



ADMINISTRATION FOR
CHILDREN & FAMILIES

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Sheila Poole, Commissioner
New York State Office of Child and Family Services
52 Washington St.
Rensselaer, NY 12144

Dear Commissioner Poole:

The Office of Child Care has completed its review of the proposed amendments to New York's conditionally approved Child Care and Development Fund (CCDF) Plan for 2019-2021, submitted on July 10, 2020.

This letter is to inform you that the following CCDF Plan amendments were approved.

- **Section 1.8.2 Statewide Child Care Disaster Plan (Continuation of Child Care Subsidies and Services)** – Amended to reflect additional options that may be available to providers and families during a disaster.
- **Section 1.8.3 Statewide Child Care Disaster Plan (Coordination of Post-Disaster Recovery of Child Care Services)** – Amended to include your request for the phase two supplemental disaster funds. Approval of this amendment indicates that New York's request is approved. You will receive a separate Notice of Award from the Office of Administration in the Administration for Children and Families. The notice will include the amount of award and any terms and conditions for the receipt of the CCDF program funds.
- **Section 1.8.4 Statewide Child Care Disaster Plan (Procedures for Child Care Providers)** – Amended to add language clarifying that legally-exempt CCDF providers are subject to the same requirements as licensed programs, and to remove language previously included that is no longer applicable.
- **Section 1.8.5 Statewide Child Care Disaster Plan (Procedures for Training and Practice Drills)** – Amended to reflect changes related to legally exempt programs and to add clarifying language.
- **Section 2.2.6 Parental Complaints** – Amended to add a legal citation and regulatory language.

- **Section 2.3.4 Consumer Education Website (Description of State Licensing Processes)** – Amended to reflect changed in regulations and to update citations.
- **Section 2.3.7 Consumer Education Website (Posting Monitoring and Inspection Reports)** – Amended to add legally exempt to the description. *Please note, New York remains non-compliant for Section 2.3.7 for your FY 2019-2021 CCDF Plan, and therefore still subject to the notice of non-compliance issued on April 12, 2019 until all CCDF requirements are met.*
- **Section 2.3.8 Consumer Education Website (Posting Aggregate Data on Serious Injuries, Deaths, and Substantiated Cases of Child Abuse)** – Amended to add update the citations and add related language, as well as provide additional language to the definition of serious injury. *Please note, New York remains non-compliant for Section 2.3.8 for your FY 2019-2021 CCDF Plan, and therefore still subject to the notice of non-compliance issued on April 12, 2019 until all CCDF requirements are met.*
- **Section 3.1.1 Eligible Children and Families** – Amended to add clarifying language to the definitions of “children with special needs” and “children under court supervision.”
- **Section 3.1.2a Eligibility Based on Reason for Care** – Amended to add clarifying language to the definition of “working.”
- **Section 3.2.1 Increasing Access for Vulnerable Children and Families (Children with Special Needs)** – Amended to update the definition of “children with special needs.”
- **Section 4.1.5 Limits on the Use of In-Home Care** – Amended to simplify the minimum age requirements and clarify that all in-home child care providers must be at least 18 years of age.
- **Section 5.1.1 Licensing Requirements** – Amended to remove language related to legally-exempt providers.
- **Section 5.1.2 Exemptions for Licensing Requirements** – Amended to change the definition of a relative provider to meet the requirements of the CCDBG Act.
- **Section 5.1.3 Providers Exempt from Licensing Requirements** – Amended to reflect changes made in regulation regarding legally-exempt providers.
- **Sections 5.2.2a1 through 5.2.2a11 Health and Safety Standards and Requirements for CCDF Providers (Required Health and Safety Standards)** – Amended to clarify health and safety standards for legally-exempt providers and

remove citations that are no longer applicable. *Approval of these amendments indicates that New York’s CCDF Plan demonstrates compliance with the Final Rule.*

- **Section 5.2.2b Health and Safety Standards and Requirements for CCDF Providers (Optional Health and Safety Standards)** – Amended to add clarifying language for legally-exempt providers and remove citations that are no longer applicable.
- **Section 5.2.3b Pre-Service or Orientation Training Requirements** – Amended to clarify language regarding preservice training and requirements for legally exempt providers.
- **Sections 5.2.3e1 through 5.2.3e12 Pre-Service or Orientation Training on Required Topics** – Amended to clarify health and safety preservice/orientation training requirements for legally-exempt providers. *Approval of these amendments indicates that New York’s CCDF Plan demonstrates compliance with the Final Rule.*
- **Section 5.2.4 Ongoing Training Requirements** – Amended to revise the language specific to legally-exempt providers.
- **Section 5.2.5(1) through 5.2.5(13) Ongoing Training on Required Topics** – Amended to clarify language regarding ongoing training and requirements for legally exempt providers. *Approval of these amendments indicates that New York’s CCDF Plan demonstrates compliance with the Final Rule.*
- **Section 5.3.6 Exemptions to Inspections for Relative Providers** – Amended to correct the response that relative providers are exempt from most inspection requirements, with the exception that they are still subject to complaint inspections.
- **Section 5.4.5(a) National Crime Information Center (NCIC) National Sex Offender Registry (NSOR) Search Requirements** – Amended to reflect that New York has implemented the NCIC-NSOR check for all prospective/new child care staff. *Approval of this amendment indicates that New York’s CCDF Plan demonstrates compliance with the Final Rule and is no longer under a waiver for this provision.*
- **Section 5.4.14 Exceptions to the Background Check Requirements for Relative Providers** – Amended to reflect updated regulatory language.
- **Section 6.2.5 Training and Technical Assistance on Identifying and Serving Homeless Children and Families** – Amended to reflect a change in state public health law related to the grace period for homeless children. NY offers a grace period

of 14 days for the family to submit the required documentation of immunizations, which can be extended to 30 calendar days in certain situations.

In addition, the following plan amendments were approved related to COVID-19:

- **Section 3.1.2d Eligibility Based on Reason for Care** – Amended to allow the Local Department of Social Services (LDSS) to consider families impacted by COVID-19 to be eligible under the category of protective services.
- **Section 3.2.6 Increasing Access for Vulnerable Children and Families (Grace Period for Homeless Children and Children in Foster Care)** – Amended to reflect a new policy in response to COVID-19 that provides a grace period for families to enroll their children in a new child care program even if they were unable to secure medical statements or documentation because physicians’ offices were closed due to the pandemic.
- **Section 3.3.4 Prevent the Disruption of Employment, Education or Job Training Activities** – Amended to provide the LDSS the option to extend the eligibility period for families who would normally need to have their eligibility re-determined during the COVID-19 emergency. Families may receive an additional 30 days to complete their redetermination.
- **Section 3.4.4 Family Contributions/Co-Payments** – Amended to reflect a policy flexibility that allows the LDSS to waive copayment for families impacted by COVID-19 when prior authorization has been granted by OCFS. Approval of this amendment as per the waiver effective March 12, 2020.
- **Section 4.5.1 Payment Practices** – Amended to reflect policy changes that allow the LDSS to pay for additional absences up to 30 days in a 30 day period during the COVID-19 emergency.
- **Section 5.2.3a Pre-Service or Orientation Training Requirements** – Amended to clarify language regarding preservice training and requirements for legally exempt providers. Amended to reflect that during the state-declared emergency for COVID-19, the requirement for pre-service training is temporarily waived. Approval of this amendment as per the waiver effective March 12, 2020.
- **Section 5.3.1 Enforcement of Licensing and Health and Safety Requirements** – Amended to reflect a temporary suspension of the 5-hour e-Learning course for new child care staff, and temporary waiver of inspections due to COVID-19. Approval of this amendment as per the waiver effective March 12, 2020.
- **Section 5.3.2a Inspections for Licensed CCDF Center-Based Providers** – Amended to reflect a temporary waiver of pre-licensure and annual inspections for

licensed CCDF center-based providers due to COVID-19. Approval of this amendment as per the waiver effective March 12, 2020.

- **Section 5.3.2b Inspections for Licensed CCDF Family Child Care Providers** – Amended to reflect a temporary waiver of pre-licensure and annual inspections for licensed CCDF family child care providers due to COVID-19. Approval of this amendment as per the waiver effective March 12, 2020.
- **Section 5.3.2d Inspections for Licensed Child Care Providers (Entities Responsible for Conducting Inspections)** – Amended to reflect the temporary waiver of pre-licensure and annual inspections for licensed child care providers due to COVID-19. Approval of this amendment as per the waiver effective March 12, 2020.
- **Section 5.3.3 Inspections for License-Exempt CCDF Providers** – Amended to reflect a temporary waiver of annual inspections for license-exempt CCDF providers due to COVID-19. Approval of this amendment as per the waiver effective March 12, 2020.
- **Section 5.4.1 In-State Criminal Registry or Repository Checks with Fingerprints Requirements** – Amended to reflect a temporary waiver of the state criminal registry background check with fingerprints due to COVID-19. Approval of this amendment as per the waiver effective March 12, 2020.
- **Section 5.4.4 National FBI Criminal Fingerprint Search Requirements** – Amended to reflect a temporary waiver of the FBI criminal fingerprint search requirement due to COVID-19. Approval of this amendment as per the waiver effective March 12, 2020.
- **Sections 5.4.6, 5.4.7, and 5.4.8 Inter-State Background Check Requirements** – Amended to reflect a temporary waiver of the inter-state background check requirements due to COVID-19. Approval of these amendments as per the waivers effective March 12, 2020.
- **Section 5.4.13 Fees for Processing Applications and Administering Background Checks** – Amended to reflect that, during the COVID-19 emergency, NY has suspended the \$25 fee for background checks.
- **Section 6.2.6 Effective Internal Controls to Ensure Program Integrity and Accountability** – Amended to reflect the temporary suspension of inspections of CCDF child care programs due to COVID-19.

We also acknowledge grammatical/typographical corrections made to Sections 4.6.2c, 5.4.3, and 5.4.12.

The effective dates for these amendments to the New York State CCDF Plan are noted on the amendments log within the ACF-118 electronic submission site.

If you have any questions or need further assistance, please feel free to contact Shireen Riley, Child Care Program Manager in our Boston Regional Office (and currently supporting Region 2) at 617-565-1152 or shireen.riley@acf.hhs.gov.

We appreciate your efforts to meet the child care needs of eligible families in the State of New York, and look forward to our continued partnership in the administration of your Child Care and Development Fund Program.

Sincerely,

Ellen C. Wheatley, Ph.D.
Deputy Director
Office of Child Care

cc: Janice Molnar, Deputy Commissioner, Division of Child Care Services, OCFS
Shireen Riley, OCC Regional Program Manager, Region I
Audrey Neuhaus, Program Specialist, Region II
Francesca Longo, Interim Regional Liaison, Office of Child Care