County DSS**

1 DiPronio Drive  
P.O. Box 690  
Waterloo, NY 13165-0690  
315-539-1800

*[www.co.seneca.ny.us/dhs](http://www.co.seneca.ny.us/dhs)*

**Steuben County DSS**

3 East Pulteney Square

Bath, NY 14810

607-776-7611

*[www.steubencony.org/dss.html](http://www.steubencony.org/dss.html)*

**St. Lawrence County DSS**

Harold B. Smith County Office Building

6 Judson Street

Canton, NY 13617-1197

315-379-2111

*[www.co.st-lawrence.ny.us/Social\\_Services/SLCSS.htm](http://www.co.st-lawrence.ny.us/Social_Services/SLCSS.htm)*

**Suffolk County DSS**

3085 Veterans Memorial Highway

Ronkonkama, NY 11779

631-854-9935

*[www.co.suffolk.ny.us/webtemp3.cfm?dept=17&ID=617](http://www.co.suffolk.ny.us/webtemp3.cfm?dept=17&ID=617)*

**Sullivan County DSS**

16 Community Lane

P.O. Box 231

Liberty, NY 12754

845-292-0100

**Tioga County DSS**

P.O. Box 240

Owego, NY 13827

607-687-8300

*[www.tiogacountyny.com/departments/health/social\\_services](http://www.tiogacountyny.com/departments/health/social_services)*

**Tompkins County DSS**

320 West State Street

Ithaca, NY 14850

607-274-5219

*<http://www.co.tompkins.ny.us/departments/detail.aspx?DeptID=41>*

**Ulster County DSS**

1061 Development Court

Kingston, NY 12401-1959

845-334-5000

*[www.co.ulster.ny.us/resources/socservices.html](http://www.co.ulster.ny.us/resources/socservices.html)*

**Warren County DSS**

Warren Co. Municipal Center  
1340 State Route 9  
Lake George, NY 12845-9803  
518-761-6300

**Washington County DSS**

Municipal Building  
383 Broadway  
Fort Edward, NY 12828  
518-746-2300

*[www.co.washington.ny.us/Departments/Dss/dss.htm](http://www.co.washington.ny.us/Departments/Dss/dss.htm)*

**Wayne County DSS**

77 Water Street  
P.O. Box 10  
Lyons, NY 14489-0010  
315-946-4881

*[www.co.wayne.ny.us/departments/dss/dss.htm](http://www.co.wayne.ny.us/departments/dss/dss.htm)*

**Westchester County DSS**

County Office Building #2  
85 Court Street  
White Plains, NY 10601-4201  
914-995-4681

*[www.westchestergov.com/social](http://www.westchestergov.com/social)*

**Wyoming County DSS**

466 North Main Street  
Warsaw, NY 14569-1080  
585-786-8900

*[www.wyomingco.net/socialservices/main.htm](http://www.wyomingco.net/socialservices/main.htm)*

**Yates County DSS**

County Office Building  
417 Liberty Street, Suite 2122  
Penn Yan, NY 14527-1118  
315-536-5183

*[www.yatescounty.org/upload/12/dss/frameset.html](http://www.yatescounty.org/upload/12/dss/frameset.html)*

**Licensing violations contact information**

To report licensing violations from within New York State (excluding New York City), please call 800-732-5207. For calls from outside New York State, call 914-376-8810.

For more detailed information regarding child care regulations in New York State or to obtain a copy of the state standards, go to the Office of Children and Family Services at [www.ocfs.state.ny.us/main](http://www.ocfs.state.ny.us/main) or call the number for frequently asked child care questions at 518-474-9454.

### **Child abuse reporting**

To report suspected child abuse, please call 800-342-3720.

## *Child care centers*

### **Licenses, state inspections, and enforcement**

- Child care centers must be licensed.
- The effective period of both initial license and subsequent renewals is two years.
- A child care center license is not transferable to another location.
- Child care centers must have a certificate of occupancy; documentation from local zoning authorities and the local health office; applicable requirements of the Uniform Fire Prevention and Building Code and Department of Labor; diagrams of, descriptions of, and evacuation plans for the center; and an approval letter from the state Child and Adult Care Food Program.
- Child care centers must have sworn statements of no convictions of any misdemeanors or felonies, clearance by the State Central Register (SCR) of Child Abuse and Maltreatment, certificate of liability insurance, and boiler insurance.
- Enforcement actions may include corrective action plans and notices of intention to initiate enforcement through fines, limitations, suspensions, or revocations of licenses.

### **Staff:child ratios**

- 6 weeks to 18 months: one staff for up to four children (1:4)
- 18 months to 3 years: one staff for up to five children (1:5)
- 3 years: one staff for up to seven children (1:7)
- 4 years: one staff for up to eight children (1:8)
- 5 years: one staff for up to nine children (1:9)
- 6 to 9 years: one staff for up to ten children (1:10)
- 10 to 12 years: one staff for up to fifteen children(1:15)

### **Mixed-age groups**

- 18 months to 3 years: one staff for up to five children (1:5)
- 4+ years: the maximum size for the largest group applies

Naptime requires the same ratios as during the rest of the day.

### **Maximum group size**

- Birth to 6 weeks: 6
- 6 weeks to 18 months: 8
- 18 to 36 months: 12
- 3 years: 18
- 4 years: 21
- 5 years: 24
- 6 to 9 years: 20
- 10 to 12 years: 30

Care of children younger than 6 weeks old requires special permission by the state.

Infants may not participate in mixed-age group activities.

Children younger than 3 years old may not participate in mixed-age group activities except for a limited time at the beginning or end of the day.

### **Staff qualifications**

- Except in an emergency, no person other than a director, a head of a group, or an assistant to the head of a group may supervise a group. The minimum age for a staff member is 16 years old. The minimum age for a staff member who is supervising a group is 18 years old.

### **Director**

- The director must be at least 18 years old, with one of the following:
  - Bachelor's degree, including 12 credits in an early childhood program or a related field
  - One year of full-time experience at a child care center or another child care program and one year of supervising staff
  - New York State Children's Program Administrator credential and one year of full-time teaching experience at a child care center or child care program and one year of supervising staff

- Associate's degree in an early childhood program or related study leading to a bachelor's degree, plus two years of full-time teaching experience at a child care center or child care program and two years of supervising staff
- Child Development Associate (CDA) credential or related study leading to a bachelor's degree, plus two years of full-time teaching experience at a child care center or child care program and two years of supervising staff
- Associate's degree in an early childhood program or related study leading to a New York State Children's Program Administration credential, plus two years of full-time teaching experience at a child care center or child care program and two years of supervising staff

#### **Head of group (preschoolers)**

- Must be at least 18 years old and must have at least one of the following:
  - Associate's degree in an early childhood program or a related field; no experience required
  - CDA credential or nine college credits in an early childhood program or a related field with plans leading to a CDA credential, plus two years of experience caring for children

#### **Head of group (infants or toddlers)**

- Must be at least 18 years old.
- Must have a CDA credential or nine college credits in an early childhood program or a related field with plans leading to a CDA credential.
- Must have two years of experience caring for children.
- Must have one year of training or experience with infants or toddlers, or be obtaining an Infant/Toddler Child Care credential.

#### **Head of group (school-age children)**

- Must be at least 18 years old.
- Must have at least one of the following:
  - Associate's degree in a child development program or a related field; no experience is required
  - High school diploma and two years working with children younger than 13 years old

#### **Assistant to head of group**

- Must be at least 18 years old.
- Must have a high school diploma and "substantial" experience working with children younger than 13 years old.

**Staff training**

- Every staff member must have 30 hours of training every two years, of which 15 hours must be completed during the first six months of the program's first year of licensure or the staff member's first six months on the job.

**Staff medical requirements**

- Must have an initial and biannual physical exam.
- TB test is required.

**Staff background checks**

- A signed statement as to whether there are criminal convictions is required.
- Child abuse registry must be checked.

**Staff health and safety requirements**

- Alleged abuse or maltreatment must be reported directly to the SCR.
- Must be well-lit and well-ventilated.
- The director (or another designated staff member) must inspect the property monthly for hazards.
- Must comply with all local zoning ordinances.
- Poisonous or toxic materials must be stored so they do not contaminate play surfaces, food, or food preparation areas, and so they do not constitute any hazard.
- Hazardous items with sharp edges or corners, such as radiators, pipes, and play equipment, must be covered.
- Must have a written evacuation plan.
- Must hold monthly fire drills.
- Fire prevention equipment must be inspected and tested monthly.
- Must have fire extinguishers and smoke detectors.
- Must have a flashlight.
- Unsafe areas must be barricaded.
- Clear glass panels must be marked. Glass on outside windows must be of safety grade or inaccessible to children.
- Must cover electrical outlets.
- Children's personal items (coats, bags, etc.) must be stored separately.
- Must have a working phone.

- Must post emergency numbers by the phone.
- Call blocking shall not be used to block incoming calls from local government, state agents, office representatives, parents, or legal guardians.
- Children may not be released to anyone who does not have written permission.
- Swimming pools must meet all state Department of Health (in this guide referred to as the DOH) code requirements.
- The use of private swimming pools or spa pools and all fill-and-drain wading pools is prohibited without prior approval.
- No smoking is allowed indoors, outdoors, or in vehicles while children are present.
- The center must be equipped with a portable first-aid kit, which is accessible for emergency treatment.
- The first-aid kit must be stocked to treat a broad range of injuries and situations and must be restocked as necessary.
- The first-aid kit and supplies must be inaccessible to children.
- Administration of medications is allowed only by a person at least 18 years old who has current CPR and first-aid certification and who has completed the administration of medication training. In addition, the center must have a health care consultant of record (i.e., where the center's policies to such have been approved).
- Must have specific guidelines regarding contact with blood, including barrier precautions and disinfections of contaminated areas.
- No exclusions of children are permitted because of diagnosis of a child with HIV.
- Any pet kept at the center must be in good health, show no evidence of carrying disease, or pose any threat to the children.

#### **Child medical requirement**

- Children may be enrolled if they are not yet immunized, but they must be in the process of doing such. (Exclusions due to religious beliefs are recognized.)

#### **Nutrition**

- Any child in care for more than four hours a day must receive a nutritious meal.
- If the center does not furnish meals, adequate supplemental food must be available in case the parent provides no meal.

#### **Discipline**

- The center must have a written discipline policy.

- Certain methods of discipline are prohibited, including corporal punishment; isolating a child; withholding food, rest, or sleep; or frightening, demeaning, or humiliating a child.

### **Parents' rights**

- May visit their child at any time and must be given unlimited access to their child, the facility, and their child's written records.
- Must receive copies of operating policies and procedures.
- Must have an opportunity to speak with staff about their child's care every six months.
- Must be informed if surveillance cameras to view children will be seen over the Internet.
- The center should provide information about other community resources to families in need of supportive social services.

### **Program requirements**

- The center must have an established planned program of age-appropriate activities.
- The center must have a written daily schedule of activities and regular routines.
- The center must have sufficient quality and variety of materials and play equipment available.
- The center must have climbing and large motor apparatus available.
- Daily outdoor play is required, except during inclement weather.
- Appropriate rest periods are required.

### **Transportation**

- The center must have written consent of a parent or legal guardian authorizing the provider to transport a child.
- Staff supervision is required for children in a vehicle at all times.
- Use of age-appropriate safety seats and restraints is required at all times.
- Each child must enter and exit the vehicle from a curb.
- The driver must be at least 18 years old and possess a valid driver's license.
- The center's vehicles must have current registration and inspection stickers.
- The driver is not included in the staff:child ratio, except when the only children being transported are enrolled in kindergarten or a higher grade.

### **Care for sick children**

- A sick child must be isolated in a quiet area that is adequately supervised until a physician has seen him or her or until they are removed from the center.
- Parents must be informed immediately when a child becomes ill.
- Children with contagious or communicable diseases cannot be in care without a health care provider's written statement that the child is able to participate in regular child care.

## *Small child care centers*

### **Registration, state inspection, and enforcement**

- Small child care centers must be registered.
- The effective period of both initial registration and subsequent renewals is two years.
- Registration is not transferable to another location.
- Unless the small center is located within a public school building with a certificate of occupancy and appropriate documentation for zoning, the local health office and fire safety regulations are necessary.
- Small child care centers must have a diagram of the building, a description of the program, an evacuation plan, health statements, a summary of training for all staff, the screening results of the SCR, and a statement by the provider that the program is in compliance with all applicable regulations.
- If the center provides 24 hours of child care, there must be more than one provider, and any child must be cared for less than 24 hours per day. No provider may work more than two consecutive shifts.
- Boiler insurance is required.
- Enforcement actions may include corrective action plans and notices of intention to initiate enforcement through fines, limitations, suspensions, or revocations of registrations.

### **Staff:child ratios and maximum group size**

- Care for children younger than 6 weeks old is allowed but requires prior approval from the state.
- No more than two children younger than 2 years old are allowed.
- When any child is younger than 2 years old, only five children are allowed (1:5).

- If all children are at least 2 years old, the maximum capacity is six children (1:6).

### **Staff qualifications**

- All staff must be at least 18 years old.
- All staff must have a minimum of two years experience caring for children younger than 6 years old or one year of experience caring for children younger than 6 years old plus six hours of training or education in early childhood development.
- Alternate providers must have the same qualifications and screening as regular staff.

### **Staff training**

- All staff must have 30 hours of training every two years, of which 15 hours must be completed within the first six months of the program's first year of registration. Any person who becomes an alternate provider after the initial registration of the center must complete a minimum of 15 hours of training during the first six months after becoming an alternate provider.

### **Staff medical requirements**

- Must have an initial and biannual physical exam.
- TB test is required.

### **Staff health & safety requirements**

- Alleged abuse or maltreatment must be reported directly to the SCR.
- Must be well-lit and well-ventilated.
- The director (or another designated staff member) must inspect the property monthly for hazards.
- Must comply with all local zoning ordinances.
- Poisonous or toxic materials must be stored so they do not contaminate play surfaces, food, or food preparation areas, and so they do not constitute a hazard.
- Hazardous items with sharp edges or corners, such as radiators, pipes, and play equipment, must be covered.
- Must have a written evacuation plan.
- Must hold monthly fire drills.
- Fire prevention equipment must be inspected and tested monthly.
- Must have fire extinguishers and smoke detectors.
- Must have a flashlight.

- Unsafe areas must be barricaded.
- Clear glass panels must be marked. Glass on outside windows must be of safety grade or inaccessible to children.
- Must cover electrical outlets.
- Children's personal items (coats, bags, etc.) must be stored separately.
- Must have a working phone.
- Call blocking will not be used to block incoming calls from local government, state agents, office representatives, parents, or legal guardians.
- Must post emergency numbers by the phone.
- Children may not be released to anyone who does not have written permission.
- Swimming pools must meet all state DOH code requirements.
- The use of private swimming pools or spa pools and all fill-and-drain wading pools is prohibited without prior approval.
- No smoking is allowed indoors, outdoors, or in vehicles while children are present.
- The center must be equipped with a portable first-aid kit, which is accessible for emergency treatment.
- The first-aid kit must be stocked to treat a broad range of injuries and situations and must be restocked as necessary.
- The first-aid kit and supplies must be inaccessible to children.
- Administration of medications is allowed only by a person at least 18 years old, who has current CPR and first-aid certification, and who has completed the administration of medication training.
- The center must have a health care consultant of record (i.e., where the center's policies to such have been approved).
- The center must have specific guidelines regarding contact with blood, including barrier precautions and disinfections of contaminated areas.
- No exclusions of children are permitted because of the diagnosis of a child with HIV.
- Any pet kept at the center must be in good health, show no evidence of carrying disease, and pose no threat to the children.

### **Transportation**

- Driver must be at least 18 years old and possess a valid driver's license.

- Vehicles must have current registration and inspection stickers.
- The center must have the written consent of a parent or legal guardian authorizing the provider to transport a child.
- Staff supervision is required for children in a vehicle at all times.
- Use of age-appropriate safety seats and restraints is required at all times.
- Each child must enter and exit the vehicle from a curb.

### **Child medical requirements**

- Children may be admitted if they are not yet immunized, as long as the immunizations are in progress and specific appointment dates for these immunizations are provided. (Exclusions due to religious beliefs are acceptable.)
- Any child younger than kindergarten age must submit a written statement from a health care provider that the child is allowed to participate in child care, is free of contagious disease, and receives health care in accordance with the American Academy of Pediatrics.
- Any child with special needs must have a written statement from a health care provider with any provisions that are needed for the child.

### **Care for sick children**

- A sick child must be isolated until a physician has seen him or her or until the child is removed from the center.
- Parents must be informed immediately when a child becomes ill.
- Children with contagious or communicable diseases cannot be in care without a health care provider's written statement that the child is able to participate in regular child care.

## *Group family child care homes*

### **Licenses, state inspection, and enforcement**

- Group family child care homes must be licensed.
- Both initial and subsequent licenses are valid for two years.
- License is not transferable to another location.
- Health statements, a summary of training and experience, the SCR clearance form, a statement that the dwelling meets safety codes, a diagram of the dwelling, and compliance with the New York State Uniform Fire Prevention and Building Code are required.

- For evening and overnight care, the provider must check any sleeping child every 15 minutes unless the parent gives written consent that the provider may sleep.
- If a program operates 24 hours per day, no caregiver may work more than two consecutive shifts, and any child must be cared for less than 24 hours per day.
- Enforcement actions may include corrective action plans and notices of intention to initiate enforcement through fines, limitations, suspensions, or revocations of licenses.

#### **Staff:child ratios**

- Care for children younger than 6 weeks old must have prior approval by the state.
- One provider is required for every two children younger than 2 years old.
- Two providers are required for more than seven children in care.

#### **Maximum group size**

- One staff member (provider or assistant) is required for up to six children.

#### **Staff qualifications and training**

- All staff must be at least 18 years old.
- All staff must have either two years of experience caring for children younger than 6 years old or one year of experience plus six hours of training or education in early childhood development.
- CPR is required for any staff who will be supervising children in pools.
- Other staff or alternates must comply with the same standards listed above.
- An alternate assistant may care for the children only for short-term, nonrecurring absences and the parents must be advised.
- All staff must have a minimum of 15 hours of training during the child care home's initial six months of licensure, and a total of 30 hours every two years after that.

#### **Staff medical requirements**

- Health statements are required for all staff stating that an individual is physically fit and has no diagnosed psychiatric or emotional disorders that would preclude the individual from providing child care.
- Must be free of any communicable diseases.
- TB test is required.

### **Staff background checks**

- A signed statement as to whether there are criminal convictions is required.
- Child abuse registry is checked for the provider, assistant, and household members where care is provided.
- All staff must provide three references.

### **Parents' rights**

- Parents may visit their child at any time and must be given unlimited access to their child's written records, as well as to the facility.
- Children may not be released to anyone who does not have written permission by the parents or legal guardian.
- Parents must receive copies of the child care home's operating policies.
- Parents must have an opportunity to speak with staff about any issues every six months.
- Parents must be informed of discipline policies and procedures.

### **Health and safety requirements**

- Must have a first-aid kit, a flashlight, and smoke detectors.
- Must be well-lit and well-ventilated.
- Alleged abuse or maltreatment must be reported directly to the SCR.
- Spa pools and hot tubs are prohibited.
- Residential pools are prohibited unless permission is given by the state.
- Public pools are permitted if they are maintained, staffed, and in accordance with the New York Sanitary Code.
- CPR certification is required for all staff who will be supervising children in pools.
- Smoking is prohibited indoors or in vehicles while children are present.
- Any pet kept at the home must be in good health, show no evidence of carrying disease, and pose no threat to the children.
- Must cover electrical outlets.
- Portable heaters are not permitted.
- The child care home must submit a safety checklist that meets safety and sanitation codes.

- Any provider who administers medications must complete the certification of training in the administration of medications to children in child care; the provider must be recertified every three years.
- Must have a working phone.
- Must post emergency numbers by the phone.
- Call blocking cannot be used to block calls from local government, state agents, office representatives, parents, or legal guardians.

### **Transportation**

- Driver must be at least 18 years old with a valid driver's license.
- The center must have written consent of a parent or legal guardian authorizing the provider to transport children.
- A child must never be left unattended.
- Each child must board the vehicle from a curb.
- Use of age-appropriate safety seats or belts is required.
- Vehicles must have current registrations and inspection stickers.

### **Child medical requirements**

- Children other than those who are enrolled in kindergarten or a higher grade must have a written statement by a health care provider verifying that the child is able to participate in child care.
- Children must be free of communicable or contagious diseases.
- Children must be currently receiving health care according to the guidelines of the American Academy of Pediatrics.
- Admission is permitted for any child not immunized, as long as the immunizations are in progress and the specific dates for the immunizations are provided. (Exclusions due to religious beliefs are permitted.)

### **Care for sick children**

- The child care home must notify the parent immediately if the child develops symptoms of illness.
- The child must be put in a place to rest quietly and must be supervised by a provider until medical care or the parent arrives.

## *Family child care homes*

### **Registration, state inspections, and enforcement**

- Family child care homes must be registered.
- Liability insurance is not required.
- Initial and subsequent registrations are valid for two years.
- Registration is not transferable to another location.
- Providers who request renewal of registration do not necessarily need to have their homes inspected.
- Enforcement actions may include corrective action plans and notices of intention to initiate enforcement through fines, limitations, suspensions, or revocations of licenses.

### **Staff:child ratios**

- The number and age range of children must operate with the terms of the registration. If a provider operates 24 hours per day, there must be more than one caregiver. Prior approval from the state is necessary for the care of children younger than 6 weeks old.

### **Staff qualifications**

- Must be at least 18 years old.
- Must live in the home.
- Must have either two years of experience caring for children less than 6 years old, or one year of experience plus six hours of training or education in early childhood.

### **Staff**

- No one younger than 18 years old may be left in sole charge of children.
- A substitute must be available in case of illness or emergency.
- If no substitute is available, parents must be informed that care is not available.

### **Staff training**

- A minimum of 15 hours of training during the first six months of registration and a total of 30 hours of training must be completed every two years.

### **Staff medical requirements**

- Staff and household members must have a statement from a physician at licensing and renewal stating that they have received a physical exam.

- Providers must have a TB test.

### **Staff background checks**

- A signed statement as to whether there are any criminal convictions is required.
- The child abuse registry must be checked.
- Must provide three references.

### **Discipline**

- Must have a written discipline policy.
- Certain methods of discipline are prohibited, including corporal punishment; isolating a child in a closet or any area where the child cannot be supervised; withholding food, rest, or sleep; and frightening, demeaning, or humiliating the child.

### **Parents' rights**

- Parents must have access to their child, the facility, and the child's written records.
- Children may not be released to anyone who does not have written permission by the parents or legal guardian.

### **Health and safety requirements**

- Must cover electrical outlets.
- Pets must be healthy and pose no threat to children.
- Must have a working phone.
- Must post emergency numbers by the phone.
- Call blocking shall not be used to block incoming calls from local government, state agents, office representatives, parents, or legal guardians.
- The use of spa pools, hot tubs, and wading pools is prohibited.
- Residential swimming pools are permitted if the provider can demonstrate the ability to adequately supervise.
- Alleged abuse or maltreatment must be reported directly to the SCR.
- Must be well-lit and well-ventilated.
- The child care home must submit a safety checklist and a statement from local authorities, when applicable, that the home meets safety and sanitation standards.
- No smoking is allowed indoors, outdoors, or in vehicles while children are present.

### **Transportation**

- Driver must be at least 18 years old with a valid driver's license.
- The child care home must have written consent of a parent or legal guardian authorizing the provider to transport children.
- A child must never be left unattended.
- Each child must board the vehicle from the curb.
- Use of age-appropriate safety seats or belts is required.
- Vehicles must have current registration and inspection stickers.

### **Child medical requirements**

- Children other than those who are enrolled in kindergarten or a higher grade must have a written statement by a health care provider verifying the child is able to participate in child care.
- Children must not have communicable or contagious diseases.
- Children must currently be receiving health care according to the guidelines of the American Academy of Pediatrics.

### **Care for sick children**

- The center must notify the parent of any child who develops symptoms of illness immediately.
- The child must be put in a place to rest quietly, and must be supervised by a provider until medical care or the parent arrives.

## *School-age child care programs*

### **Registration, state inspection, and enforcement**

- The child care program must be registered.
- Initial and subsequent registrations are valid for two years.
- Registration is not transferable to another location.
- Unless the school-age child care program is located within a public school building with a certificate of occupancy and appropriate documentation for zoning, the local health office and fire safety regulations are necessary, as well as inspection every 12 months.
- Boiler insurance is required.

- A diagram of the building, a description of the program, an evacuation plan, health statements, a summary of the training of staff, the screening results by the SCR, and a statement by the provider that the program is in compliance with all applicable regulations are required.
- The program must be an organized, informal, and non-scholastic program of age-appropriate activities.
- Enforcement actions may include corrective action plans and notices of intention to initiate enforcement through fines, limitations, suspensions, or revocations of licenses.

#### **Staff:child ratios**

- 9 years and younger: one staff for up to ten children (1:10), with a maximum of 20 children
- 10 to 12 years: one staff for up to 15 children (1:15), with a maximum of 30 children

#### **Maximum group size**

- Up to 9 years: 20
- 10 to 12 years: 30

#### **Staff qualifications**

- Staff members must be at least 18 years old to supervise.
- Staff members must be at least 16 years old to work at the school-age child care program (not allowed alone with the children).

#### **Director**

- Must have one of the following:
  - Associate's degree in child development, elementary education, physical education, recreation, or a related field, along with two years working with children younger than 13 years old and one year in a supervisory capacity
  - New York State Children's Program Administrator credential, along with two years of experience working with children younger than 13 years old and one year of experience in a supervisory capacity
  - School-Age Child Care credential, along with two years of experience working with children younger than 13 years old and one year of experience in a supervisory capacity
  - Two years of college with 18 credits in the previously listed areas of concentration, along with two years of experience working with children younger than 13 years old and one year of experience in a supervisory capacity

#### Head of group

- Must have one of the following:
  - Associate's degree in child development, recreation, or a related field; no experience is required
  - High school diploma or equivalent, along with two years of working with children younger than 13 years old

#### Assistant to head of group

- High school diploma or equivalent, along with "substantial" experience with children younger than 13 years old

#### Staff training

- Persons directing activities or staff who work an average of 20 or more hours per week must have 30 hours of training every two years, 15 hours of which must be completed within the first six months of the program's first year, or during any staff member's first six months of employment.
- Staff members who work less than 20 hours per week must complete a prorated portion of the training requirements mentioned above.
- Training must include principles of child development.

#### Staff medical requirements

- All staff must have initial and biannual physical exam, including a TB test.

#### Health & safety requirements

- Alleged abuse or maltreatment must be reported directly to the SCR.
- Must be well-lit and well-ventilated.
- The director (or another designated staff member) must inspect the property monthly for hazards.
- Must comply with all local zoning ordinances.
- Poisonous or toxic materials must be stored so they do not contaminate play surfaces, food, or food preparation areas, and so they do not present a hazard.
- Hazardous items with sharp edges or corners, such as radiators, pipes, and play equipment, must be covered.
- Must have a written evacuation plan.
- Must hold monthly fire drills.
- Fire prevention equipment must be inspected and tested monthly.
- Must have fire extinguishers and smoke detectors.

- Must have a flashlight.
- Must barricade unsafe areas.
- Must mark clear glass panels. Glass on outside windows must be of safety grade or inaccessible to children.
- Must cover electrical outlets.
- Children's personal items (coats, bags, etc.) must be stored separately.
- Must have a working phone.
- Call blocking shall not be used to block incoming calls from local government, state agents, office representatives, parents, or legal guardians.
- The program must post emergency numbers by the phone.
- There must be at least 35 square feet of room for each child.
- There must be one toilet and one basin for every 20 children.
- Children may not be released to anyone who does not have written permission.
- Swimming pools must meet all state DOH code requirements.
- The use of private swimming pools or spa pools and all fill-and-drain wading pools are prohibited without prior approval.
- No smoking is allowed indoors, outdoors, or in vehicles while children are present.
- The program must be equipped with a portable first-aid kit which is accessible for emergency treatment.
- The first-aid kit must be stocked to treat a broad range of injuries and situations and must be restocked as necessary.
- The first-aid kit and supplies must be inaccessible to children.
- Administration of medications is allowed only by a person at least 18 years old who has current CPR and first-aid certification and has completed the administration of medication training. In addition, the program must have a health care consultant of record (i.e., where the program's policies to such have been approved).
- The program must have specific guidelines related to contact with blood, including barrier precautions and disinfections of contaminated areas.
- No exclusions of children are permitted because of diagnosis of HIV.
- Any pet kept at the facility must be in good health, show no evidence of carrying diseases, and pose no threat to the children.

### **Transportation**

- Driver must be at least 18 years old and possess a valid driver's license.
- Vehicles must have current registration and inspection stickers.
- The program must have the written consent of a parent or legal guardian authorizing the provider to transport a child.
- Staff supervision is required for children in a vehicle at all times.
- Use of age-appropriate safety seats and restraints is required.
- Each child must enter and exit the vehicle from a curb.

### **Care for sick children**

- If a child develops symptoms that indicate a need for over-the-counter medication, such medication may be administered per verbal consent of the parent or guardian for that day only.
- If medication is to be given on subsequent days, written instructions from the parent or guardian are required.