



ADMINISTRATION FOR
CHILDREN & FAMILIES

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DEC 21 2018

Sheila Poole, Acting Commissioner
New York State Office of Children and Family Services
52 Washington Street
Rensselaer, New York 12144

Dear Acting Commissioner Poole:

The Office of Child Care (OCC) has completed its review of your FY2019-2021 Child Care and Development Fund (CCDF) Plan. This Plan development and review cycle has been unprecedented as we have worked together to transition CCDF programs to meet the requirements of the Child Care and Development Block Grant (CCDBG) Act of 2014 and the CCDF final rule. We appreciate your hard work and patience over the past 3 years.

This letter is to inform you that the New York CCDF Plan for the period of October 1, 2018, through September 30, 2021, has been conditionally approved. A “conditionally approved” plan is a fully approved plan with conditions related to unmet requirements. The conditions will be deemed fully met once all provisions in the CCDBG Act of 2014 and Final Rule are fully implemented and corrective action plan steps are completed. At that time, the New York CCDF Plan will be approved without conditions.

Full implementation of all provisions in the CCDBG Act of 2014 and the Final Rule was required no later than September 30, 2018, unless the State or Territory received approval for a waiver for specific background check requirements. New York did not fully implement the provisions listed below by the effective date of September 30, 2018; therefore, you will be on a Corrective Action Plan (CAP) for any unmet requirements starting October 1, 2018 for a period not to exceed one year. These CAPs are not eligible for renewal. You have 60 days following receipt of this letter (no later than February 28, 2019) to formally submit your CAPs. Please refer to the attached document “Guidance to States and Territories on Submitting Corrective Action Plans” for how to complete your required components. The specific requirements needing CAPs are indicated in the attached “Detailed List of Provisions Not Met as of 9/30/2018.” Any CAPs listed below are in addition to any conditions listed in your provisional approval letter for criminal background checks (see Attachment 3).

- Consumer and Provider Education (45 CFR 98.33)
- Eligibility Determination Processes (45 CFR 98.21)
- Equal Access (45 CFR 98.45)
- Supply Building Strategies to Meet the Needs of Certain Populations (45 CFR 98.16(x))
- Health and Safety Requirements – Standards (45 CFR 98.41)
- Health and Safety Requirements – Training (45 CFR 98.44)

The CCDF Plan includes questions that encompass all elements as required by regulations at 45 CFR 98.16. However, the Plan does not ask about all aspects of Federal requirements. During our review of the CCDF Plans, for some States we noticed areas of possible non-compliance with CCDF requirements that are outside the scope of this review for Plan approval. You will still need to take action to come into compliance with these requirements, and your OCC Regional Office will follow-up with you on these areas. Recognizing the information in the Plans is not exhaustive, the OCC will monitor State compliance through multiple mechanisms. All requirements of the Act and the Rule are subject to the monitoring, compliance, and complaint actions as described in 45 CFR Subpart J, including 98.90, 98.91, and 98.92. Additionally, States and Territories are subject to audit requirements at 45 CFR 98.65 of CCDF regulations.

You will receive a separate Notice of Grant Award from the Office of Administration in the Administration for Children and Families. The notice will include the amount of your award and any additional terms and conditions for the receipt of CCDF program funds. During the effective period of this plan, any substantial changes to your CCDF program must be submitted as a plan amendment to your Regional Office for approval in accordance with 45 CFR 98.18(b). Lead Agencies are reminded to describe in the Plan Amendment if the amended activity is being supported by the increased funding (see Program Instruction for more information about Plan Amendments: <https://www.acf.hhs.gov/occ/resource/ccdf-acf-pi-2018-02>). Lead Agencies also are reminded that you must post the approved plan and any amendments on your state website and assure any required links are functional.

We understand that it is essential for CCDF lead agencies to have wide-ranging support in the implementation of their CCDF Plans. OCC and the TA network supporting CCDF grantees have worked together to develop a variety of technical assistance options aimed at supporting the implementation of CCDF corrective action plans and full compliance

with CCDF policies. Your Regional Office and State Systems Specialist will be reaching out to you within the next two weeks to discuss your specific TA needs.

We look forward to working together toward full implementation of the CCDBG Act of 2014 and promoting the early learning and development of children along with family economic stability and success. If you have any questions, please contact Magdamari Marciano, Child Care Program Manager, Office of Child Care at (212) 264-2890 X120 or Magdamari.Marciano@acf.hhs.gov. Thank you for all you do each day for children and families.

Sincerely,

A handwritten signature in black ink, appearing to read "Shannon Christian". The signature is fluid and cursive, with a long horizontal stroke at the end.

Shannon Christian
Director
Office of Child Care

cc: Janice Molnar, Assistant Commissioner Office of Children and Family Services
Magdamari Marciano, Regional Program Manager, Office of Child Care Region II

Encl: Attachment 1: Detailed List of Provisions Not Met as of 9/30/2018
Attachment 2a: Guidance to States and Territories on Submitting Corrective
Action Plans (CAP)
Attachment 2b: Sample Letter from Lead Agency Official
Attachment 2c: Template CCDF Corrective Action Plan(s)
Attachment 3: Copy of Provisional Approval Letter for Criminal Background
Checks

Attachment 1: Detailed List of Provisions Not Met as of 9/30/2018 by Plan Question

OCC has conditionally approved your FY 2019 – 2021 CCDF Plan pending implementation of corrective actions to meet the unmet requirements of the CCDBG Act of 2014 and Final Rule. This document details the specific requirements that are unmet by your CCDF Plan to be addressed in your corrective action plans.

CAP Categories	Plan Question
Consumer and Provider Education (45 CFR 98.33)	<p>2.3.7 - Lead Agencies are required to post monitoring and inspection reports.</p> <p>2.3.8 - Aggregate data on serious injuries, deaths, and substantiated cases of child abuse that have occurred in child care settings</p>
Eligibility Determination Processes (45 CFR 98.21)	<p>3.1.7 - Graduated phase-out of assistance</p> <p>3.3.1 - 12-Month eligibility</p> <p>3.3.2 - Option to discontinue assistance during the 12-month eligibility period</p> <p>3.3.3 - Change reporting during the 12-month eligibility period</p> <p>3.3.4 - Prevent the disruption of employment, education, or job training activities</p>
Equal Access (45 CFR 98.45)	<p>4.4.1 - Lead Agencies must certify that CCDF payment rates are sufficient to ensure equal access for eligible families to child care services comparable to those provided by families not receiving CCDF assistance.</p> <p>b. Describe how payment rates are adequate and have been established based on the most recent MRS or alternative methodology.</p>
Supply Building Strategies to Meet the Needs of Certain Populations (45 CFR 98.16(x))	<p>4.6.3 - Lead Agencies must prioritize investments for increasing access to high-quality child care and development services for children of families in areas that have significant concentrations of poverty and unemployment and do not currently have sufficient numbers of such programs.</p> <p>b. Describe how the Lead Agency prioritizes increasing access to high-quality child care and development services for children of families in areas that have significant concentrations of poverty and unemployment and that do not have high-quality programs.</p>
Health and Safety Requirements – Standards (45 CFR 98.41)	<p>5.2.1 - Standards on ratios, group sizes, and qualifications for CCDF providers</p> <p>c. In-home CCDF providers</p> <ol style="list-style-type: none"> 1. Describe the ratios. 2. Describe the group size. 3. Describe the maximum number of children that are allowed in the home at any one time.

Attachment 1: Detailed List of Provisions Not Met as of 9/30/2018 by Plan Question

CAP Categories	Plan Question
	<p>4. Describe if the state/territory requires related children to be included in the child-to-provider ratio or group size.</p> <p>5. Describe any limits on infants and toddlers or additional school-age children that are allowed for part of the day.</p> <p>5.2.2 - Health and safety standards for CCDF providers</p> <p>a. To certify, describe how the following health and safety standards for programs serving children receiving CCDF assistance are defined and established on the required topics.</p> <ol style="list-style-type: none"> 1. Prevention and control of infectious diseases (including immunization) 2. Prevention of sudden infant death syndrome and the use of safe-sleep practices 3. Administration of medication, consistent with standards for parental consent 4. Prevention of and response to emergencies due to food and allergic reactions 5. Building and physical premises safety, including the identification of and protection from hazards that can cause bodily injury, such as electrical hazards, bodies of water, and vehicular traffic 6. Prevention of shaken baby syndrome, abusive head trauma, and child maltreatment 7. Emergency preparedness and response planning for emergencies resulting from a natural disaster or a human-caused event (such as violence at a child care facility), within the meaning of those terms under section 602(a)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195a(a)(1)). Emergency preparedness and response planning (at the child care provider level) must also include procedures for evacuation; relocation; shelter-in-place and lockdown; staff and volunteer training and practice drills; communications and reunification with families; continuity of operations; and accommodations for infants and toddlers, children with disabilities, and children with chronic medical conditions. 8. Handling and storage of hazardous materials and the appropriate disposal of bio-contaminants 9. Precautions in transporting children 10. Pediatric first aid and cardiopulmonary resuscitation (CPR) certification 11. Recognition and reporting of child abuse and neglect
Health and Safety	5.2.3 - Health and safety training for CCDF providers on required topics