



ADMINISTRATION FOR
CHILDREN & FAMILIES

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MAR 02 2020

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 December 5, 2019.

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

- **Section 1.1.1 CCDF Leadership** – Amended to update Commissioner's title.
- **Section 2.3.7 Consumer and Provider Education** – Amended to reflect that NY is now monitoring license exempt providers and will be posting monitoring and inspection reports online for license-exempt group providers going forward. **Please note**, New York remains out of compliance on Section 2.3.7 of your FY 2019-2021 CCDF Plan, and, therefore, is still subject to the notice of non-compliance issued on April 12, 2019 until all CCDF requirements are met.
- **Section 2.3.8 Consumer and Provider Education** - Amended to reflect that aggregate data on serious injuries, deaths, and substantiated cases of child abuse is now collected and will be posted online in the future for license-exempt providers. **Please note**, New York remains out of compliance on Section 2.3.8 of your FY 2019-2021 CCDF Plan, and, therefore, is still subject to the notice of non-compliance issued on April 12, 2019 until all CCDF requirements are met.
- **Section 2.3.12 Consumer and Provider Education** – Amended to reflect changes related to the consumer education website regarding license-exempt providers (sections 2.3.7 and 2.3.8).
- **Section 2.5.1 Procedures for Providing Information on Developmental Screenings** – Amended to correct a typo.

- **Section 3.1.3 Eligible Children and Families** – Amended to reflect changes made to income eligibility, effective June 1, 2019.
- **Sections 3.4.1 and 3.4.2 Family Contribution to Payments** – Amended to reflect changes in the sliding fee scale based on the changes in income eligibility, effective June 1, 2019.
- **Section 3.4.4 Waiving Co-Payments** – Amended to reflect an option that was inadvertently omitted and should have been included with New York’s initial plan submission.
- **Sections 4.2.2, 4.2.3, 4.2.4, and 4.2.5 Assessing Market Rates and Child Care Costs**– Amended to reflect the updated market rate survey (2017-2018).
- **Section 4.3.1 Setting Payment Rates** – Amended to reflect updated rates, effective June 1, 2019.
- **Section 4.4.1a Summary of Facts Used to Determine Equal Access** – Amended to reflect data from the updated market rate survey (2017-2018).
- **Section 4.4.1b Certifying Payment Rates are Sufficient for Equal Access** – Amended to reflect that rates are based on the most recent market rate survey. **Approval of this amendment indicates that New York’s CCDF Plan demonstrates compliance with the Final Rule.**
- **Section 4.4.1f Equal Access and Parental Choice** - Amended to reflect data from the updated market rate survey (2017-2018).
- **Sections 5.2.2a1 through 5.2.2a11 Health and Safety Standards and Requirements for CCDF Providers** – Amended to reflect changes made in New York regulations effective September 25, 2019 that include the CCDF health and safety standards and requirements. **Approval of this amendment 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 Standards** – Amended to reflect changes made in New York regulations effective September 25, 2019 that include the optional CCDF health and safety standards and requirements.
- **Section 5.2.3e2 through 5.2.3e13 Health and Safety Requirements – Pre-Service or Orientation Training** – Amended to reflect that the state is complying with the requirements for the preservice training for all modalities of care except license-exempt relatives (CCDF rules allow relatives to be exempt from these requirements). **Approval**

of this amendment indicates that New York's CCDF Plan demonstrates compliance with the Final Rule.

- **Sections 5.2.5-1 through 5.2.5-13 Health and Safety Requirements – Ongoing Training** – Amended to reflect changes made in New York regulations effective September 25, 2019 that include the CCDF ongoing health and safety training requirements. **Approval of this amendment indicates that New York's CCDF Plan demonstrates compliance with the Final Rule.**
- **Section 5.3.3 Monitoring and Enforcement Policies and Practices for CCDF Providers** -- Amended to reflect changes to inspections for license-exempt providers.

In addition, we would like to reiterate the approval of several provisions from the previous amendment, with additional clarifying language:

- **Section 5.2.3e1 Health and Safety Requirements – Training** – Amended to reflect that the state is complying with the requirements for the preservice training for all modalities of care except license-exempt relatives (CCDF rules allow relatives to be exempt from these requirements). *Approval of this amendment indicates that New York's CCDF Plan demonstrates compliance with the Final Rule.*
- **Section 5.4.10 – 45 Day Turnaround** - Amended to clarify the process in place for responding to out-of-state background check requests. *Approval of this amendment indicates that New York's CCDF Plan demonstrates compliance with the Final Rule.*
- **Section 5.4.11 Staff Disqualifications** – Amended to reflect the state's decision not to disqualify child care staff members based on their convictions for other crimes not specifically listed in 98.43(c)(i). *Approval of this amendment indicates that New York's CCDF Plan demonstrates compliance with the Final Rule.*
- **Section 5.4.12 Protection of Background Check Data** – Amended to reflect that requirements have been established to ensure the privacy of background checks, provide opportunities for applicants to appeal the results of background checks, and implement a review process for individuals disqualified due to a felony drug offense. *Approval of this amendment indicates that New York's CCDF Plan demonstrates compliance with the Final Rule.*
- **Section 5.4.13 Background Check Fees** - Amended to reflect that requirements have been established to limit the fees that providers must contribute to any background check inquiry. *Approval of this amendment indicates that New York's CCDF Plan demonstrates compliance with the Final Rule.*

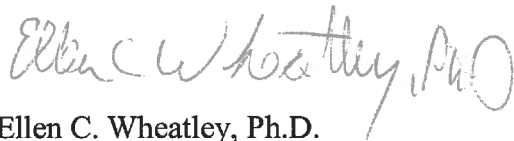
- **Section 5.4.14 Relative Exemptions** – Amended to reflect that New York exempts relatives from some background check requirements. *Approval of this amendment indicates that New York's CCDF Plan demonstrates compliance with the Final Rule.*

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

We look forward to our continued partnership in the administration of your Child Care and Development Fund program. If you have any questions or need further assistance, please feel free to contact Shireen Riley, Regional Program Manager in Region I (currently supporting Region II) 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
Audrey Neuhaus, Program Specialist, Region II
Shireen Riley, OCC Regional Program Manager, Region I
Francesca Longo, Interim Regional Liaison, Office of Child Care