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:

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

The purpose of this act is to recognize the importance of nature in children's development by providing them with access to outdoor learning environments, thereby encouraging them to engage in physical activities 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.

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

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

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

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

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

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

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

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

(2) access to buildings for emergencies;

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

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

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

(1) navigation of natural terrain;

(2) familiarity with flora and fauna; and

(3) wilderness first aid skills.

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

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

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

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

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

(iv) areas of need where licensed child care programs are at or near full capacity, and where access may be restricted by enrollment waitlists.

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

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

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

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

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

§ 4. This act shall take effect immediately.