

STATE OF NEW YORK

5352--C

2025-2026 Regular Sessions

IN ASSEMBLY

February 13, 2025

Introduced by M. of A. KELLES, TAPIA, LUNSFORD, GLICK, CLARK, MEEKS, GONZALEZ-ROJAS, SOLAGES, SIMPSON, JENSEN, K. BROWN, SIMON, KASSAY, MAHER -- read once and referred to the Committee on Children and Families -- reported and referred to the Committee on Codes -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Ways and Means in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the social services law, in relation to outdoor, nature-based child care

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

1 Section 1. Legislative findings and statement of purpose. The legisla-
2 ture hereby finds that it is in the interest of the state to provide
3 children with the opportunity to learn and develop in natural outdoor
4 environments. Not only do outdoor activities promote physical fitness
5 and reduce the risk of obesity and related health issues among children,
6 but numerous studies have shown that exposure to nature enhances cogni-
7 tive abilities, creativity, problem-solving skills, and overall mental
8 health. In addition, outdoor child care fosters a sense of connection
9 and appreciation for the natural environment, promotes the development
10 of self-efficacy, autonomy, and overall confidence in interacting with
11 the natural environment, instills environmental values, and promotes
12 sustainable practices.

13 The purpose of this act is to recognize the importance of nature in
14 children's development by providing them with access to outdoor learning
15 environments, thereby encouraging them to engage in physical activities
16 and explore nature, fostering a naturally healthy lifestyle from an

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

LBD08350-07-6

1 early age and contributing to the development and well-being of children
2 in our state and, ultimately, contributing to the preservation and
3 conservation of our natural resources.

4 § 2. Subdivision 1 of section 390 of the social services law is
5 amended by adding a new paragraph (h) to read as follows:

6 (h) "Outdoor, nature-based child care" shall mean a program caring for
7 children that: (i) enrolls preschool or school-age children; (ii)
8 provides early learning services in an outdoor space for not less than
9 four hours per day or fifty percent of the total daily program hours,
10 whichever is less; and (iii) employs a curriculum with nature to teach
11 enrolled children.

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

14 2-b. (a) Within one year of the effective date of this subdivision,
15 the department shall establish a pilot project to explore establishing
16 licensing guidelines for outdoor, nature-based child care programs. The
17 pilot project shall end four years after the effective date of this
18 subdivision.

19 (b) The department shall adopt rules and curriculum standards to
20 implement the pilot project and may waive or adapt licensing require-
21 ments when necessary to allow for the operation of outdoor, nature-based
22 child care programs.

23 (i) Such rules shall include, but not be limited to:

24 (1) safety protocols including ensuring adequate shelter to ensure
25 safety during inclement weather without requiring a building configured
26 for indoor program delivery;

27 (2) access to buildings for emergencies;

28 (3) requirements related to the safety of children during inclement
29 weather conditions and accounting for outdoor hazards; and

30 (4) additional training for staff in skills for outdoor child care
31 settings, including outdoor classroom management, behavior management,
32 and risky play analysis; and

33 (ii) Such curriculum standards shall include, but not be limited to:

34 (1) navigation of natural terrain;

35 (2) familiarity with flora and fauna; and

36 (3) wilderness first aid skills.

37 (c) The department shall select, or develop with eligible child care
38 providers, up to ten pilot project locations during the first year of
39 the pilot project. Beginning two years after the effective date of this
40 subdivision, additional outdoor, nature-based child care programs may
41 apply to participate in the pilot project.

42 (d) When selecting pilot project locations, the department shall aim
43 to select a mix of rural, urban and suburban locations, and shall give
44 priority to:

45 (i) existing outdoor, nature-based child care programs that are
46 already licensed by the department as child care providers; and

47 (ii) existing licensed child care centers or registered family child
48 care homes seeking to expand into nature-based early learning;

49 (iii) areas where there are few or limited licensed child care
50 programs; and

51 (iv) areas of need where licensed child care programs are at or near
52 full capacity, and where access may be restricted by enrollment wait-
53 lists.

54 (e) The department shall convene an advisory group of outdoor,
55 nature-based early learning practitioners to inform and support imple-
56 mentation of the outdoor, nature-based child care program. Such advisory

1 group shall review best practices and research for outdoor education and
2 child care in outdoor education settings and shall advise the department
3 on the development of guidelines for outdoor, nature-based child care
4 programs, including minimum standards for a nature-based early learning
5 curriculum. The advisory group shall be compensated only for travel.

6 (f) The department shall provide the following reports to the governor
7 and the legislature:

8 (i) within two years of the effective date of this subdivision, a
9 brief report describing the implementation of the outdoor, nature-based
10 child care pilot project, including a description of participating
11 providers and the number of children and families being served; and

12 (ii) within three years of the effective date of this subdivision, a
13 full report on the findings from the pilot project, including recommen-
14 dations for modifying or expanding the availability of outdoor, nature-
15 based child care programs.

16 § 4. This act shall take effect immediately.