

Rural Area Flexibility Analysis

1. Types and Estimated Numbers of Rural Areas

The proposed regulations will apply to all modalities of child care programs operating in 44 rural areas of the state.

2. Reporting, Recordkeeping and Other Compliance; and Professional Services

The changes to the child day care regulations are necessary to implement new statutory requirements pursuant to the federal Child Care and Development Block Grant Act (CCDBG) of 2014 and corresponding changes to the New York Social Services Law (SSL). This legislation requires enhanced background checks, annual inspections, annual training, and additional enhanced health and safety requirements in specific areas.

There is an increase in paperwork associated with the proposed changes in background checks. All prospective and existing operators, employees, volunteers and adult household members will be required to complete the clearance packet. Rescreening will occur no less than once every five years. Programs will be required to discreetly post child-specific allergy information. The proposed regulations will require that school-age programs have a nutrition professional approve school age program menus. Paperwork will be reduced, however, by eliminating the family day care health and safety checklist at renewal, and requiring fewer employment references.

As a result of the proposed regulations, day care centers that care for infants, toddlers, or moderately ill children will be required to use the services of a health care consultant in completing a health care plan. School-age programs will need to have their menus reviewed for nutritional content, variety and quality at the time of initial application and once every 24 months by a designated nutrition specialist.

3. Costs

The costs associated with the proposed changes in the child day care regulations that are necessary to implement new statutory authority pursuant to the Child Care and Development Block Grant Act (CCDBG) of 2014 are significant, but are anticipated to be mostly assumed by

the Office. New requirements around enhanced background checks, annual inspections, and additional annual training of licensed and registered providers have been estimated to cost approximately \$37 million. At this time, the Office is not intending to pass these costs on to regulated providers. The fiscal burden on providers is anticipated to fall primarily on time lost from providing care in order to comply with the enhanced background checks and additional training requirements. As a result of the proposed regulations, day care centers that care for infants, toddlers or moderately ill children will be required to use the services of a health care consultant in completing a health care plan. Approximately 70 percent of day care centers already collaborate with health care consultants and will be unaffected by this change. For the remaining 30 percent of day care centers, the Office has contracted with Child Care Resource and Referral (CCR&R) agencies to employ registered nurses who act as health care consultants to child care programs at a reduced fee.

School-age programs are required, as part of the regulations and the state's obesity prevention initiative, to operate in compliance with the federal Child and Adult Care Food Program (CACFP) meal patterns. The Office proposes that programs have their menus reviewed for nutritional content, variety and quality at the time of initial application, and once every 24 months by a CACFP specialist responsible for reviewing and approving menus, or by a person who has a bachelor's or master's degree with a major in food and institutional management or a closely related field and who has completed a dietician internship or has been certified as a registered dietician, or has an equivalent state certification. A school-age program that is enrolled in CACFP has their menu approved at no cost. CACFP also offers this service to non-enrolled programs at no charge. Some county cooperative extension programs also offer this service free of charge.

Other changes, primarily the changes related to increasing the Office's ability to identify illegally operating day care programs is expected to have a positive financial impact on regulated providers by increasing the supply of children and families who will utilize regulated programs, thereby generating increased revenue to these programs. Also, some administrative relief is provided to regulated programs as a result of these new regulations.

4. Minimizing Adverse Impact

The Office does not anticipate any adverse impact to rural area child care programs as a result of the proposed regulations.

5. Rural Area Participation

The Office received comment from child day care directors, providers and owners during forums and conferences held in the past. The Civil Service Employees Association (CSEA) and the United Federation of Teachers (UFT) provided feedback and comment in the development of the proposed regulations.