STATE OF NEW YORK

3388

2021-2022 Regular Sessions

IN ASSEMBLY

January 26, 2021

Introduced by M. of A. LAVINE -- read once and referred to the Committee on Children and Families

AN ACT to amend the social services law, in relation to background clearances for temporary child care employment agencies and child care educational and training institutions

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 3 of section 424-a of the social services law, as amended by section 14-a of part H of chapter 56 of the laws of 2019, is amended to read as follows:

3. For purposes of this section, the term "provider" or "provider agency" shall mean: an authorized agency; the office of children and family services; juvenile detention facilities subject to the certification of the office of children and family services; programs established pursuant to article nineteen-H of the executive law; non-residential or residential programs or facilities licensed or operated by the office of mental health or the office for people with developmental disabilities except family care homes; including head start programs which are funded pursuant to title V of the federal economic opportunity act of nineteen hundred sixty-four, as amended; early intervention service established pursuant to section twenty-five hundred forty of the public health law; preschool services established pursuant to section forty-four hundred ten of the education law; special act school districts as enumerated in chapter five hundred sixty-six of the laws of nineteen hundred sixty-seven, as amended; programs and facilities licensed by the office of alcoholism and substance abuse services; residential schools which are operated, supervised or approved by the education department; health homes, or any subcontractor of such health homes, who contracts with or is approved or otherwise authorized by the department of health to provide health home services to all those enrolled pursuant to a diagnosis of a developmental disability as

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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defined in subdivision twenty-two of section 1.03 of the mental hygiene law and enrollees who are under twenty-one years of age under section three hundred sixty-five-l of this chapter, or any entity that provides home and community based services to enrollees who are under twenty-one years of age under a demonstration program pursuant to section eleven hundred fifteen of the federal social security act; **temporary employment agencies providing substitute child care staff to any other provider agency, and educational and training institutions assigning child care staff as interns or residents at any other provider agency;** publicly-funded emergency shelters for families with children, provided, however, for purposes of this section, when the provider or provider agency is a publicly-funded emergency shelter for families with children, then all references in this section to the "potential for regular and substantial contact with individuals who are cared for by the agency" shall mean the potential for regular and substantial contact with children who are served by such shelter; and any other facility or provider agency, as defined in subdivision four of section four hundred eighty-eight of this chapter, in regard to the employment of staff, or use of providers of goods and services and staff of such providers, consultants, interns and volunteers.

§ 2. Section 390-b of the social services law is amended by adding a new subdivision 12 to read as follows:

12. For purposes of this section, and notwithstanding section three hundred ninety of this article, an operator or provider of a child day care center or a school age child care program shall include temporary child care employment agencies and child care educational and training institutions. A temporary child care employment agency or child care educational and training institution shall be subject to the criminal history record check requirements for child care staff who may be placed at a child day care center or a school age child care program, but not for the operators or providers of such temporary child care employment agency or child care educational and training institution. Such requirements shall include submitting fingerprint cards and such other information as required by the office of children and family services and the division of criminal justice services, and authorizing the office of children and family services to deny or hold in abeyance an employee's application as provided for in this section. The office of children and family services may charge the temporary child care employment agency or child care educational and training institution an amount equal to the processing fee imposed pursuant to subdivision eight-a of section eight hundred thirty-seven of the executive law. Where the office of children and family services advises the temporary child care employment agency or child care educational and training institution that an individual has no criminal history record, no additional criminal history record check by a child day care center or a school age child care program shall be required upon placement of that individual at the child day care center or a school age child care program. For purposes of this subdivision, a "temporary child care employment agency" shall mean any entity that employs substitute child care staff to be supplied on a temporary basis to a child day care center or a school age child care program, and a "child care educational and training institution" shall mean any entity that assigns child care staff as interns or residents at a child day care center or a school age child care program.

§ 3. This act shall take effect January 1, 2022.