

STATE OF NEW YORK

8426--A

IN SENATE

January 29, 2024

Introduced by Sen. SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the social services law, in relation to the appropriate staff/child ratios for family day care homes, group family day care homes, school age day care programs and day care centers

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

1 Section 1. Paragraph (a) of subdivision 2-a of section 390 of the
2 social services law, as added by chapter 416 of the laws of 2000, is
3 amended to read as follows:

4 (a) The office of children and family services shall promulgate regu-
5 lations which establish minimum quality program requirements for
6 licensed and registered child day care homes, programs and facilities.
7 Such requirements shall include but not be limited to (i) the need for
8 age appropriate activities, materials and equipment to promote cogni-
9 tive, educational, social, cultural, physical, emotional, language and
10 recreational development of children in care in a safe, healthy and
11 caring environment (ii) principles of childhood development (iii) appro-
12 priate staff/child ratios for family day care homes, group family day
13 care homes, school age day care programs and day care centers[, ~~provided~~
14 ~~however that such staff/child ratios shall not be less stringent than~~
15 ~~applicable staff/child ratios as set forth in part four hundred four-~~
16 ~~teen, four hundred sixteen, four hundred seventeen or four hundred eigh-~~
17 ~~teen of title eighteen of the New York code of rules and regulations as~~
18 ~~of January first, two thousand~~] (iv) appropriate levels of supervision
19 of children in care (v) minimum standards for sanitation, health,
20 infection control, nutrition, buildings and equipment, safety, security
21 procedures, first aid, fire prevention, fire safety, evacuation plans
22 and drills, prevention of child abuse and maltreatment, staff qualifica-
23 tions and training, record keeping, and child behavior management.

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

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

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1 2-b. Notwithstanding any other provision of law to the contrary, the
2 office of children and family services may issue a waiver, established
3 pursuant to regulation, to any child day care, child day care provider,
4 child day care center, group family day care home, family day care home,
5 or school age child care as defined in subdivision one of this section
6 for the following:

7 (a) maximum capacity;

8 (b) staff/child ratios; and/or

9 (c) the ages of children that can be served.

10 § 3. This act shall take effect on the one hundred twentieth day after
11 it shall have become a law. Effective immediately, the addition,
12 amendment and/or repeal of any rule or regulation necessary for the
13 implementation of this act on its effective date are authorized to be
14 made and completed on or before such effective date.